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**JOURNAL OF THE SENATE
2003 REGULAR SESSION
STATE OF WASHINGTON
FIFTY-EIGHTH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 13, 2003

At 12:00 noon, pursuant to law, the Senate of the 2003 Regular Session of the Fifty-eighth Legislature of the state of Washington assembled in the Senate Chamber in the Joel M. Pritchard Building. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Troopers Jimmy Craig, Jimmy Foster, Jeff Pfluger and John Sager, presented the Colors.

The President led the Senate in the Pledge of Allegiance.

Reverend Jim Erlandson, pastor of the Community of Christ Church in Olympia, offered the prayer.

WELCOME BY PRESIDENT OWEN

The President welcomed the Senators to the 2003 Regular Session of the Fifty-eighth Legislature.

INTRODUCTION OF LAKEFAIR QUEEN

The President welcomed and introduced Chloe Barrett, 2002-2003 Olympia Lakefair Queen, who was seated on the rostrum.

With permission of the Senate, business was suspended for Queen Chloe to welcome the Senators to Olympia.

EDITOR'S NOTE: The following letter of resignation and oath of office were received during the 2002 Interim:

LETTER OF RESIGNATION

WASHINGTON STATE SENATE

Senator Sid Snyder
19th Legislative District
Majority Leader

November 5, 2002

Honorable Gary Locke
Office of the Governor
Olympia, WA 98504

Dear Governor Locke:

With great regret, I am submitting my resignation effective November 8, 2002, as State Senator for the 19th Legislative District. This weekend, I sat down and discussed the future with my family. My wife Bette needs me more than I need to be in the Senate.

It has been an honor to work with you, to serve the people of the state of Washington and the people of the 19th Legislative District. I am grateful for the trust and confidence placed in me by the citizens of the 19th District in electing me to represent them in the Washington State Senate.

Respectfully Yours,

SID SNYDER, State Senator, 19th District

cc: Paul Berendt, Chair, WA State Democratic Party
Jon Kaino, Pacific County Commissioner
Bud Cuffel, Pacific County Commissioner
Pat Hamilton, Pacific County Commissioner
Bob Beerbower, Grays Harbor County Commissioner
Dennis Morrisette, Grays Harbor County Commissioner
Dan Wood, Grays Harbor County Commissioner
George Trott, Wahkiakum County Commissioner
Dan Cothren, Wahkiakum County Commissioner
Esther Gregg, Wahkiakum County Commissioner
Bill Lehning, Cowlitz County Commissioner
George Raiter, Cowlitz County Commissioner
Jeff Rasmussen, Cowlitz County Commissioner
Butch Eldridge, Cowlitz County Democratic Chair
Michael Spencer, Pacific County Democratic Chair
Jim Eddy, Grays Harbor County Democratic Chair
Fred Johnson, Wahkiakum County Democratic Chair

**RESOLUTION FILLING VACANT SENATE
POSITION IN 19th LEGISLATIVE DISTRICT**

WHEREAS, Senator Sid Snyder had submitted his resignation for his position as senator for the 19th Legislative District and that position is now vacant; and

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

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

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

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

APPROVED this 26th day of November, 2002.

BOARD OF COUNTY COMMISSIONERS

OF COWLITZ COUNTY, WASHINGTON

BOARD OF COUNTY COMMISSIONERS

OF PACIFIC COUNTY, WASHINGTON

Jeff M. Rasmusen, Chairman Norman B. Cuffel, Chairman
George Raiter, Commissioner Pat Hamilton, Commissioner
J. Bill Lehning, Commissioner Jon Kaino, Commissioner

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

BOARD OF COUNTY COMMISSIONERS

OF WAHKIAKUM COUNTY, WASHINGTON

Bob Beerbower, Chairman George A. Trott, Chairman
Dennis Morrisette, Commissioner Daniel L. Cothren, Commissioner
Dan Wood, Commissioner (Absent) Esther T. Gregg, Commissioner

ATTEST:

Vickie M. Musgrove
Clerk of the Board

**OATH OF OFFICE FOR UNEXPIRED TERM
OATH OF SENATOR FOR THE STATE OF WASHINGTON
19th LEGISLATIVE DISTRICT**

I, MARK L. DOUMIT, do solemnly swear that I will uphold the Constitution and Laws of the United States of America, the Constitution and Laws of the state of Washington, and the rules of the Washington State Senate, and that I will faithfully perform the duties of State Senator to the best of my ability, so help me God.

SENATOR MARK L. DOUMIT

Subscribed and sworn to before me this 26th day of November, 2002.

JUDGE JIM STAINER,
Cowlitz County Superior Court

MESSAGE FROM THE SECRETARY OF STATE

The Honorable
President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

I, Sam Reed, Secretary of State of the state of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Senator at the State General Election held in the state of Washington on the fifth day of November, 2002, as shown by the official returns of said election now on file in the office of the Secretary of State, together with a list of "holdover" Senators:

SENATORS ELECTED NOVEMBER 5, 2002

DISTRICT NAME COUNTIES REPRESENTED

No. 6 West (R) Spokane (part)
No. 7 Morton (R) Ferry, Lincoln, Okanogan (part), Pend Oreille, Spokane (part), Stevens
No. 8 Hale (R) Benton (part)
No. 13 Mulliken (R) Grant (part), Kittitas, Yakima (part)
No. 15 Honeyford (R) Clark (part), Klickitat, Skamania, Yakima (part)
No. 21 Shin (D) Snohomish (part)
No. 26 Oke (R) Kitsap (part), Pierce (part)
No. 29 Franklin (D) Pierce (part)
No. 30 Eide (D) King (part)
No. 31 Roach (R) King (part), Pierce (part)

- No. 32 Fairley (D) King (part), Snohomish (part)
- No. 33 Keiser (D) King (part)
- No. 34 Poulsen (D) King (part)
- No. 35 Sheldon, Tim (D) Grays Harbor (part), Kitsap (part), Mason, Thurston (part)
- No. 36 Kohl-Welles (D) King (part)
- No. 37 Kline (D) King (part)
- No. 38 Reardon (D) Snohomish (part)
- No. 42 Brandland (R) Whatcom (part)
- No. 43 Thibaudeau (D) King (part)
- No. 44 Schmidt (R) Snohomish (part)
- No. 45 Finkbeiner (R) King (part)
- No. 46 Jacobsen (D) King (part)
- No. 47 Johnson (R) King (part)
- No. 48 Esser (R) King (part)

STATE SENATORS "HOLDOVERS"

DISTRICT NAME COUNTIES REPRESENTED

- No. 1 McAuliffe (D) King (part), Snohomish (part)
- No. 2 Rasmussen (D) Pierce (part), Thurston (part)
- No. 3 Brown (D)) Spokane (part)
- No. 4 McCaslin (R) Spokane (part)
- No. 5 Rossi (R) King (part)
- No. 9 Sheahan (R) Adams, Asotin, Franklin (part), Garfield, Spokane (part), Whitman
- No. 10 Haugen (D) Island, Skagit (part), Snohomish (part)
- No. 11 Prentice (D) King (part)
- No. 12 Parlette (R) Chelan, Douglas, Grant (part), Okanogan (part)
- No. 14 Deccio (R) Yakima (part)
- No. 16 Hewitt (R) Benton (part), Columbia, Franklin (part), Walla Walla
- No. 17 Benton (R) Clark (part)
- No. 18 Zarelli (R) Clark (part), Cowlitz (part)
- No. 19 Doumit (D) Cowlitz (part), Grays Harbor (part), Pacific (Appointed 11/29/02)
- No. 20 Swecker (R) Lewis, Thurston (part)
- No. 22 Fraser (D) Thurston (part)
- No. 23 Sheldon, Betti (D) Kitsap (part)
- No. 24 Hargrove (D) Clallam, Grays Harbor (part), Jefferson
- No. 25 Kastama (D) Pierce (part)
- No. 27 Regala (D) Pierce (part)
- No. 28 Winsley (R) Pierce (part)
- No. 39 Stevens (R) King (part), Skagit (part), Snohomish (part), Whatcom (part)
- No. 40 Spanel (D) San Juan, Skagit (part), Whatcom (part)
- No. 41 Horn (R) King (part)
- No. 49 Carlson (R) Clark (part)

IN TESTIMONY WHEREOF, I have
hereunto set my hand, and affixed
the seal of the state of Washington
at Olympia this thirteenth day of
January, 2003.

(Seal)

SAM REED,

Secretary of State

FURTHER MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

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

WA STATE PROPOSITIONS INITIATIVE TO THE PEOPLE, 776

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

Should this measure be enacted into law?"

YES 901,478
NO 849,986

WA STATE PROPOSITIONS INITIATIVE TO THE PEOPLE, 790

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

Should this measure be enacted into law?"

YES 903,113
NO 800,105

WA STATE PROPOSITIONS REFERENDUM MEASURE, 51

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

Should this Bill be: "

APPROVED 674,724
REJECTED 1,081,580

WA STATE PROPOSITIONS JOINT RESOLUTION, 4220

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

Should this constitutional amendment be: "

APPROVED 1,173,499
REJECTED 498,145

I, further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 5th day of November, 2002, for all federal, legislative and joint judicial offices, and that the votes cast for candidates for these offices are as follows:

CONGRESSIONAL DISTRICT 1, U.S. REPRESENTATIVE

Jay Inslee (D) 114,087
Joe Marine (R) 84,696
Mark B. Wilson (L) 6,251

CONGRESSIONAL DISTRICT 2, U.S. REPRESENTATIVE

Rick Larsen (D) 101,219
Norma Smith (R) 92,528
Bruce Guthrie (L) 4,326
Bernard Patrick Haggerty (GRN) 4,077

CONGRESSIONAL DISTRICT 3, U.S. REPRESENTATIVE

Brian Baird (D) 119,264
Joseph Zarelli (R) 74,065

CONGRESSIONAL DISTRICT 4, U.S. REPRESENTATIVE

Craig Mason (D) 53,572
Doc Hastings (R) 108,257

CONGRESSIONAL DISTRICT 5, U.S. REPRESENTATIVE

Bart Haggin (D) 65,146
George R. Nethercutt, Jr. (R) 126,757
Rob Chase (L) 10,379

CONGRESSIONAL DISTRICT 6, U.S. REPRESENTATIVE

Norm Dicks (D) 126,116
Bob Lawrence (R) 61,584
John A. Bennett (L) 8,744

CONGRESSIONAL DISTRICT 7, U.S. REPRESENTATIVE

Jim McDermott (D) 156,300
Carol Thorne Cassady (R) 46,256
Stan Lippmann (L) 8,447

CONGRESSIONAL DISTRICT 8, U.S. REPRESENTATIVE

Heidi Behrens-Benedict (D) 75,931
Jennifer Dunn (R) 121,633
Mark A. Taff (L) 5,771

CONGRESSIONAL DISTRICT 9, U.S. REPRESENTATIVE

Adam Smith (D) 95,805
Sarah Casada (R) 63,146
J. Mills (L) 4,759

STATE LEGISLATURE, DISTRICT 1, REPRESENTATIVE. Position 1

Al O'Brien (D) 17,501
Joshua Freed (R) 16,485

Chuck Jackson (L) 1,073

STATE LEGISLATURE, DISTRICT 1, REPRESENTATIVE, Position 2

Jeanne A. Edwards (D) 17,626

Leo Van Hollebeke (R) 17,346

STATE LEGISLATURE, DISTRICT 2, REPRESENTATIVE, Position 1

Larry Nelson (D) 13,604

Roger Bush (R) 18,031

STATE LEGISLATURE, DISTRICT 2, REPRESENTATIVE, Position 2

Tom Campbell (R) 24,040

STATE LEGISLATURE, DISTRICT 7, SENATOR

Bob Morton (R) 31,595

STATE LEGISLATURE, DISTRICT 7, REPRESENTATIVE, Position 1

R. (Ron) McCoy (D) 12,146

Bob Sump (R) 25,848

STATE LEGISLATURE, DISTRICT 7, REPRESENTATIVE, Position 2

Jack McLean (D) 9,916

Cathy McMorris (R) 28,312

STATE LEGISLATURE, DISTRICT 9, REPRESENTATIVE, Position 1 Don Cox (R) 26,108

STATE LEGISLATURE, DISTRICT 9, REPRESENTATIVE, Position 2

Mark G. Schoesler (R) 24,892

John Gearhart (L) 5,620

STATE LEGISLATURE, DISTRICT 10, REPRESENTATIVE, Position 1 Barry Sehlin (R) 27,717

STATE LEGISLATURE, DISTRICT 10, REPRESENTATIVE, Position 2

Eron M. Berg (D) 18,233

Barbara Bailey (R) 20,575

Brett Wilhelm (L) 1,142

STATE LEGISLATURE, DISTRICT 12, REPRESENTATIVE, Position 1 Todd R. Smith (D) 11,228

Cary Condotta (R) 20,989

Tom Stahl (L) 1,899

STATE LEGISLATURE, DISTRICT 12, REPRESENTATIVE, Position 2

Mark Armstrong (R) 26,177

STATE LEGISLATURE, DISTRICT 13, SENATOR

Joyce Mulliken (R) 25,015

STATE LEGISLATURE, DISTRICT 13, REPRESENTATIVE, Position 1 Janea Holmquist (R) 24,655

STATE LEGISLATURE, DISTRICT 13, REPRESENTATIVE, Position 2

Bill Hinkle (R) 24,116

STATE LEGISLATURE, DISTRICT 15, SENATOR

Jim Honeyford (R) 19,433

STATE LEGISLATURE, DISTRICT 15, REPRESENTATIVE, Position 1 Erwin J. Salvatori (D) 6,900 Bruce
Chandler (R) 16,698

STATE LEGISLATURE, DISTRICT 15, REPRESENTATIVE, Position 2

Michael H. Kepcha (D) 6,298

Dan Newhouse (R) 17,438

STATE LEGISLATURE, DISTRICT 16, REPRESENTATIVE, Position 1 Jody Clark (D) 9,399 Dave Mastin
(R) 20,284

STATE LEGISLATURE, DISTRICT 16, REPRESENTATIVE, Position 2

Bill Grant (D) 21,867

STATE LEGISLATURE, DISTRICT 18, REPRESENTATIVE, Position 1 Bill Crego (D) 13,867 Tom Mielke
(R) 24,106

STATE LEGISLATURE, DISTRICT 18, REPRESENTATIVE, Position 2

Dave Seabrook (D) 17,758 Ed Orcutt (R) 20,225

STATE LEGISLATURE, DISTRICT 19, REPRESENTATIVE, Position 1 Brian Hatfield (D) 23,575 Mike Kayser
(R) 11,452

STATE LEGISLATURE, DISTRICT 19, REPRESENTATIVE, Position 2

Mark L. Doumit (D) 22,940 Paul Waadevig (R) 11,628

STATE LEGISLATURE, DISTRICT 20, REPRESENTATIVE, Position 1 Richard DeBolt (R) 26,224

STATE LEGISLATURE, DISTRICT 20, REPRESENTATIVE, Position 2

Gary Alexander (R) 26,952

STATE LEGISLATURE, DISTRICT 24, REPRESENTATIVE, Position 1 Bill Thomas (D) 19,300 Jim Buck
(R) 28,902

STATE LEGISLATURE, DISTRICT 24, REPRESENTATIVE, Position 2

Lynn Kessler (D) 34,512

STATE LEGISLATURE, DISTRICT 26, SENATOR

Betty P. Ringlee (D) 20,480

Bob Oke (R) 20,823

STATE LEGISLATURE, DISTRICT 26, REPRESENTATIVE, Position 1

Patricia Lantz (D) 21,568 Ed Mitchell (R) 18,157

Ted Haley (IC) 1,563

STATE LEGISLATURE, DISTRICT 26, REPRESENTATIVE, Position 2 Brock Jackley (D) 20,240 Lois McMahan
(R) 20,762

STATE LEGISLATURE, DISTRICT 31, SENATOR

Yvonne Ward (D) 16,842 Pam Roach (R) 18,017

STATE LEGISLATURE, DISTRICT 31, REPRESENTATIVE, Position 1
Mike Connor (D) 15,824 Dan Roach (R) 18,617

STATE LEGISLATURE, DISTRICT 31, REPRESENTATIVE, Position 2 Jan Shabro (R) 24,944

STATE LEGISLATURE, DISTRICT 32, SENATOR
Darlene Fairley (D) 25,048 Michael Plunkett (R) 15,524

STATE LEGISLATURE, DISTRICT 32, REPRESENTATIVE, Position 1
Maralyn Chase (D) 23,237 Robert L. (Bob) Ranson (R) 16,746

STATE LEGISLATURE, DISTRICT 32, REPRESENTATIVE, Position 2 Ruth Kagi (D) 25,540 Margaret R.
Wiggins (R) 14,456

STATE LEGISLATURE, DISTRICT 35, SENATOR
Tim Sheldon (D) 29,221 Marilou Rickert (GRN) 8,109

STATE LEGISLATURE, DISTRICT 35, REPRESENTATIVE, Position 1
Kathy Haigh (D) 22,644 Frank Dare (R) 15,562

STATE LEGISLATURE, DISTRICT 35, REPRESENTATIVE, Position 2 William (Ike) Eickmeyer
(D) 21,528 Craig Chapman (R) 16,428

STATE LEGISLATURE, DISTRICT 39, REPRESENTATIVE, Position 1 Bob Quarterman (D) 14,792 Dan
Kristiansen (R) 18,225

STATE LEGISLATURE, DISTRICT 39, REPRESENTATIVE, Position 2
John A. Painter (D) 13,485 Kirk Pearson (R) 19,363

STATE LEGISLATURE, DISTRICT 40, REPRESENTATIVE, Position 1 Dave Quall (D) 23,742 Roger E.
Pederson (R) 14,043
Brian J. M. Rosenau (L) 1,556

STATE LEGISLATURE, DISTRICT 40, REPRESENTATIVE, Position 2
Jeff Morris (D) 23,929 Dan (Danny B.) Bartolovic (R) 14,621

STATE OF WASHINGTON

STATE SUPREME COURT, JUSTICE, POSITION 3
Jim Johnson (NP) 718,707
Mary Fairhurst (NP) 722,084

STATE SUPREME COURT, JUSTICE, POSITION 4
Charles W. Johnson (NP) 752,546
Pamela (Pam) Loginsky (NP) 626,071

STATE SUPREME COURT, JUSTICE, POSITION 7
Bobbe J. Bridge (NP) 1,086,376

COURT OF APPEALS DIVISION 2, DISTRICT 2, JUDGE, POSITION 1
Joyce (Robin) Hunt (NP) 137,356

COURT OF APPEALS DIVISION 3, DISTRICT 1, JUDGE, POSITION 2

Kenneth H. Kato (NP) 113,197

COURT OF APPEALS DIVISION 3, DISTRICT 3, JUDGE, POSITION 1
Stephen M. Brown (NP) 62,210

IN WITNESS WHEREOF, I have set my hand
and affixed the official seal of the state of Washington,
this 4th day of December, 2002.

(Seal)

SAM REED,

Secretary of State

EDITOR'S NOTE:

Senators West, 6th District; Senator Hale, 8th District; Senator Shin, 21st District; Senator Franklin, 29th District; Senator Eide, 30th District; Senator Keiser, 33rd District; Senator Poulsen, 34th District; Senator Kohl-Welles, 36th District; Senator Kline, 37th District; Senator Reardon, 38th District; Senator Brandland, 42nd District; Senator Thibaudeau, 43rd District; Senator Schmidt, 44th District; Senator Finkbeiner, 45th District; Senator Jacobsen, 46th District; Senator Johnson, 47th District; and Senator Esser, 48th District, all representing single counties, were certified by their county election officials.

FURTHER MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate
The Legislature of the State of Washington
Olympia, Washington
Mr. President:

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

WA STATE PROPOSITIONS REFERENDUM TO THE PEOPLE 53

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

APPROVED 665,760
REJECTED 966,901

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

(Seal)

SAM REED,

Secretary of State

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Johnson and Haugen to escort Associate Chief Justice Charles Johnson of the Supreme Court of the state of Washington, to the Senate Chamber and a seat upon the rostrum.

The President welcomed and introduced the Honorable Charles Johnson, who will administer the oath of office to the newly reelected Senators, the newly elected Senators and the newly appointed Senator.

MOTION

On motion of Senator Eide, Senator Shin was excused.

ROLL CALL

The Acting Secretary called the roll of the following holdover members of the Senate and all were present: Don Benton, Lisa Brown, Don Carlson, Alex Deccio, Karen Fraser, James Hargrove, Mary Margaret Haugen, Mike Hewitt, Jim Horn, Jim Kastama, Rosemary McAuliffe, Bob McCaslin, Linda Evans Parlette, Margarita Prentice, Marilyn Rasmussen, Debbie Regala, Dino Rossi, Larry Sheahan, Betti Sheldon, Harriet Spanel, Val Stevens, Dan Swecker, Shirley Winsley and Joseph Zarelli.

ROLL CALL

The Acting Secretary called the roll of the following newly reelected Senators and all were present except Senator Shin: Senators Tracey Eide, Darlene Fairley, Bill Finkbeiner, Rosa Franklin, Patricia Hale, Jim Honeyford, Ken Jacobsen, Stephen Johnson, Karen Keiser, Adam Kline, Jeanne Kohl-Welles, Bob Morton, Bob Oke, Erik Poulsen, Pam Roach, Tim Sheldon, Paull Shin, Pat Thibaudeau and Jim West.

The Acting Sergeant at Arms escorted each of the newly reelected members of the Senate to the bar of the Senate to receive the oath of office.

Associate Chief Justice Charles Johnson thereupon administered the oath of office to the newly reelected Senators. The Acting Sergeant at Arms escorted each of the newly reelected members to their seats in the Senate Chamber.

EDITOR'S NOTE: Senator Paull Shin received the Oath of Office on the second day of session, January 14, 2003.

ROLL CALL

The Acting Secretary of the Senate called the roll of the newly elected members and newly appointed member of the Senate and all were present: Dale Brandland, Luke Esser, Joyce Mulliken, Aaron Reardon, Dave Schmidt and Mark Doumit.

The Acting Sergeant at Arms escorted each of the newly elected members of the Senate to the bar of the Senate to receive their oath of office.

Justice Charles Johnson thereupon administered the oath of office to Senators Dale Brandland, Luke Esser, Joyce Mulliken, Aaron Reardon and David Schmidt.

The President presented to each of the newly elected Senators a certificate of election.

Associate Chief Justice Charles Johnson thereupon administered the oath of office to the newly appointed member, Senator Mark Doumit.

The President presented Senator Doumit with a certificate of appointment.

The Acting Sergeant at Arms escorted each of the newly elected members and the newly appointed member to their seats in the Senate Chamber.

ELECTION OF PRESIDENT PRO TEMPORE

The President declared nominations to be open for President Pro Tempore of the Senate.

REMARKS BY SENATOR BENTON

Senator Benton: "Thank you, Mr. President and members of the Senate. I wish to nominate my colleague from the Twenty-eighth District, Senator Shirley Winsley, for President Pro Tempore of the Senate. Mr. President, may I continue?"

President Owen: "Senator Benton has nominated Senator Shirley Winsley for the Office of President Pro Tempore.

Senator Benton: "Thank you, Mr. President. Today, Senator Winsley is beginning her twenty-sixth year in the Legislature. She has been elected ten times by the people of the Twenty-eighth District to serve them here in Olympia. She served seven terms in the House of Representatives and three terms here in the Senate. She began her legislative career in 1974 and she interrupted it only briefly for a short stint on the Pierce County Council.

"Senator Winsley knows the legislative process. It has become a second nature to her. She is well recognized by legislators on both sides of the aisle as a hard working, straight talking legislator. She takes on issues that demand a great attention to detail and patience in finding workable solutions. I, also, have been given to understand that Senator Winsley has a cabin up on Mason Lake—not too far from the Capitol. I figure if we all vote for her today, she will owe us a little R & R and a barbeque up there after the one hundred and fifth day. Seriously, I believe Senator Winsley, unquestionably, will do an honorable job as President Pro Tempore of the Washington State Senate. She knows the rules; she respects this institution and she has a keen sense of fairness.

"Ladies and gentlemen, I hope you will join me today in supporting her for this position."

REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President. I rise to second the nomination of my fellow conservative, Shirley Winsley. I asked her what I could say about her and she said, 'Well, tell everyone that I am beautiful and that I am intelligent and one of the finest Senators on the floor.' Actually, she is. Turn around Shirley. I want to see if she can blush. Seriously, she is one of the finest Senators here. I have found her to be one of the most honest in her positions in our caucus. I don't always agree with them. Of course, I don't agree with most of my caucus, so it really doesn't matter. She will be one, fine, excellent President Pro Tempore."

MOTION

On motion of Senator Sheahan, the nominations for President Pro Tempore were closed.

ROLL CALL

The Acting Secretary called the roll and Senator Winsley was elected President Pro Tempore: Winsley 48; Excused 1;
Voting Winsley: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli -48.

Excused: Shin -1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Deccio and Franklin as a committee of honor to escort Senator Winsley to the rostrum.

Associate Chief Justice Charles Johnson administered the oath of office to Senator Winsley.

The President introduced the President Pro Tempore of the Washington State Senate, Senator Winsley.

REMARKS BY PRESIDENT PRO TEMPORE WINSLEY

President Pro Tempore Winsley: "Thank you, Mr. President and to all the members. I want to thank you very much and it is something I have always wanted to do. It sort of keeps this Pro Tempore job among the Pierce County delegation. I know I follow in some big foot steps from Senator Wojahn, who had this position for a number of years and my good friend,

Senator Franklin. So, I will hold this job in high esteem and be fair to all the members and if you feel I get out of line, please let me know. I am sure you will. Thank you for this honor."

The committee of honor escorted President Pro Tempore Winsley to her seat in the Senate Chamber and the committee was discharged.

ELECTION OF VICE PRESIDENT PRO TEMPORE

The President declared nominations to be open for Vice President Pro Tempore of the Senate.

REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Mr. President, I rise to nominate Senator Alex Deccio as Vice President Pro Tempore.

President Owen: "Senator McCaslin has nominated Senator Alex Deccio for the Office of Vice President Pro Tempore.

Senator McCaslin: "Heeding the President's advise that we are out of here before midnight, I will not go into Senator Deccio's long accomplishments. Actually, that would only take a few minutes, but you know, it sounds good Alex. One day, I told Alex, he was my best friend and he said, 'I am your only friend.' I wanted to say that before someone else said it. I think Alex has been in the Legislature for twenty-seven years. However, I do have more seniority than he has in the Senate. That and two-fifty will get you a latte at one of the closest shops here. Actually, he has been a friend of mine, along with his wife Lucille, who has been through a tremendous illness--injury--but I think Alex will do a fine job. He is probably one of the most conscientious people here, for whatever he wants. He'll get to me later. Anyway, he will do a fine job as Vice President Pro Tempore. I know that he and Shirley Winsley will make an excellent pair. So, I would ask you and urge you and beg you to please support Senator Alex Deccio for Vice President Pro Tempore."

REMARKS BY SENATOR THIBAudeau

Senator Thibaudeau: "Thank you, Mr. President. It is my pleasure to second the nomination of my friend, Senator Alex Deccio, for Vice President Pro Tempore. Let me say what I have always said about this gentleman, wherever I am, even in my district. He is a problem solver; he cares about people; and he is very good to work with. Senator Deccio, as Senator McCaslin has said, has been in this place a very long time. I suspect that he knows a good deal about parliamentary rules and procedure. Perhaps, some that Mr. Reed has never even heard of. At any rate, it is my pleasure to nominate him. I know that he will treat this new office with the great respect that it deserves. I thank you."

MOTION

On motion of Senator Sheahan, the nominations for Vice President Pro Tempore were closed.

ROLL CALL

The Acting Secretary called the roll and Senator Deccio was elected Vice President Pro Tempore: Deccio; 48; Excused, 1;

Voting Deccio: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli -48.

Excused: Shin -1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Kline and Benton as a committee of honor to escort Senator Deccio to the rostrum. Associate Chief Justice Charles Johnson administered the oath of office to Senator Deccio.

The President introduced Vice President Pro Tempore of the Washington State Senate, Senator Alex Deccio.

REMARKS BY VICE PRESIDENT PRO TEMPORE DECCIO

Vice President Pro Tempore Deccio: "Thank you, Mr. President. Vice President Garner--I read this in the history books--when Roosevelt was President, that the Vice President was only worth, etc., etc., etc., until they became President. So, Vice President Pro Tempore isn't much until these two folks are gone and then those of you who laughed about this office, watch out."

The committee of honor escorted Vice President Pro Tempore Deccio to his seat in the Senate Chamber and the committee was discharged.

ELECTION OF SECRETARY OF THE SENATE

The President declared nominations to be open for the office of Secretary of the Senate.

REMARKS BY SENATOR JOHNSON

Senator Johnson: "Thank you, Mr. President. I nominate Milt Doumit to be Secretary of the Senate."

President Owen: "Senator Johnson has nominated Milt Doumit for the Office of Secretary of the Senate."

Senator Johnson: "Thank you, Mr. President. My guess is that most Washingtonians, six billion of them, don't have the slightest idea who the Secretary of the Senate is or what that person does. But, we know better here in the Senate. We know how critical it is as to what we do to have sound administration and management of our resources and of our personnel. In my tenure here in Olympia, we have had three such Secretaries--Marty Brown, Mike O'Connell and Tony Cook. Milt Doumit is made from the same mold as those predecessors.

"Milt is a southwestern Washington native from Illawaco, a graduate of Washington State University, and a law graduate from the University of Notre Dame. After initial private law practice in Seattle, Milt settled in Olympia with his wife and now two children. He began working for the Senate, which he has done for a decade or so.

"The last four years, as many of you know, he has been one of the two Senate Counsels, which, by the way, has been the training ground for his three predecessors as Secretary of the Senate. A successful Secretary of the Senate must know how the Senate works, have good staff management abilities, have a reverence for the tradition of the Senate--many, many traditions. Perhaps, above all, to us as members, to approach his responsibilities to all Senators in a fair and equitable way--to be able to do that. An additional task which he has--not an easy one--was over the last several weeks getting us into this facility and hopefully in a couple of years getting us out of this facility.

"I commend to you, Milt Doumit as an excellent new Secretary of the Senate. I appreciate your support. Thank you."

MOTION

On motion of Senator Sheahan, the nominations for Secretary of the Senate were closed.

ROLL CALL

The Acting Secretary called the roll and Milt Doumit was elected Secretary of the Senate: Doumit 48; Excused, 1
Voting Doumit: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli -48.

Excused: Shin -1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hale and Doumit as a committee of honor to escort Milt Doumit to the rostrum.

Associate Chief Justice Johnson administered the oath of office to Milt Doumit.
The President introduced Milt Doumit as Secretary of the Senate.

REMARKS BY SECRETARY OF THE SENATE MILT DOUMIT

Secretary of the Senate Doumit: "Now, I can officially worry about things like getting our delegations out of here on time to meet the Governor, which I am worried about right now. So, I will just cut everything off and say 'thank you' to all of you. Thank you, Senator Johnson, for that kind nomination. Thank you to the Senate Republican Caucus for repaying loyalty with loyalty. Thank you to all the members for your votes. Senator West has directed me to be a Secretary for all the members. Senator Brown, I want you to know that I will be that. I thank you again for all your support. Governor, I was honored to share with you a spot on the rostrum for six years. I now take my symbolic spot below you with the members who I serve. Thank you."

The committee of honor escorted Secretary of the Senate Milt Doumit to his seat on the rostrum and the committee was discharged.

ELECTION OF SERGEANT AT ARMS

The President declared nominations to be open for Sergeant at Arms of the Senate.

REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Mr. President, I place the name of Denny Lewis for your support as Sergeant at Arms of the Senate."

President Owen: "Senator McCaslin has nominated Denny Lewis for the Office of Sergeant at Arms of the Senate."

Senator McCaslin: " Thank you, Mr. President. I am sure that, even the freshmen members, know who Denny is by now. He is the one with the badge in the back with his hands behind him. You know, he had a twenty-five year career with the State Patrol. He came to the Senate in 1995—not to the Senate—but he served former Governors Evans, Spellman and Gardner, as personal security staff. He came to the Senate as Director of Security in 1995 and 1996 and served as Sergeant at Arms in 1997 and 1998. In 1999, he returned to his previous position as Director of Security. I think he has an outstanding resume and an outstanding experience to do the job of Sergeant at Arms. I am sure he will recognize each one of you and support you in any problems you might have. Please support Denny Lewis for Sergeant at Arms."

MOTION

On motion of Senator Eide, Senator Kastama was excused.

MOTION

On motion of Senator Sheahan, the nominations for Sergeant at Arms of the Senate were closed.

ROLL CALL

The Secretary called the roll and Dennis Lewis was elected Sergeant at Arms of the Senate: Lewis, 47; Excused, 2;
Voting Doumit: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli -48.
Excused: Shin and Kastama -2.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Hale and Jacobsen to escort Denny Lewis to the rostrum. Associate Chief Justice Charles Johnson administered the oath of office to Denny Lewis. The President introduced Denny Lewis as Sergeant at Arms of the Senate.

The committee of honor escorted Sergeant at Arms Dennis Lewis from the rostrum and the committee was discharged.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Esser and Kline to escort Associate Chief Justice Charles Johnson from the Senate Chamber.

COMMITTEE FROM THE HOUSE OF REPRESENTATIVES

A committee from the House of Representatives, consisting of Representatives Jeannie Darneille, Jane'a Holmquist, Phil Rockefeller and Gigi Talcott appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

MOTION

Senator Sheahan moved that the following resolution be adopted:

SENATE RESOLUTION 8601

By Senators West, Hale, Brown and Spanel

BE IT RESOLVED, That the Rules of the Senate for the 2001 Regular Session of the 57th Legislature, as amended in the 2002 Regular Session, be adopted as amended as the Rules for the 2003 Regular Session of the 58th Legislature, to read as follows:

PERMANENT RULES OF THE SENATE (~~FIFTY-SEVENTH~~) FIFTY-EIGHTH LEGISLATURE (~~2001~~) 2003

SECTION I - OFFICERS-MEMBERS-EMPLOYEES

- Rule 1** Duties of the President
- Rule 2** President Pro Tempore
- Rule 3** Secretary of the Senate
- Rule 4** Sergeant at Arms
- Rule 5** Subordinate Officers
- Rule 6** Employees
- Rule 7** Conduct of Members and Officers

SECTION II - OPERATIONS AND MANAGEMENT

- Rule 8** Payment of Expenses - Facilities and Operations
- Rule 9** Use of Senate Chambers
- Rule 10** Admission to the Senate
- Rule 11** Printing of Bills
- Rule 12** Furnishing Full File of Bills
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SECTION III - RULES AND ORDER

- Rule 15** Time of Convening
- Rule 16** Quorum
- Rule 17** Order of Business
- Rule 18** Special Order
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- Rule 20** Motions and Senate Floor Resolutions (How Presented)
- Rule 21** Precedence of Motions
- Rule 22** Voting
- Rule 23** Announcement of Vote
- Rule 24** Call of the Senate
- Rule 25** One Subject in a Bill
- Rule 26** No Amendment by Mere Reference to Title of Act
- Rule 27** Reading of Papers
- Rule 28** Comparing Enrolled and Engrossed Bills

SECTION IV - PARLIAMENTARY PROCEDURE

- Rule 29** Rules of Debate
- Rule 30** Recognition by the President
- Rule 31** Call for Division of a Question
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- Rule 39** Yeas and Nays - When Must be Taken
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- Rule 41** Committees - Appointment and Confirmation
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- Rule 51** Employment Committee
- Rule 52** Committee of the Whole
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SECTION VI - BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL

APPOINTMENTS

Rule 54	Definitions
Rule 55	Prefiling
Rule 56	Introduction of Bills
Rule 57	Amendatory Bills
Rule 58	Joint Resolutions and Memorials
Rule 59	Senate Concurrent Resolutions
Rule 60	Committee Bills
Rule 61	Committee Reference
Rule 62	Reading of Bills
Rule 63	First Reading
Rule 64	Second Reading/Amendments
Rule 65	Third Reading
Rule 66	Scope and Object of Bill Not to be Changed
Rule 67	Matter Related to Disagreement Between the Senate and House
Rule 68	Bills Committed for Special Amendment
Rule 69	Confirmation of Gubernatorial Appointees

SECTION I

OFFICERS-MEMBERS-EMPLOYEES

Duties of the President

- Rule 1.** 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the journal of the preceding day to be read. (See also Art. 3, Sec. 16, State Constitution.)
2. The president shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber.
3. The president shall have charge of and see that all officers and employees perform their respective duties, and shall have general control of the senate chamber and wings. (See also Art. 2, Sec. 10, State Constitution.)
4. The president may speak to points of order in preference to members, arising from the president's seat for that purpose, and shall decide all questions of order subject to an appeal to the senate by any member, on which appeal no member shall speak more than once without leave of the senate.
5. The president shall, in open session, sign all acts, addresses and joint resolutions. The president shall sign all writs, warrants and subpoenas issued by order of the senate, all of which shall be attested by the secretary. (See also Art. 2, Sec. 32, State Constitution.)
6. The president shall appoint all conference, special, joint and hereinafter named standing committees on the part of the senate. The appointment of the conference, special, joint and standing committees shall be confirmed by the senate. In the event the senate refuses to confirm any conference, special, joint or standing committee or committees, such committee or committees shall be elected by the senate.
7. The president shall, on each day, announce to the senate the business in order, and no business shall be taken up or considered until the order to which it belongs shall be declared.
8. The president shall decide and announce the result of any vote taken.
9. When a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Sec. 10 and 22, State Constitution.)

President Pro Tempore

Rule 2. 1. Upon the organization of the senate the members shall elect one of their number as president pro tempore who shall have all the powers and authority and who shall discharge all the duties of lieutenant governor acting as president during the lieutenant governor's absence. The senate shall also elect a vice-president pro tempore who will serve in the absence of the lieutenant governor and the president pro tempore. (See Art. 2, Sec. 10, State Constitution.)

2. In the absence of the president pro tempore, and vice president pro tempore, or with their consent, the president shall have the right to name any senator to perform the duties of the chair, but such substitution shall not extend beyond an adjournment, nor authorize the senator so substituted to sign any documents requiring the signature of the president.

Secretary of the Senate

Rule 3. 1. The senate shall elect a secretary, who shall appoint a deputy secretary, both of whom shall be officers of the senate and shall perform the usual duties pertaining to their offices, and they shall hold office until their successors have been elected or appointed.

2. The secretary is the Personnel Officer of the senate and shall appoint, subject to the approval of the senate, all other senate employees and the hours of duty and assignments of all senate employees shall be under the secretary's directions and instructions and they may be dismissed at the secretary's discretion.

3. The secretary of the senate, prior to the convening of the next regular session, shall prepare his office to receive bills which the holdover members and members-elect may desire to prefile commencing with the first Monday in December preceding any regular session or twenty days prior to any special session of the legislature.

Sergeant at Arms

Rule 4. 1. The senate shall elect a sergeant at arms who shall perform the usual duties pertaining to that office, and shall hold office until a successor has been elected.

2. The sergeant at arms shall not admit to the floor of the senate during the time the senate is not convened any person other than specifically requested by a senator, the president, or the secretary of the senate, in writing or when personally accompanied by a senator.

Subordinate Officers

Rule 5. The subordinate officers of the senate shall perform such duties as usually pertain to their respective positions in legislative bodies under the direction of the president, and such other duties as the senate may impose upon them. Under no circumstances shall the compensation of any employee be increased for past services. (See also Art. 2, Sec. 25, State Constitution.)

Employees

Rule 6. 1. No senate employee shall lobby in favor of or against any matter under consideration.

2. Senate employees are governed by joint rules and chapters 42.17 (the Public Disclosure Act) and 42.52 RCW (the Ethics in Public Service Act).

Conduct of Members and Officers

Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

2. In cases of breach of decorum or propriety, any senator, officer or other person shall be liable to such censure or punishment as the senate may deem proper, and if any senator be called to order for offensive or indecorous language or conduct, the person calling the senator to order shall report the language excepted to which shall be taken down or noted at the secretary's desk. No member shall be held to answer for any language used upon the floor of the senate if business has intervened before exception to the language was thus taken and noted.

3. If any senator in speaking, or otherwise, transgresses the rules of the senate, the president shall, or any senator may, call that senator to order, and a senator so called to order shall resume the senator's seat and not proceed without leave of the senate, which leave, if granted, shall be upon motion "that the senator be allowed to proceed in order," when, if carried, the senator shall speak to the question under consideration.

4. No senator shall be absent from the senate without leave, except in case of accident or sickness, and if any senator or officer shall be absent the senator's per diem shall not be allowed or paid, and no senator or officer shall obtain leave of absence or be excused from attendance without the consent of a majority of the members present.

5. In the event of a motion or resolution to censure or punish, or any procedural motion thereto involving a senator, that senator shall not vote thereon. The senator shall be allowed to answer to such motion or resolution. An election or vote by the senate on a motion to censure or punish a senator shall require the vote of a majority of all senators elected or appointed to the senate. A vote to expel a member shall require a two-thirds concurrence of all members elected or appointed to the senate. All votes shall be taken by yeas and nays and the votes shall be entered upon the journal. (See also Art. 2, Sec. 9, State Constitution.)

SECTION II

OPERATIONS AND MANAGEMENT

Payment of Expenses - Facilities and Operations

Rule 8. 1. After the reorganization caucuses of the Senate, the majority caucus shall designate four members and the minority caucus shall designate three members to serve on the Facilities and Operations Committee. The chair of the majority caucus shall be the chair of the Facilities and Operations Committee. The operation of the Senate shall transfer to the newly designated members after the reorganization caucuses of the Senate.

2. All necessary expenses of the senate incurred during the session shall be signed for by the secretary and approved by a majority of the committee on facilities and operations. The committee on facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate, and report upon the same prior to the voucher being signed by the secretary of the senate authorizing the payment thereof. The committee on facilities and operations shall issue postage only as follows:

- (a) To elected or appointed members of the senate in an amount sufficient to allow performance of their legislative duties.
- (b) To the secretary of the senate in an amount sufficient to carry out the business of the senate.

Use of Senate Chambers

Rule 9. The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate while in session, or by the facilities and operations committee when not in session.

Admission to the Senate

Rule 10. The sergeant at arms shall admit only the following individuals to the floor and adjacent areas of the senate for the period of time beginning one-half hour before convening and ending when the senate has adjourned or recessed for an hour or more:

- The governor and/or designees,
- Members of the house of representatives,
- State elected officials,
- Officers and authorized employees of the legislature,
- Honored guests being presented to the senate,
- Former members of the senate who are not registered lobbyists pursuant to chapter 42.17 RCW,
- Representatives of the press,
- Persons specifically requested by a senator to the president in writing or only as long as accompanied by a senator.

Printing of Bills

Rule 11. The number of bills printed and reprinted shall be at the discretion of the secretary of the senate, with the approval of the facilities and operations committee.

Furnishing Full File of Bills

Rule 12. Persons, firms, corporations and organizations within the state, desirous of receiving copies of all printed senate bills, shall make application therefor to the secretary of the senate. The bill clerk shall send copies of all printed senate bills to such persons, firms, corporations and organizations as may be ordered by the secretary of the senate. The secretary of the senate is authorized to recoup costs.

Regulation of Lobbyists

Rule 13. All persons who engage in lobbying of any kind as defined in chapter 42.17 RCW shall be subject to the rules of the senate and legislature when lobbying before the senate. Any person who fails to conform to the senate or joint rules may have their privilege to lobby and all other privileges revoked upon a majority vote of the committee on rules for such time as is deemed appropriate by the committee.

Any person registered as a lobbyist pursuant to chapter 42.17 RCW who intervenes in or attempts to influence any personnel decision of the senate regarding any employee may suffer an immediate revocation of all privileges before the senate or such other privileges and for such time as may be deemed appropriate by the senate committee on rules. This restriction shall not prohibit a registered lobbyist from making written recommendations for staff positions.

Security Management

Rule 14. The sergeant at arms may develop methods to protect the Senate, including its members, staff, and the visiting public, by establishing procedures to curtail the use or possession of any weapon in a manner that is prohibited by law or by the rules of the Department of General Administration.

SECTION III

RULES AND ORDER

Time of Convening

Rule 15. The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day the senate shall recess ninety minutes for dinner each working evening. This rule may be suspended by a majority.

Quorum

Rule 16. A majority of all members elected or appointed to the senate shall be necessary to constitute a quorum to do business. Less than a quorum may adjourn from day to day until a quorum can be had. (See Art. 2, Sec. 8, State Constitution.)

Order of Business

Rule 17. After the roll is called and journal read and approved, business shall be disposed of in the following order:

- | | |
|----------|--|
| FIRST. | Reports of standing committees. |
| SECOND. | Reports of select committees. |
| THIRD. | Messages from the governor and other state officers. |
| FOURTH. | Messages from the house of representatives. |
| FIFTH. | Introduction, first reading and reference of bills, joint memorials, joint resolutions and concurrent resolutions. |
| SIXTH. | Second reading of bills. |
| SEVENTH. | Third reading of bills. |
| EIGHTH. | Presentation of petitions, memorials and floor resolutions. |

NINTH. Presentation of motions.

The order of business established by this rule may be changed and any order of business already dealt with may be reverted or advanced to by a majority vote of those present.

All questions relating to the priority of business shall be decided without debate.

Messages from the governor, other state officers, and from the house of representatives may be considered at any time with the consent of the senate.

Special Order

Rule 18. The president shall call the senate to order at the hour fixed for the consideration of a special order, and announce that the special order is before the senate, which shall then be considered unless it is postponed by a majority vote of the members present, and any business before the senate at the time of the announcement of the special order shall take its regular position in the order of business, except that if a cutoff established by concurrent resolution occurs during the special order, the senate may complete the measure that was before the senate when consideration of the special order was commenced.

Unfinished Business

Rule 19. The unfinished business at the preceding adjournment shall have preference over all other matters, excepting special orders, and no motion or any other business shall be received without special leave of the senate until the former is disposed of.

**Motions and Senate Floor Resolutions
(How Presented)**

Rule 20. 1. No motion shall be entertained or debated until announced by the president and every motion shall be deemed to have been seconded. It shall be reduced to writing and read by the secretary, if desired by the president or any senator, before it shall be debated, and by the consent of the senate may be withdrawn before amendment or action.

2. The Senate shall consider no more than one floor resolution per day in session: Provided, That this rule shall not apply to floor resolutions essential to the operation of the Senate; and further Provided, That there shall be no limit on the number of floor resolutions considered on Senate pro forma session days. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration.

Precedence of Motions

Rule 21. When a motion has been made and stated by the chair the following motions are in order, in the rank named:

PRIVILEGED MOTIONS

Adjourn or recess
Reconsider
Demand for call of the senate
Demand for roll call
Demand for division
Question of privilege
Orders of the day

INCIDENTAL MOTIONS

Points of order and appeal
Method of consideration
Suspend the rules

Reading papers
Withdraw a motion
Division of a question

SUBSIDIARY MOTIONS

1st Rank: To lay on the table
2nd Rank: For the previous question
3rd Rank: To postpone to a day certain
To commit or recommit
To postpone indefinitely
4th Rank: To amend

No motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings, and when a question has been postponed indefinitely it shall not again be introduced during the session.

A motion to lay an amendment on the table shall not carry the main question with it unless so specified in the motion to table.

At no time shall the senate entertain a Question of Consideration.

Voting

Rule 22. 1. In all cases of election by the senate, the votes shall be taken by yeas and nays, and no senator or other person shall remain by the secretary's desk while the roll is being called or the votes are being counted. No senator shall be allowed to vote except when within the bar of the senate, or upon any question upon which he or she is in any way personally or directly interested, nor be allowed to explain a vote or discuss the question while the yeas and nays are being called, nor change a vote after the result has been announced. (See also Art. 2, Secs. 27 and 30, State Constitution.)

2. A member not voting by reason of personal or direct interest, or by reason of an excused absence, may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

3. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Rule 24.)

4. A senator having been absent during roll call may ask to have his or her name called. Such a request must be made before the result of the roll call has been announced by the president.

5. The passage of a bill or action on a question is lost by a tie vote, but when a vote of the senate is equally divided, the lieutenant governor, when presiding, shall have the deciding vote on questions other than the final passage of a bill. (See also Art. 2, Secs. 10 and 22, State Constitution.)

6. The order of the names on the roll call shall be alphabetical by last name.

7. All votes in a committee shall be recorded, and the record shall be preserved as prescribed by the secretary of the senate. One-sixth of the committee may demand an oral roll call.

Announcement of Vote

Rule 23. The announcement of all votes shall be made by the president.

Call of the Senate

Rule 24. Although a roll call is in progress, a call of the senate may be moved by three senators, and if carried by a majority of all present the secretary shall call the roll, after which the names of the absentees shall again be called. The doors

shall then be locked and the sergeant at arms directed to take into custody all who may be absent without leave, and all the senators so taken into custody shall be presented at the bar of the senate for such action as the senate may deem proper.

One Subject in a Bill

Rule 25. No bill shall embrace more than one subject and that shall be expressed in the title. (See also Art. 2, Sec. 19, State Constitution.)

No Amendment by Mere Reference to Title of Act

Rule 26. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length. (See also Art. 2, Sec. 37, State Constitution.)

Reading of Papers

Rule 27. When the reading of any paper is called for, and is objected to by any senator, it shall be determined by a vote of the senate, without debate.

Any and all copies of reproductions of newspaper or magazine editorials, articles or cartoons or publications or material of any nature distributed to senators' desks must bear the name of at least one senator granting permission for the distribution. This shall not apply to materials normally distributed by the secretary of the senate or the majority or minority caucuses.

Comparing Enrolled and Engrossed Bills

Rule 28. Any senator shall have the right to compare an enrolled bill with the engrossed bill and may note any objections in the Journal.

SECTION IV

PARLIAMENTARY PROCEDURE

Rules of Debate

Rule 29. When any senator is about to speak in debate, or submit any matter to the senate, the senator shall rise, and standing in place, respectfully address the President, and when recognized shall, in a courteous manner, speak to the question under debate, avoiding personalities; provided that a senator may refer to another member using the title "Senator" and the surname of the other member. No senator shall impeach the motives of any other member or speak more than twice (except for explanation) during the consideration of any one question, on the same day or a second time without leave, when others who have not spoken desire the floor, but incidental and subsidiary questions arising during the debate shall not be considered the same question. A majority of the members present may further limit the number of times a member may speak on any question and may limit the length of time a member may speak but, unless a demand for the previous question has been sustained, a member shall not be denied the right to speak at least once on each question, nor shall a member be limited to less than three minutes on each question. In any event, the senator who presents the motion may open and close debate on the question.

Recognition by the President

Rule 30. When two or more senators rise at the same time to address the chair, the president shall name the one who shall speak first, giving preference, when practicable, to the mover or introducer of the subject under consideration.

Call for Division of a Question

Rule 31. Any senator may call for a division of a question, which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the senate; but a motion to strike out and insert shall not be divided.

Point of Order - Decision Appealable

Rule 32. Every decision of points of order by the president shall be subject to appeal by any senator, and discussion of a question of order shall be allowed. In all cases of appeal the question shall be: "Shall the decision of the chair stand as the judgment of the senate?"

Question of Privilege

Rule 33. Any senator may rise to a question of privilege and explain a personal matter by leave of the president, but shall not discuss any pending question in such explanations, nor shall any question of personal privilege permit any senator to introduce any person or persons in the galleries. The president upon notice received may acknowledge the presence of any distinguished person or persons.

A question of privilege shall involve only subject matter which affects the particular senator personally and in a manner unique and peculiar to that senator.

Protests

Rule 34. Any senator or senators may protest against the action of the senate upon any question. Such protest may be entered upon the journal if it does not exceed 200 words. The senator protesting shall file the protest with the secretary of the senate within 48 hours following the action protested.

Adoption and Suspension of Rules

Rule 35. 1. The permanent senate rules adopted at the first regular session during a legislative biennium shall govern any session subsequently convened during the same legislative biennium. Adoption of permanent rules may be by majority of the senate without notice and a majority of the senate may change a permanent rule without notice at the beginning of any session, as determined pursuant to Article 2, Section 12 of the State Constitution. No permanent rule or order of the senate shall be rescinded or changed without a majority vote of the members, and one day's notice of the motion.

2. A permanent rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present unless otherwise specified herein. When the suspension of a rule is called, and after due notice from the president no objection is offered, the president may announce the rule suspended, and the senate may proceed accordingly. Motion for suspension of the rules shall not be debatable, except, the mover of the motion may briefly explain the purpose of the motion and at the discretion of the president a rebuttal may be allowed.

Previous Question

Rule 36. The previous question shall not be put unless demanded by three senators, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, except the senator who presents the motion may open and close debate on the question and the vote shall be immediately taken on the question or questions pending before the senate, and all incidental question or questions of order arising after the motion is made shall be decided whether on appeal or otherwise without debate.

Reconsideration

Rule 37. 1. After the final vote on any measure, before the adjournment of that day's session, any member who voted with the prevailing side may give notice of reconsideration unless a motion to immediately transmit the measure to the house has been decided in the affirmative and the measure is no longer in possession of the senate. Such motion to reconsider shall be in order only under the order of motions of the day immediately following the day upon which such notice of reconsideration is given, and may be made by any member who voted with the prevailing side.

2. A motion to reconsider shall have precedence over every other motion, except a motion to adjourn; and when the senate adjourns while a motion to reconsider is pending or before passing the order of motions, the right to move a reconsideration shall continue to the next day of sitting. On and after the tenth day prior to adjournment sine die of any session, as determined pursuant to Article 2, Section 12, or concurrent resolution, or in the event that the measure is subject to a senate rule or resolution or a joint rule or concurrent resolution, which would preclude consideration on the next day of sitting a motion to reconsider shall only be in order on the same day upon which notice of reconsideration is given and may be made at any time that day. Motions to reconsider a vote upon amendments to any pending question may be made and decided at once.

Motion to Adjourn

Rule 38. Except when under call of the senate, a motion to adjourn shall always be in order. The name of the senator moving to adjourn and the time when the motion was made shall be entered upon the journal.

Yeas and Nays - When Must be Taken

Rule 39. The yeas and nays shall be taken when called for by one-sixth of all the senators present, and every senator within the bar of the senate shall vote unless excused by the unanimous vote of the members present, and the votes shall be entered upon the journal. (See also Art. 2, Sec. 21, State Constitution.)

When once begun the roll call may not be interrupted for any purpose other than to move a call of the senate. (See also Senate Rules 22 and 24.)

Reed's Parliamentary Rules

Rule 40. The rules of parliamentary practice as contained in Reed's Parliamentary Rules shall govern the senate in all cases to which they are applicable, and in which they are not inconsistent with the rules and orders of this senate and the joint rules of this senate and the house of representatives.

SECTION V COMMITTEES

Committees - Appointment and Confirmation

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

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

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

1. Agriculture ~~((and International Trade))~~⁽⁽⁷⁾⁾ 5
2. Children and Family Services and Corrections⁷
3. Commerce and Trade⁵
4. Economic Development ~~((and Telecommunications))~~⁽⁽⁹⁾⁾ 7
- ~~((3-))~~ 5. Education~~((43))~~ 8
- ~~((4. Environment, Energy and Water~~⁹⁾⁾
6. Financial Services, Insurance and Housing⁷
7. Government Operations and Elections⁷
- ~~((5-))~~ 8. Health and Long-Term Care⁷
- ~~((6-))~~ 9. Higher Education~~((9))~~ 7
- ~~((7. Human Services and Corrections~~⁹⁾⁾
10. Highways and Transportation¹²
- ~~((8-))~~ 11. Judiciary~~((44))~~ 8
- ~~((9. Labor, Commerce and Financial Institutions~~¹³
- ~~10. Natural Resources, Parks and Shorelines~~⁹⁾⁾
12. Land Use and Planning⁵
13. Natural Resources, Energy and Water⁹

14. Parks, Fish and Wildlife⁹

~~((14.))~~ 15. Rules~~((16))~~ 18

~~((12. State and Local Government~~

~~13. Transportation~~¹⁷⁾⁾

16. Technology and Communications⁷

~~((14.))~~ 17. Ways and Means~~((24))~~ 17

Subcommittees

Rule 42. Committee chairs may create subcommittees of the standing committee and designate subcommittee chairs thereof to study subjects within the jurisdiction of the standing committee. The committee chair shall approve the use of committee staff and equipment assigned to the subcommittee. Subcommittee activities shall further be subject to facilities and operations committee approval to the same extent as are the actions of the standing committee from which they derive their authority.

Subpoena Power

Rule 43. Any of the above referenced committees, including subcommittees thereof, or any special committees created by the senate, may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. The committee chair shall file with the committee on rules, prior to issuance of any process, a statement of purpose setting forth the name or names of those subject to process. The rules committee shall consider every proposed issuance of process at a meeting of the rules committee immediately following the filing of the statement with the committee. The process shall not be issued prior to consideration by the rules committee. The process shall be limited to the named individuals and the committee on rules may overrule the service on an individual so named.

Duties of Committees

Rule 44. The several committees shall fully consider measures referred to them.

The committees shall acquaint themselves with the interest of the state specially represented by the committee, and from time to time present such bills and reports as in their judgment will advance the interests and promote the welfare of the people of the state: PROVIDED, That no executive action on bills may be taken during an interim.

Committee Rules

Rule 45. 1. At least five days notice shall be given of all public hearings held by any committee other than the rules committee. Such notice shall contain the date, time and place of such hearing together with the title and number of each bill, or identification of the subject matter, to be considered at such hearing. By a majority vote of the committee members present at any committee meeting such notice may be dispensed with. The reason for such action shall be set forth in a written statement preserved in the records of the meeting.

2. No committee may hold a public hearing during a regular or extraordinary session on a proposal identified as a draft unless the draft has been made available to the public at least twenty-four hours prior to the hearing. This rule does not apply during the five days prior to any cutoff established by concurrent resolution nor does it apply to any measure exempted from the resolution.

3. During its consideration of or vote on any bill, resolution or memorial, the deliberations of any committee or subcommittee of the senate shall be open to the public. In case of any disturbance or disorderly conduct at any such deliberations, the chair shall order the sergeant at arms to suppress the same and may order the meeting closed to any person or persons creating such disturbance.

4. A majority of any committee shall constitute a quorum. Committees shall be considered to have a quorum present unless the question is raised. No committee shall transact official business absent a quorum except to conduct a hearing.

5. Bills reported to the senate from a standing committee must have a majority report, which shall be prepared upon a printed standing committee report form; shall carry one, or more as appropriate, of the following recommendations, shall be adopted at a regularly or specially called meeting during a legislative session and shall be signed by a majority of the committee:

- a. Do pass.
- b. Do pass as amended.
- c. That a substitute bill be substituted therefor, and the substitute bill do pass.
- d. That the bill be referred to another committee.
- e. Without recommendation.

6. A majority report of a committee must carry the signatures of a majority of the members of the committee. In the event a committee has a quorum pursuant to subsection 3 of this rule, a majority of the members present may act on a measure, subject to obtaining the signatures of a majority of the members of the committee on the majority report.

7. Any measure which does not receive a majority vote of the members present may be reconsidered at that meeting and may again be considered upon motion of any committee member if one day's notice of said motion is provided to all committee members.

8. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation which shall be signed by those members of the committee subscribing thereto.

9. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute bill the first time and have the same ordered printed.

A motion for the substitution of the substitute bill for the original bill shall not be in order until the committee on rules places the original bill on the second reading calendar.

10. No vote in any committee shall be taken by secret ballot nor shall any committee have a policy of secrecy as to any vote on action taken in such committee.

11. All reports of standing committees must be on the secretary's desk one hour prior to convening of the session in order to be read at said session.

Committee Meetings During Sessions

Rule 46. No committee shall sit during the daily session of the senate unless by special leave. No committee shall sit during any scheduled caucus.

Reading of Reports

Rule 47. The majority report, and minority report, if there be one, together with the names of the signers thereof, shall be read by the secretary, unless the reading be dispensed with by the senate, and all committee reports shall be spread upon the journal.

Recalling Bills from Committees

Rule 48. Any standing committee of the senate may be relieved of further consideration of any bill, regardless of prior action of the committee, by a majority vote of the senators elected or appointed. The senate may then make such orderly disposition of the bill as they may direct by a majority vote of the members of the senate.

Bills Referred to Rules Committee

Rule 49. All bills reported by a committee to the senate shall then be referred to the committee on rules for second reading without action on the report unless otherwise ordered by the senate. (See also Rules 63 and 64.)

Rules Committee

Rule 50. The lieutenant governor shall be a voting member and the chair of the committee on rules. The committee on rules shall have charge of the daily second and third reading calendar of the senate and shall direct the secretary of the senate the order in which the bills shall be considered by the senate and the committee on rules shall have the authority to directly refer any bill before them to any other standing committee. Such referral shall be reported out to the senate on the next day's business.

The senate may change the order of consideration of bills on the second or third reading calendar.

The calendar, except in emergent situations, as determined by the committee on rules, shall be on the desks and in the offices of the senators each day and shall cover the bills for consideration on the next following day.

Employment Committee

Rule 51. The employment committee for committee staff shall consist of five members, three from the majority party and two from the minority party. The chair shall be appointed by the majority leader. The committee shall, in addition to its other duties, appoint a staff director for committee services with the concurrence of four of its members. All other decisions shall be determined by majority vote. The committee shall operate within staffing, budget levels and guidelines as authorized and adopted by the facilities and operations committee.

Committee of the Whole

Rule 52. At no time shall the senate sit as a committee of the whole.

The senate may at any time, by the vote of the majority of the members present, sit as a body for the purpose of taking testimony on any measure before the senate.

Appropriation Budget Bills

Rule 53. No amendment to the budget, capital budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected or appointed.

SECTION VI

BILLS, RESOLUTIONS, MEMORIALS AND GUBERNATORIAL APPOINTMENTS

Definitions

Rule 54. "Measure" means a bill, joint memorial, joint resolution, or concurrent resolution.

"Bill" when used alone means bill, joint memorial, joint resolution, or concurrent resolution.

"Majority" shall mean a majority of those members present unless otherwise stated.

Prefiling

Rule 55. Holdover members and members-elect to the senate may prefile bills with the secretary of the senate on any day commencing with the first Monday in December preceding any session year; or twenty days prior to any special session of the legislature. Such bills will be printed, distributed and prepared for introduction on the first legislative day. No bill, joint memorial or joint resolution shall be prefiled by title and/or preamble only. (See also Rule 3, Sub. 3.)

Introduction of Bills

Rule 56. All bills, joint resolutions and joint memorials introduced shall be endorsed with a statement of the title and the name of the member introducing the same. Any member desiring to introduce a bill, joint resolution or joint memorial shall file the same with the secretary of the senate by noon of the day before the convening of the session at which said bill, joint resolution or joint memorial is to be introduced.

After the expiration of deadlines for bill introductions provided for by resolution, no bill shall be introduced, except as the legislature shall direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session. The time limitation for introduction of bills shall not apply to substitute bills reported by standing committees for bills pending before such committees and general appropriation and revenue bills. (See also Art. 2, Sec. 36, State Constitution.)

Amendatory Bills

Rule 57. Bills introduced in the senate intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by setting such matter forth in full, enclosed by double parentheses, and such deleted matter shall be lined out with hyphens. No bill shall be printed or acted upon until the provisions of this rule shall have been complied with.

Sections added by amendatory bill to an existing act, or chapter of the official code, need not be underlined but shall be designated "NEW SECTION" in upper case type and such designation shall be underlined. New enactments need not be underlined.

Joint Resolutions and Memorials

Rule 58. Joint resolutions and joint memorials, up to the signing thereof by the president of the senate, shall be subject to the rules governing the course of bills.

Senate Concurrent Resolutions

Rule 59. Concurrent resolutions shall be subject to the rules governing the course of bills and may be adopted without a roll call. Concurrent resolutions authorizing investigations and authorizing the expenditure or allocation of any money must be adopted by roll call and the yeas and nays recorded in the journal. Concurrent resolutions are subject to final passage on the day of the first reading without regard to Senate Rule 62.

Committee Bills

Rule 60. Committee bills introduced by a standing committee during a legislative session may be filed with the secretary of the senate and introduced, and the signature of each member of the committee shall be endorsed upon the cover of the original bill.

Committee bills shall be read the first time by title, ordered printed, and referred to the committee on rules for second reading.

Committee Reference

Rule 61. When a motion is made to refer a subject, and different committees are proposed, the question shall be taken in the following order:

FIRST: A standing committee.

SECOND: A select committee.

Reading of Bills

Rule 62. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote. (See also Rule 59).

First Reading

Rule 63. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading, bills shall be referred to an appropriate committee pursuant to Rule 61.

Upon being reported back by committee, all bills shall be referred to the committee on rules for second reading, unless otherwise ordered by the senate. (See Rule 49.)

A bill shall be reported back by the committee chair upon written petition therefor signed by a majority of its members. The petition shall designate the recommendation as provided in Rule 45, Sub. 4.

No committee chair shall exercise a pocket veto of any bill.

Should there be a two-thirds majority report of the committee membership against the bill, a vote shall be immediately ordered for the indefinite postponement of the bill.

Second Reading/Amendments

Rule 64. Upon second reading, the bill shall be read section by section, in full, and be subject to amendment.

Any member may, if sustained by three members, remove a bill from the consent calendar as constituted by the committee on rules. A bill removed from the consent calendar shall take its place as the last bill in the order of consideration of bills on the second reading calendar.

No amendment shall be considered by the senate until it shall have been sent to the secretary's desk in writing and read by the secretary.

All amendments adopted on the second reading shall then be securely fastened to the original bill.

All amendments rejected by the senate shall be spread upon the journal, and the journal shall show the disposition of all amendments.

When no further amendments shall be offered, the president shall declare the bill has passed its second reading, and shall be referred to the committee on rules for third reading.

Third Reading

Rule 65. Bills on third reading shall be read in full by sections, and no amendment shall be entertained.

When a bill shall pass, it shall be certified to by the secretary, together with the vote upon final passage, noting the day of its passage thereon.

The vote must be taken by yeas and nays, the names of the senators voting for and against the same to be entered upon the journal and the majority of the members elected to the senate must be recorded thereon as voting in its favor to secure its passage by the senate.

Scope and Object of Bill Not to be Changed

Rule 66. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (See also Art. 2, Sec. 38, State Constitution.) Substitute bills shall be considered amendments for the purposes of this rule. A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment.

Matters Related to Disagreement Between the Senate and House

Rule 67. When there is a disagreement between the senate and house on a measure before the senate, the senate may act upon the measure with the following motions which have priority in the following order:

To concur

To non-concur

To recede

To insist

To adhere

These motions are in order as to any single amendment or to a series of amendments. (See Reed's Rules 247 through 254.)

A senate bill, passed by the house with amendment or amendments which shall change the scope and object of the bill, upon being received in the senate, shall be referred to an appropriate committee and shall take the same course as for original bills, unless a motion to ask the house to recede, to insist or to adhere is made prior to the measure being referred to committee.

Bills Committed for Special Amendment

Rule 68. A bill may be committed with or without special instructions to amend at any time before taking the final vote.

Confirmation of Gubernatorial Appointees

Rule 69. When the names of appointees to state offices are transmitted to the Secretary of the Senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall be a public hearing. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the governor prior to confirmation, the senate shall vote upon

the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

MOTION

On motion of Senator West, the following amendment was adopted:

In Section V, No. 11, Judiciary, Strike 8 and insert 9.

The President declared the question before the Senate to be the adoption of Senate Resolution 8601, as amended.

SENATE RESOLUTION 8601, as amended, was adopted by voice vote.

SENATE STANDING COMMITTEE ASSIGNMENTS

The President announced the following 2003 Standing Committee Assignments:

Membership of Senate Standing Committees 2003

Agriculture (5) -- Swecker, Chair; Brandland, Vice Chair; *Rasmussen; Jacobsen; Sheahan

Children and Family Services and Corrections (7) -- Stevens, Chair; Parlette, Vice Chair; *Hargrove; Carlson; Deccio; McAuliffe; Regala

Commerce and Trade (5) -- Honeyford, Chair; Hewitt, Vice Chair; *Keiser; Franklin; Mulliken

Economic Development (7) -- Sheldon, T., Chair; Zarelli, Vice Chair; *Shin; Benton; Rossi; Schmidt; Sheldon, B.

Education (8) -- Johnson, Chair; Zarelli, Vice Chair; *McAuliffe; Carlson; Eide; Finkbeiner; Rasmussen; Schmidt

Financial Services, Insurance and Housing (7) -- Benton, Chair; Winsley, Vice Chair; *Prentice; Keiser; Reardon; Roach; Zarelli

Government Operations and Elections (7) -- Roach, Chair; Stevens, Vice Chair; *Kastama; Fairley; Horn; McCaslin; Reardon

Health and Long-Term Care (7) -- Deccio, Chair; Winsley, Vice Chair; *Thibaudeau; Brandland; Franklin; Keiser; Parlette

Higher Education (7) -- Carlson, Chair; Schmidt, Vice Chair; *Kohl-Welles; Horn; Mulliken; Sheldon, B.; Shin

Highways and Transportation (12) -- Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; *Haugen; Jacobsen; Esser; Finkbeiner; Kastama; Mulliken; Oke; Prentice; Spanel

Judiciary (9) -- McCaslin, Chair; Esser, Vice Chair; *Kline; Brandland; Hargrove; Haugen; Johnson; Roach; Thibaudeau

Land Use and Planning (5) -- Mulliken, Chair; Sheldon, T., Vice Chair; Kline; McCaslin; Morton

Natural Resources, Energy and Water (9) -- Morton, Chair; Hewitt, Vice Chair; *Fraser; Doumit; Hale; Hargrove; Honeyford; Oke; Regala

Parks, Fish and Wildlife (8) -- Oke, Chair; Sheahan, Vice Chair; *Doumit; Esser; Jacobsen; Morton; Spanel; Swecker

Rules (19) - #Owen, Chair; *Brown; Benton; Deccio; Eide; Finkbeiner; Franklin; Hale; Haugen; Hewitt; Honeyford; Parlette; Rasmussen; Sheahan; Sheldon, B.; Spanel; West; Winsley; Zarelli

Technology and Communications (7) -- Esser, Chair; Finkbeiner, Vice Chair; *Reardon; Eide; Poulsen; Schmidt; Stevens

Ways and Means (17) -- Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair, Capital Budget Chair; *Fairley; Poulsen; Brown; Fraser; Hale; Honeyford; Johnson; Kohl-Welles; Parlette; Regala; Roach; Sheahan; Sheldon, B.; Winsley

* Ranking Minority Member

Lt. Gov. Owen is a voting member

MOTION

On motion of Senator Sheahan, the following resolution was adopted

SENATE RESOLUTION 8600

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

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 8600, the President appointed Senators Reardon, Schmidt, Doumit, Esser, Jacobsen and Mulliken to notify the House of Representatives that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Sheahan, the appointments were confirmed.
The committee retired to the House of Representatives.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5000 by Senators Kohl-Welles, Regala, Fairley, Kline, Thibaudeau and Winsley

AN ACT Relating to repealing the crime of slander of a woman; and repealing RCW 9.58.110 and 9.58.120.

Referred to Committee on Judiciary.

SB 5001 by Senators Zarelli, McCaslin, Kastama, T. Sheldon, Carlson, Esser and Sheahan

AN ACT Relating to assault as a predicate for felony murder; amending RCW 9A.32.050; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5002 by Senators Kastama, Rasmussen, Eide, Winsley, Benton and Kohl-Welles

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

Referred to Committee on Ways and Means.

SB 5003 by Senators Esser, Jacobsen, Horn, Thibaudeau, Rasmussen and Kohl-Welles

AN ACT Relating to establishing the office of citizen councilor; and adding new sections to chapter 43.09 RCW.

Referred to Committee on Government Operations and Elections.

SB 5004 by Senators Jacobsen, Fairley, Kastama and Kohl-Welles

AN ACT Relating to the Hispanic American endowed scholarship program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5005 by Senators Jacobsen, Eide, Winsley, Rasmussen, Haugen, Keiser and Esser

AN ACT Relating to identity theft; amending RCW 9.35.020; reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5006 by Senators Jacobsen and Haugen

AN ACT Relating to nonconsumptive wildlife activities; and amending RCW 79.01.244 and 79.68.050.

Referred to Committee on Natural Resources, Energy and Water.

SB 5007 by Senators Jacobsen, Winsley, Rasmussen and Haugen

AN ACT Relating to agriculture and garden research; adding a new chapter to Title 15 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5008 by Senators Jacobsen, Rasmussen and Kohl-Welles

AN ACT Relating to an intercollegiate and community swim facility; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

SB 5009 by Senators Jacobsen and Winsley

AN ACT Relating to periodontal insurance coverage; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5010 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to allowing branch campuses to offer lower-division coursework; amending RCW 28B.45.020, 28B.45.030, 28B.45.040, and 28B.45.050; and creating a new section.

Referred to Committee on Higher Education.

SB 5011 by Senators Jacobsen, Winsley and Kohl-Welles

AN ACT Relating to promoting wildlife viewing; adding a new section to chapter 77.12 RCW; creating a new section; and making an appropriation.

Referred to Committee on Parks, Fish and Wildlife.

SB 5012 by Senators Johnson, Finkbeiner, Esser and Oke

AN ACT Relating to charter schools; amending RCW 41.59.080; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; and declaring an emergency.

Referred to Committee on Education.

SB 5013 by Senators Honeyford, McCaslin, Mulliken and Hale

AN ACT Relating to the minimum hourly wage; and amending RCW 49.46.020.

Referred to Committee on Commerce and Trade.

SB 5014 by Senator Honeyford

AN ACT Relating to public water projects; and adding a new section to chapter 43.155 RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5015 by Senators Hewitt, Deccio, Rossi, Zarelli, Esser, Finkbeiner, Parlette, Hale, Mulliken, Sheahan, Morton, Johnson, Horn, Stevens, Schmidt, T. Sheldon, Benton, Brandland and Oke

AN ACT Relating to ergonomics rules; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce and Trade.

SB 5016 by Senators Hewitt, Mulliken, Parlette, Stevens, Horn, Deccio and Esser

AN ACT Relating to the calculation of unemployment compensation benefits; and amending RCW 50.20.120.

Referred to Committee on Commerce and Trade.

SB 5017 by Senators Hewitt, Mulliken, Morton, Stevens, Zarelli, Hale, Deccio and Parlette

AN ACT Relating to excluding minors working in family businesses from industrial insurance provisions; and amending RCW 51.12.020.

Referred to Committee on Commerce and Trade.

SB 5018 by Senators Roach, Winsley, Zarelli, Honeyford, Johnson, Carlson, Schmidt, Mulliken, Esser, T. Sheldon, Franklin, Fraser, McCaslin, Kastama, Keiser, Kline, Regala, Sheahan and Kohl-Welles

AN ACT Relating to voyeurism; amending RCW 9A.44.115; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5019 by Senators Rasmussen, Swecker, Prentice, Winsley, Finkbeiner and Kastama

AN ACT Relating to consolidating the functions of the horse racing commission into the gambling commission; amending RCW 9.46.071, 43.03.028, 51.12.020, 67.16.010, 67.16.101, 67.16.140, 67.16.150, and 82.04.350; reenacting and amending RCW 42.17.2401; creating new sections; decodifying RCW 67.16.160; repealing RCW 67.16.012, 67.16.014, 67.16.015, and 67.16.017; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Trade.

SB 5020 by Senators Morton, Parlette and Mulliken

AN ACT Relating to purchase of land by state agencies; and adding a new section to chapter 79.01 RCW

Referred to Committee on Natural Resources, Energy and Water.

SB 5021 by Senators T. Sheldon, Mulliken and Benton

AN ACT Relating to educational employees' benefits and compensation during strikes and work stoppages; and amending RCW 28A.400.200.

Referred to Committee on Commerce and Trade.

SB 5022 by Senators Parlette, Haugen, Zarelli, Hale, Stevens, Mulliken and T. Sheldon

AN ACT Relating to comprehensive plan amendment procedures; and amending RCW 36.70A.130.

Referred to Committee on Land Use and Planning.

SB 5023 by Senators Honeyford and Hale

AN ACT Relating to public ground water; and amending RCW 90.44.100.

Referred to Committee on Natural Resources, Energy and Water.

SB 5024 by Senators Honeyford and Hale

AN ACT Relating to municipal water systems; and amending RCW 90.03.015 and 90.03.386.

Referred to Committee on Natural Resources, Energy and Water.

SB 5025 by Senators Honeyford, Mulliken and Hale

AN ACT Relating to water right relinquishment; amending RCW 43.21B.110, 90.14.010, 90.38.040, and 90.42.040; and repealing RCW 90.14.130, 90.14.140, 90.14.150, 90.14.160, 90.14.170, 90.14.180, 90.14.190, 90.14.200, 90.14.210, and 90.14.215.

Referred to Committee on Natural Resources, Energy and Water.

SB 5026 by Senators Morton, Rasmussen, Mulliken and Sheahan

AN ACT Relating to damage to livestock caused by wildlife; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Parks, Fish and Wildlife.

SB 5027 by Senators Morton, Rasmussen and Hale

AN ACT Relating to watershed planning; adding new sections to chapter 90.82 RCW; and creating a new section.

Referred to Committee on Natural Resources, Energy and Water.

SB 5028 by Senators Morton and Hale

AN ACT Relating to water pollution; and amending RCW 90.48.010, 90.48.020, and 90.48.037.

Referred to Committee on Natural Resources, Energy and Water.

SB 5029 by Senator Morton

AN ACT Relating to fish and wildlife infractions; amending RCW 77.15.130, 77.15.140, 77.15.170, 77.15.180, 77.15.190, 77.15.220, 77.15.230, 77.15.240, 77.15.280, 77.15.290, 77.15.330, 77.15.380, 77.15.400, 77.15.430, 77.15.440, and 77.15.460; and prescribing penalties.

Referred to Committee on Parks, Fish and Wildlife.

SB 5030 by Senator Morton

AN ACT Relating to civil forfeiture of property used for fish and wildlife code violations; and amending RCW 77.15.070 and 77.15.100.

Referred to Committee on Parks, Fish and Wildlife.

SB 5031 by Senator Morton

AN ACT Relating to Washington state patrol communication charges under the Interlocal Cooperation Act; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Government Operations and Elections.

SB 5032 by Senator Morton

AN ACT Relating to safety belt exemptions for commercial delivery vehicles making frequent stops; and amending RCW 46.61.688.

Referred to Committee on Highways and Transportation.

SB 5033 by Senators Kastama, Eide, Jacobsen, Winsley, Rasmussen, Fairley, Keiser, Kline and Oke

AN ACT Relating to the establishment and operation of a do not call list for commercial telephone solicitation; amending RCW 19.158.110; adding new sections to chapter 19.158 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Technology and Communications.

SB 5034 by Senators Zarelli, Winsley, McCaslin, T. Sheldon, Hale, Benton, West, Esser, Sheahan, Oke and Kohl-Welles

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; and amending RCW 84.36.381, 84.36.383, and 84.38.030.

Referred to Committee on Ways and Means.

SB 5035 by Senators T. Sheldon, McAuliffe, Rasmussen, Fairley, Haugen and Prentice

AN ACT Relating to special needs transportation contributions; amending RCW 47.06B.901; adding a new section to chapter 46.16 RCW; adding a new section to chapter 47.06B RCW; and creating a new section.

Referred to Committee on Highways and Transportation.

SB 5036 by Senators T. Sheldon, McCaslin, Hale and Benton

AN ACT Relating to privatizing the sale of liquor; amending RCW 66.04.010, 66.08.030, 66.08.070, 66.08.130, 66.08.140, 66.08.150, 66.24.010, 66.24.012, 66.24.015, 66.24.025, 66.24.120, 66.44.200, 66.44.318, 66.44.340, 66.04.010, 66.08.020, 66.08.030, 66.08.050, 66.12.110, 66.12.120, 66.20.160, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.24.395, 66.32.010, and 66.44.150; adding a new section to chapter 66.08 RCW; creating new sections; repealing RCW 66.08.070, 66.08.160, 66.08.220, 66.08.235, 66.16.010, 66.16.030, 66.16.040, 66.16.041, 66.16.050, 66.16.060, 66.16.070, 66.16.080, 66.16.090, 66.16.100, 66.16.110, 66.28.170, and 66.28.180; and providing effective dates.

Referred to Committee on Commerce and Trade.

SB 5037 by Senator Kastama

AN ACT Relating to the application of social security disability dependency benefits to child support obligations; and amending RCW 26.18.190.

Referred to Committee on Judiciary.

SB 5038 by Senators Kastama and Esser

AN ACT Relating to adding a factor a court is to consider in determining residential time between parents; and amending RCW 26.09.187.

Referred to Committee on Judiciary.

SB 5039 by Senators Kastama, Thibaudeau and Kohl-Welles

AN ACT Relating to hepatitis C; amending RCW 49.60.172 and 49.60.174; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5040 by Senators Morton and T. Sheldon (by request of Commissioner of Public Lands Sutherland)

AN ACT Relating to harbor lines; and amending RCW 79.92.030.

Referred to Committee on Natural Resources, Energy and Water.

SB 5041 by Senators Morton, T. Sheldon, B. Sheldon and Oke (by request of Commissioner of Public Lands Sutherland)

AN ACT Relating to lease rates for marinas on state-owned aquatic lands that provide public moorage; and amending RCW 79.90.480.

Referred to Committee on Natural Resources, Energy and Water.

SB 5042 by Senators T. Sheldon, Morton and Fraser (by request of Commissioner of Public Lands Sutherland)

AN ACT Relating to the department of natural resources' contractual authority; and amending RCW 43.30.130.

Referred to Committee on Natural Resources, Energy and Water.

SB 5043 by Senators Morton and Fraser (by request of Commissioner of Public Lands Sutherland)

AN ACT Relating to the recodification of Title 79 RCW and related public land statutes; amending RCW 43.12.025, 43.12.035, 43.12.055, 43.30.040, 43.30.060, 43.30.115, 43.30.125, 43.30.130, 43.30.138, 43.30.141, 43.30.145, 43.30.150, 43.30.160, 43.30.170, 43.30.180, 43.30.260, 43.30.265, 43.30.270, 43.30.280, 43.30.290, 43.30.300, 43.30.310, 43.30.400, 43.85.130, 76.01.010, 76.01.040, 76.01.050, 76.01.060, 76.12.020, 76.12.030, 76.12.035, 76.12.050, 76.12.060, 76.12.065, 76.12.070, 76.12.072, 76.12.073, 76.12.074, 76.12.075, 76.12.090, 76.12.100, 76.12.110, 76.12.120, 76.12.125, 76.12.140, 76.12.155, 76.12.180, 76.12.240, 76.16.010, 76.16.020, 76.16.030, 76.16.040, 76.20.010, 76.20.020, 76.20.030, 76.20.035, 76.20.040, 79.01.004, 79.01.007, 79.01.052, 79.01.056, 79.01.060, 79.01.064, 79.01.080, 79.01.082, 79.01.084, 79.01.088, 79.01.092, 79.01.093, 79.01.094, 79.01.095, 79.01.096, 79.01.100, 79.01.104, 79.01.108, 79.01.112, 79.01.116, 79.01.120, 79.01.124, 79.01.128, 79.01.134, 79.01.136, 79.01.148, 79.01.160, 79.01.164, 79.01.168, 79.01.172, 79.01.176, 79.01.184, 79.01.188, 79.01.192, 79.01.196, 79.01.200, 79.01.204, 79.01.208, 79.01.212, 79.01.216, 79.01.220, 79.01.228, 79.01.232, 79.01.236, 79.01.238, 79.01.240, 79.01.242, 79.01.244, 79.01.248, 79.01.268, 79.01.284, 79.01.292, 79.01.2955, 79.01.296, 79.01.300, 79.01.301, 79.01.304, 79.01.332, 79.01.336, 79.01.340, 79.01.348, 79.01.352, 79.01.356, 79.01.360, 79.01.364, 79.01.388, 79.01.392, 79.01.400, 79.01.404, 79.01.408, 79.01.414, 79.01.612, 79.01.616, 79.01.617, 79.01.618, 79.01.620, 79.01.632, 79.01.633, 79.01.634, 79.01.640, 79.01.644, 79.01.645, 79.01.648, 79.01.649, 79.01.650, 79.01.652, 79.01.656, 79.01.660, 79.01.664, 79.01.668, 79.01.672, 79.01.676, 79.01.680, 79.01.684, 79.01.688, 79.01.692, 79.01.696, 79.01.708, 79.01.712, 79.01.720, 79.01.724, 79.01.728, 79.01.736, 79.01.740, 79.01.744, 79.01.752, 79.01.760, 79.01.765, 79.01.770, 79.01.774, 79.01.778, 79.01.780, 79.01.784, 79.01.805, 79.01.810, 79.01.815, 79.08.015, 79.08.070, 79.08.080, 79.08.090, 79.08.110, 79.08.120, 79.08.170, 79.08.180, 79.08.250, 79.08.260, 79.08.275, 79.08.275, 79.08.277, 79.08.279, 79.08.281, 79.08.283, 79.12.015, 79.12.025, 79.12.035, 79.12.055, 79.12.095, 79.12.570, 79.12.600, 79.12.610, 79.12.620, 79.12.630, 79.14.010, 79.14.020, 79.14.030, 79.14.040, 79.14.080, 79.14.090, 79.14.100, 79.14.110, 79.14.120, 79.14.130, 79.14.140, 79.14.150, 79.14.180, 79.14.190, 79.14.200, 79.14.210, 79.14.220, 79.28.010, 79.28.020, 79.28.030, 79.28.040, 79.28.050, 79.28.070, 79.28.080, 79.36.260, 79.36.270, 79.36.280, 79.36.290, 79.38.010, 79.38.030, 79.38.040, 79.38.050, 79.38.060, 79.40.070, 79.40.080, 79.44.020, 79.44.030, 79.44.060, 79.44.120, 79.60.010, 79.60.020, 79.60.030, 79.60.040, 79.60.050, 79.60.060, 79.60.070, 79.60.080, 79.60.090, 79.64.010, 79.64.020, 79.64.030, 79.64.040, 79.64.050, 79.64.090, 79.66.010, 79.66.020, 79.66.030, 79.66.040, 79.66.050, 79.66.060, 79.66.080, 79.66.090, 79.66.100, 79.68.010, 79.68.020, 79.68.030, 79.68.035, 79.68.040, 79.68.060, 79.68.070, 79.68.080, 79.68.090, 79.68.100, 79.68.110, 79.68.120, 79.68.900, 79.68.910, 79.70.020, 79.70.030, 79.70.090, 79.90.270, 79.90.325, 79.90.330, 79.90.340, 79.90.380, 79.90.400, 79.91.010, 79.91.030, 79.91.040, 79.91.050, 79.91.060, 79.91.080, 79.91.190, 79.91.210, and 79.94.450; reenacting and amending RCW 79.01.500; adding a new section to chapter 43.30 RCW; adding new sections to chapter 43.12 RCW; adding new sections to chapter 79.36 RCW; adding a new section to chapter 79.38 RCW; adding new sections to chapter 79.64 RCW; adding new sections to chapter 79.14 RCW; adding new sections to chapter 79.90 RCW; adding new sections to chapter 79.94 RCW; adding new sections to chapter 79.96 RCW; adding a new chapter to Title 43 RCW; adding new chapters to Title 79 RCW; adding a new chapter to Title 78 RCW; recodifying RCW 43.30.310, 43.30.010, 43.30.020, 43.30.030, 43.30.270, 43.30.050, 43.30.060, 43.30.040, 43.30.150, 43.30.280, 43.30.290, 43.85.130, 43.30.360, 43.30.370, 43.30.115, 43.30.130, 43.30.160,

43.30.170, 43.30.180, 43.30.355, 43.30.400, 43.30.410, 43.30.420, 43.30.210, 43.30.250, 43.30.260, 43.30.125, 43.30.138, 43.30.350, 43.12.025, 43.12.035, 43.30.141, 43.30.145, 43.30.135, 43.30.300, 43.30.390, 43.30.265, 76.01.040, 76.01.050, 76.01.060, 76.12.160, 76.12.170, 76.12.205, 76.12.210, 76.12.220, 76.12.230, 76.12.240, 76.12.040, 76.12.045, 76.01.010, 76.20.010, 76.20.020, 76.20.030, 76.20.035, 76.20.040, 76.12.050, 76.12.060, 76.12.065, 76.12.020, 76.12.080, 76.12.155, 76.12.030, 76.12.120, 76.12.125, 76.12.140, 76.12.090, 76.12.100, 76.12.035, 76.12.070, 76.12.067, 76.12.072, 76.12.073, 76.12.074, 76.12.075, 76.16.010, 76.16.020, 76.16.030, 76.16.040, 76.12.180, 76.12.110, 79.01.056, 79.01.060, 79.01.064, 79.01.736, 79.01.052, 79.01.004, 79.01.500, 79.01.740, 79.01.240, 79.01.765, 79.08.170, 79.01.093, 79.01.732, 79.01.308, 79.28.010, 79.28.020, 79.28.030, 79.01.076, 79.01.080, 79.01.304, 79.01.708, 79.01.712, 79.01.084, 79.01.720, 79.01.724, 79.01.220, 79.01.292, 79.01.236, 79.01.760, 79.01.748, 79.01.756, 79.01.752, 79.40.070, 79.40.080, 79.01.006, 79.01.007, 79.01.744, 79.01.074, 79.01.612, 79.68.110, 79.01.128, 79.01.164, 79.01.095, 79.68.010, 79.68.020, 79.68.050, 79.01.244, 79.68.070, 79.68.090, 79.68.060, 79.68.100, 79.68.900, 79.68.910, 79.68.120, 79.68.035, 79.68.030, 79.68.040, 79.68.045, 79.60.010, 79.60.020, 79.60.030, 79.60.040, 79.60.050, 79.60.060, 79.60.070, 79.60.080, 79.60.090, 79.01.096, 79.01.094, 79.01.216, 79.01.088, 79.01.112, 79.01.120, 79.01.092, 79.01.200, 79.01.116, 79.01.136, 79.01.184, 79.01.188, 79.01.192, 79.01.204, 79.01.148, 79.01.196, 79.01.212, 79.01.208, 79.01.228, 79.01.224, 79.08.110, 79.01.100, 79.01.104, 79.01.108, 79.01.300, 79.01.301, 79.01.728, 79.01.242, 79.01.172, 79.08.120, 79.01.248, 79.01.284, 79.01.268, 79.12.570, 79.12.600, 79.12.610, 79.12.620, 79.12.630, 79.01.296, 79.28.040, 79.28.050, 79.28.070, 79.28.080, 79.12.015, 79.12.025, 79.12.055, 79.12.095, 79.01.2951, 79.01.295, 79.01.2955, 79.14.010, 79.14.020, 79.14.030, 79.14.040, 79.14.050, 79.14.060, 79.14.070, 79.14.080, 79.14.090, 79.14.100, 79.14.110, 79.14.120, 79.14.130, 79.14.140, 79.14.150, 79.14.160, 79.14.170, 79.14.180, 79.14.190, 79.14.200, 79.14.210, 79.14.220, 79.01.616, 79.01.617, 79.01.651, 79.01.618, 79.01.620, 79.01.624, 79.01.628, 79.01.632, 79.01.633, 79.01.634, 79.01.640, 79.01.642, 79.01.644, 79.01.645, 79.01.648, 79.01.649, 79.01.650, 79.01.652, 79.01.656, 79.01.660, 79.01.664, 79.01.668, 79.01.672, 79.01.676, 79.01.680, 79.01.684, 79.01.688, 79.01.692, 79.01.696, 79.14.900, 79.01.124, 79.01.160, 79.01.168, 79.01.082, 79.01.232, 79.01.238, 79.01.790, 79.01.795, 79.01.134, 79.01.176, 79.08.180, 79.08.070,

79.08.250, 79.08.015, 79.01.770, 79.01.774, 79.01.778, 79.01.780, 79.01.009, 79.66.010, 79.66.020, 79.66.030, 79.66.040, 79.66.050, 79.66.060, 79.66.070, 79.66.080, 79.66.090, 79.01.784, 79.66.100, 79.66.900, 79.66.901, 79.01.332, 79.01.414, 79.01.416, 79.01.312, 79.01.316, 79.01.320, 79.01.324, 79.01.328, 79.01.336, 79.01.340, 79.01.344, 79.01.348, 79.01.352, 79.01.356, 79.01.360, 79.01.364, 79.01.384, 79.01.388, 79.01.392, 79.01.396, 79.01.400, 79.01.404, 79.01.408, 79.01.412, 79.36.230, 79.36.240, 79.36.250, 79.36.260, 79.36.270, 79.36.280, 79.36.290, 79.64.010, 79.64.020, 79.64.030, 79.64.040, 79.64.050, 79.64.060, 79.64.070, 79.64.090, 79.12.035, 79.08.275, 79.08.277, 79.08.279, 79.08.281, 79.08.283, 79.08.284, 79.76.010, 79.76.020, 79.76.030, 79.76.040, 79.76.050, 79.76.060, 79.76.070, 79.76.080, 79.76.090, 79.76.100, 79.76.110, 79.76.120, 79.76.130, 79.76.140, 79.76.150, 79.76.160, 79.76.170, 79.76.180, 79.76.190, 79.76.200, 79.76.210, 79.76.220, 79.76.230, 79.76.240, 79.76.250, 79.76.260, 79.76.270, 79.76.280, 79.76.290, 79.76.300, 79.76.900, 79.81.010, 79.81.020, 79.81.030, 79.81.040, 79.81.050, 79.81.060, 79.81.900, 79.24.580, 79.68.080, 79.08.260, 79.08.080, 79.08.090, 79.08.100, 79.01.800, 79.01.805, 79.01.810, and 79.01.815; repealing RCW 43.30.095, 76.01.020, 76.01.030, 76.12.015, 76.12.033, 79.01.036, 79.01.038, 79.01.048, 79.01.068, 79.01.072, 79.01.132, 79.01.133, 79.01.140, 79.01.152, 79.01.252, 79.01.256, 79.01.260, 79.01.264, 79.01.277, 79.01.704, 79.08.190, and 79.08.200; and prescribing penalties.

Referred to Committee on Natural Resources, Energy and Water.

SB 5044 by Senators Rasmussen, Roach, Winsley, Kastama and Schmidt

AN ACT Relating to giving notice of the termination of a tenancy; amending RCW 59.18.200; and declaring an emergency.

Referred to Committee on Government Operations and Elections.

SB 5045 by Senators Roach, Winsley and Haugen

AN ACT Relating to registration of emergency workers; and amending RCW 38.52.010, 38.52.180, and 38.52.310.

Referred to Committee on Government Operations and Elections.

SB 5046 by Senators Roach, Stevens and T. Sheldon

AN ACT Relating to crimes by election officials; adding new sections to chapter 29.85 RCW; and prescribing penalties.

Referred to Committee on Government Operations and Elections.

SB 5047 by Senators Roach, Eide, T. Sheldon and Keiser

AN ACT Relating to siting of secure community transition facilities; amending RCW 71.09.260; creating a new section; and declaring an emergency.

Referred to Committee on Government Operations and Elections.

SB 5048 by Senators Roach, Winsley, Haugen and Kohl-Welles

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

Referred to Committee on Government Operations and Elections.

SB 5049 by Senators Roach, Eide, Winsley, Franklin, Rasmussen, Stevens, Schmidt, Haugen, Parlette, Carlson, Esser and Sheahan

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

Referred to Committee on Government Operations and Elections.

SB 5050 by Senators Jacobsen and Oke

AN ACT Relating to providing funding for parks and recreational facilities; amending RCW 82.46.010; reenacting and amending RCW 82.46.035; and adding a new section to chapter 82.46 RCW.

Referred to Committee on Parks, Fish and Wildlife.

SB 5051 by Senator Jacobsen

AN ACT Relating to strong beer; amending RCW 66.24.244, 66.24.250, 66.24.261, 66.24.270, 66.24.290, 66.24.320, 66.24.330, 66.24.371, 66.24.452, and 82.08.150; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Trade.

SB 5052 by Senators Hale, T. Sheldon, Hewitt, Johnson, Sheahan and Oke

AN ACT Relating to significant legislative rules; amending RCW 34.05.328; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5053 by Senators Hale, McCaslin, Schmidt, Honeyford, Parlette, T. Sheldon, Hewitt, Johnson and Oke

AN ACT Relating to requiring legislative authority for agencies to adopt rules that exceed federal standards; and adding new sections to chapter 34.05 RCW.

Referred to Committee on Government Operations and Elections.

SB 5054 by Senators Hale, Rasmussen, Kastama, Winsley, Schmidt, Honeyford, T. Sheldon, Hewitt, Johnson, Esser, Sheahan and Oke

AN ACT Relating to providing businesses with notice of administrative rules; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5055 by Senators Fairley, Esser and Kohl-Welles

AN ACT Relating to costs of incarceration; and amending RCW 9.94A.760 and 10.01.160.

Referred to Committee on Children and Family Services and Corrections.

SB 5056 by Senators Franklin, Thibaudeau and Kohl-Welles

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, 82.08.020, 84.52.065, 84.52.068, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.69.020, 39.89.020, 43.99H.060, 43.99I.040, and 76.12.120; reenacting and amending RCW 6.15.020, 41.32.052, 41.26.053, and 84.52.010; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; recodifying RCW 84.52.068; repealing RCW 6.15.025; prescribing penalties; and providing contingent effective dates.

Referred to Committee on Ways and Means.

SB 5057 by Senators Franklin and Kohl-Welles

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, 82.08.020, 84.52.065, 84.52.068, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.69.020, 39.89.020, 43.99H.060, 43.99I.040, and 76.12.120; reenacting and amending RCW 6.15.020, 41.32.052, 41.26.053, and 84.52.010; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; recodifying RCW 84.52.068; repealing RCW 6.15.025; prescribing penalties; and providing contingent effective dates.

Referred to Committee on Ways and Means.

SB 5058 by Senators Franklin, Eide and Thibaudeau

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

Referred to Committee on Ways and Means.

SB 5059 by Senators Franklin, Fairley, Kline, Esser and Kohl-Welles

AN ACT Relating to freedom from discrimination because of genetic information; and amending RCW 49.60.030 and 49.60.040.

Referred to Committee on Judiciary.

SB 5060 by Senators Franklin, Fraser and Kohl-Welles

AN ACT Relating to the children's environmental health and protection advisory council; creating new sections; and providing an expiration date.

Referred to Committee on Health and Long-Term Care.

SB 5061 by Senators Thibaudeau, Deccio, Winsley, Franklin, Rasmussen, Carlson and Parlette

AN ACT Relating to the emergency medical services and trauma care system trust account; and amending RCW 70.168.040.

Referred to Committee on Health and Long-Term Care.

SB 5062 by Senators Doumit, Oke, Jacobsen, Winsley, Rasmussen and Kohl-Welles

AN ACT Relating to the recreational salmon and marine fish enhancement program; amending RCW 77.105.010 and 77.105.150; and adding a new section to chapter 77.105 RCW.

Referred to Committee on Parks, Fish and Wildlife.

SB 5063 by Senators Doumit, Zarelli and Rasmussen

AN ACT Relating to flood control zone districts; amending RCW 86.15.050; providing an effective date; and declaring an emergency.

Referred to Committee on Government Operations and Elections.

SJR 8200 by Senators Franklin, Kline and Kohl-Welles

Amending the Constitution to allow an income tax.

Referred to Committee on Ways and Means.

SJR 8201 by Senators Franklin and Kline

Amending the Constitution to provide for a revenue stabilization fund.

Referred to Committee on Ways and Means.

SCR 8400 by Senators West and Brown

Establishing cutoff dates for the 2003 regular session.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8400, by Senators West and Brown

Establishing cutoff dates for the 2003 regular session.

The concurrent resolution was read the second time.

SENATE CONCURRENT RESOLUTION NO. 8400

WHEREAS, It is of paramount importance to establish cutoff dates for the consideration of legislation during the 2003 Regular Session of the Fifty-Eighth Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the following cutoff dates apply to all bills, memorials, and joint resolutions with the exception of budgets, matters necessary to implement budgets, initiatives to the legislature, and alternatives to initiatives to the legislature:

(1) Wednesday, March 5, 2003, the fifty-second day, will be the final day to read in committee reports in the house of origin, with the exception of reports from the Senate Ways and Means, Senate Highways and Transportation, and House of Representatives fiscal committees;

(2) Monday, March 10, 2003, the fifty-seventh day, will be the final day to read in Senate Ways and Means, Senate Highways and Transportation, and House of Representatives fiscal committee reports in the house of origin;

(3) Wednesday, March 19, 2003, the sixty-sixth day, at 5:00 p.m., will be the final time to consider bills in their house of origin;

(4) Friday, April 4, 2003, the eighty-second day, will be the final day to read in committee reports on bills from the opposite house with the exception of reports from the Senate Ways and Means, Senate Highways and Transportation, and House of Representatives fiscal committees;

(5) Monday, April 7, 2003, the eighty-fifth day, will be the final day to read in Senate Ways and Means, Senate Highways and Transportation, and House of Representatives fiscal committee reports on bills from the opposite house; and

BE IT FURTHER RESOLVED, That after 5:00 p.m. on Friday, April 18, 2003, the ninety-sixth day, neither house may consider any bills, memorials, or joint resolutions except initiatives to the legislature and alternatives to such initiatives, messages pertaining to amendments, matters of differences between the two houses, and matters incident to the interim and to the closing of the business of the 2003 Regular Session of the Legislature.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Concurrent Resolution No. 8400 was advanced to third reading, the second reading considered the third and the current resolution was adopted.

SENATE CONCURRENT RESOLUTION NO. 8400 was adopted by voice vote.

MOTION

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

MESSAGE FROM THE HOUSE

January 13, 2003

MR. PRESIDENT:

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

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

January 13, 2003

MR. PRESIDENT:

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

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4400 by Representatives Kessler and DeBolt

Notifying the Governor that the Legislature is organized.

HCR 4401 by Representatives Kessler and DeBolt

Calling Joint Sessions of the Legislature.

MOTION

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

SECOND READING

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

Notifying the Governor that the Legislature is organized.

The resolution was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Concurrent Resolution No. 4400 was advanced to third reading, the second reading considered the third and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Concurrent Resolution No. 4400, the President appointed Senators Rossi and Kastama to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to transact business.

MOTION

On motion of Senator Sheahan, the appointments were confirmed.

The committee retired to the Office of the Governor.

SECOND READING

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

Calling Joint Sessions of the Legislature.

The resolution was read the second time.

HOUSE CONCURRENT RESOLUTION 4401

BE IT RESOLVED, By the House of Representatives, the Senate concurring, That the Senate meet the House of Representatives in Joint Session on Tuesday, January 14, 2003, at 3:30 p.m. in the Worthington Center at Saint Martin's College, for the purpose of receiving the State of the State message of Governor Gary Locke; and

BE IT FURTHER RESOLVED, By the House of Representatives, the Senate concurring, That the Senate meet the House of Representatives in Joint Session on Wednesday, January 15, 2003, at 11:00 a.m. in the Supreme Court chambers in the

Temple of Justice, for the purpose of receiving an address from the Chief Justice of the Washington State Supreme Court, Gerry Alexander.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Concurrent Resolution No. 4401 was advanced to third reading, the second reading considered the third and the resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted by voice vote.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Reardon, Schmidt, Doumit, Esser, Jacobsen and Mulliken appeared before the bar of the Senate to report that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

On motion of Senator Sheahan, the Senate returned to the third order of business.

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

Third Substitute Senate Bill No. 5514
Engrossed Second Substitute Senate Bill No. 6140
Engrossed Substitute Senate Bill No. 6347
Engrossed Substitute Senate Bill No. 6387
Engrossed Senate Bill No. 6396
Engrossed Substitute Senate Bill No. 6464
Senate Bill No. 6471
Senate Bill No. 6538
Senate Bill No. 6557
Senate Bill No. 6609
Senate Bill No. 6627

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

(Seal)

SAM REED

Secretary of State

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON THIRD SUBSTITUTE SENATE BILL NO. 5514

April 4, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Third Substitute Senate Bill No. 5514 entitled:
"AN ACT Relating to public facilities districts;"

This legislation expands the ability of local governments to construct facilities for community and sporting events, trade shows, conventions, and the like. These regional centers can play an important role in the development of downtown areas. I support this bill with the deadline extensions and tools it provides to local governments.

However, I do not agree with section 3 of the bill. That section would have provided for a refund of sales and use taxes on the construction of any regional center that is built after the effective date of the bill. We continue to collect sales and use taxes on the construction of virtually all other public facilities — including schools, universities, and city and county government buildings, with few, very limited exceptions. Refunding sales and use taxes on the construction of the projects described in this bill would create an undesirable policy precedent, and would have a significant fiscal impact that cannot be sustained during these times of budgetary difficulty. Additionally, I cannot in good conscience commit a future legislature to the significant loss of revenue that would occur when these refunds would have come due in 2006.

For these reasons, I have vetoed section 3 of Third Substitute Senate Bill No. 5514.

With the exception of section 3, Third Substitute Senate Bill No. 5514 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140

March 21, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 504, Engrossed Second Substitute Senate Bill No. 6140 entitled:

"AN ACT Relating to the creation of regional transportation investment districts;"

Engrossed Second Substitute Senate Bill No. 6140 allows voters of the three central Puget Sound counties to adopt a transportation funding and investment plan for their region. Section 504 would have rendered the entire bill - and perhaps even a majority vote in the region - null and void if a statewide transportation act containing new revenue does not become law by December 31, 2002. A statewide transportation act has been referred to the ballot for November 2002.

Section 504 of the bill creates legal issues that could thwart any transportation solution that the voters may approve. By vetoing this section, the three central Puget Sound counties will retain a dynamic new tool to begin to address their most pressing transportation needs, regardless of the outcome of the statewide referendum. The three central Puget Sound counties are major contributors to our state's economy, yet this same area suffers from some of the worst traffic congestion in the country. It should not be restrained from moving forward on its own if the rest of the state is unwilling.

Make no mistake, however: I pledge to work vigorously for the passage of the statewide transportation referendum. Even if the central Puget Sound region employs all of the new revenue authority provided by this bill, it is only a part of the solution. Statewide revenues are still essential for these three counties, as well as the rest of the state.

In addition, I will continue to work with the Legislature to expand the regional transportation funding authority, created by this bill, to other regions of our state.

For these reasons, I have vetoed section 504 of Engrossed Second Substitute Senate Bill No. 6140.

With the exception of section 504, Engrossed Second Substitute Senate Bill No. 6140 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6347

March 27, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 203(5), Page 4 (Department of Transportation – Public Transportation – Program V); 302(45), Page 20 (Department of Transportation – Improvements – Program I – Mobility and Economic Initiative Improvement Projects); 304(2), Page 23, Line 1 (Department of Transportation – Improvements – Program I – Safety Improvement Projects); 305(2), Page 24, Lines 22 through 24 (Department of Transportation – Improvements – Program I – Environmental Retrofit Improvement Projects); 810, Page 38 (new section added to chapter 47.08 RCW), Engrossed Substitute Senate Bill No. 6347 entitled:

"AN ACT Relating to transportation funding and appropriations;"

Engrossed Substitute Senate Bill No. 6347 is the list of transportation projects that will be funded if voters approve the statewide transportation revenue referendum in November of this year. I strongly support this bill, but for a few portions that were vetoed.

Section 203(5) of the bill would have required Everett Transit and Community Transit to develop an interlocal agreement to serve paratransit and special needs transit as a condition to receiving their share of new state transit funding. Senior Services of Snohomish County is under contract with Community Transit to provide these services to county residents through 2006. While I support local efforts to address coordination between these transit systems, the provisions of this subsection would have the effect of either eliminating new state transit funding for Everett Transit and Community Transit, or negatively impacting the financial status of Senior Services of Snohomish County.

Section 302(45) of the bill provides \$350,000 of the Motor Vehicle Account – State appropriation solely for the middle Washington corridor study. The proviso stipulates that the Department of Transportation, in consultation with local officials and residents of the area, shall conduct a study to determine the feasibility of creating a new north-south corridor as an alternative to Interstate 5 and Interstate 405 from the Canadian border to Lewis County. The department would have been required to report to the legislature no later than December 31, 2002 on the feasibility of financing and constructing such a corridor. I have vetoed this subsection because the revenues that would provide the funding for the study would not be available until after the specified reporting date. Additionally, funding was provided to the Legislative Transportation Committee in the supplemental transportation budget (ESHB 2451) to convene a working group to study the same project.

Section 304(2) provides \$9,504,000 of the Motor Vehicle Account – State appropriation for a safety improvement project on State Route 7. The proviso was inadvertently written to state that the entire appropriation was provided for preconstruction activities alone, instead of construction. In order to restore legislative intent for this project, I have vetoed the preconstruction item from the section.

Section 305(2) provides \$1,250,000 of the Motor Vehicle Account – State appropriation solely for reconstruction of a bridge at Skobob Creek on State Route 106 in Mason County. The proviso stipulates that the project is subject to review and approval by the department, but that the Hood Canal Salmon Enhancement Group shall manage the project. This provision of the bill would set an undesirable precedent by allowing a local group to manage a project on the Department of Transportation's right of way. For this reason, I have vetoed this item.

Section 810 would have added a new section to chapter 47.08 RCW exempting this bill from that chapter. RCW 47.08.010 provides that funds allocated for the construction or improvement of state highways shall be under the sole charge and direct control of the Department of Transportation. However, funding for highway construction and improvements in this act is appropriated specifically to the department, making the exemption unnecessary.

For these reasons, I have vetoed sections 203(5), Page 4 (Department of Transportation – Public Transportation – Program V); 302(45), Page 20 (Department of Transportation – Improvements – Program I – Mobility and Economic Initiative Improvement Projects); 304(2), Page 23, Line 1 (Department of Transportation – Improvements – Program I – Safety Improvement Projects); 305(2), Page 24, Lines 22 through 24 (Department of Transportation – Improvements – Program I –

Environmental Retrofit Improvement Projects); 810, Page 38 (new section added to chapter 47.08 RCW) of Engrossed Substitute Senate Bill No. 6347.

With the exception of the foregoing sections, Engrossed Substitute Senate Bill No. 6347 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6387

April 5, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval the following appropriation items and sections 103, lines 10-11; 113, line 23; subsections 125(31); 125(34); 137(2); 137(4); 204(1)(h); 204(1)(k); 204(5)(c); 205(1)(a); 205(1)(j); 206(11); 207(1)(e); 207(1)(f); 207(1)(g); 207(1)(h); 207(1)(I); 207(1)(j); 207(1)(k); 207(1)(l); 207(1)(m); 207(1)(n); 221(2)(I); 308(18); 501(2)(b)(iii); 604(10); 605(4); section 606, lines 31-38, page 204; lines 1-3, page 205; subsections 607(1); 607(2); 608(1); 608(11); 609(2); and section 725 of Engrossed Substitute Senate Bill No. 6387 entitled:

"AN ACT Relating to fiscal matters;"

Engrossed Substitute Senate Bill No. 6387 is the state supplemental operating budget for the 2001-2003 Biennium. I have vetoed several provisions as described below:

Subsection 125(34), Page 29, Mobile Home Relocation Assistance (Department of Community, Trade, and Economic Development) (CTED)

This subsection designated \$202,000 from the nonappropriated Mobile Home Park Relocation Account for implementation of Second Substitute Senate Bill 5354, the Mobile Home Relocation Assistance Fee Act. Since the account is nonappropriated, CTED will still be able to spend the funds in a manner that will accomplish the intent of the policy bill.

Subsection 204(1)(h), Page 63, Restrictions on Administration Costs for Regional Support Networks (RSNs) (Department of Social and Health Services (DSHS) - Mental Health Program)

The 8 percent administrative cap in this proviso may not be appropriate for all RSNs. In response to the Joint Legislative Audit and Review Committee recommendations, DSHS is currently conducting a review of existing RSN administration levels. That review is expected to be finished within a month. Until this review is complete, it is premature to set an administrative cap for each individual RSN. The budget contains other language and savings requirements that will impose sufficient restraints on RSN administrative spending without the necessity of this proviso.

Subsection 204(1)(k), Page 63, Mental Health Ombudsman Proposal Development (Department of Social and Health Services (DSHS) - Mental Health Program)

This proviso would have required the Department of Community, Trade, and Economic Development and DSHS to develop a proposal to create a structurally and functionally independent mental health ombudsman program. This requirement increases the workload for both departments without providing additional funding during a time of increasing fiscal constraints.

Subsection 204(5)(c), Pages 67-68, State Hospital Bed Allocation (Department of Social and Health Services (DSHS) - Mental Health Program)

Beginning this year, DSHS implemented a new state hospital bed allocation plan based on a more equitable distribution methodology than was previously used. The plan also addressed potential legal issues related to historical allocations. To minimize impacts, the new allocation formula has been phased in and Regional Support Networks signed their contracts based on the new bed formula. In light of this, it is inappropriate to substitute the allocation method mandated in Subsection 204(5)(c). I have vetoed this proviso in order to maintain the current approach.

Subsection 205(1)(a), Page 68, Monthly Progress Reports (Department of Social and Health Services (DSHS) - Developmental Disabilities Program)

This requirement for additional monthly reports is excessive, and there are alternative means to effectively provide the information needed by the Legislature. I have directed DSHS to keep the Legislature fully informed of actions taken by the Division of Developmental Disabilities regarding the implementation of expanded services, the development and implementation

of new home and community-based waivers, and improvements in program and fiscal management. DSHS will coordinate with the Legislature to adjust the agency's existing reporting mechanisms to ensure that necessary information is communicated on an appropriate and timely schedule.

Subsection 207(1)(e), Page 80, Drug and Alcohol Treatment Services (Department of Social and Health Services (DSHS) - Economic Services Program)

This proviso would have reduced funding for DSHS to contract with the Employment Security Department to maintain support for drug and alcohol treatment services designated to help parents receiving Temporary Assistance to Needy Families (TANF) benefits. Funding for employment services is central in assisting TANF recipients to find work and leave welfare. If families remain on TANF, the funding for alcohol and drug treatment, as well as other needed support services, will not be available.

Subsection 207(1)(f), Page 80, Comprehensive Drug and Alcohol Treatment Project (Department of Social and Health Services (DSHS) - Economic Services Program)

This subsection would have provided an additional \$878,000 of the federal appropriation for the comprehensive alcohol and drug treatment project. I have vetoed this item, but will dedicate \$878,000 of existing General Fund-State appropriations to match federal Medicaid funds. This action will increase the funds available for these projects to \$1,756,000 and allow the evaluation of these projects to be completed.

Subsection 207(1)(g), Page 80, Job Search and Job Placement Activities (Department of Social and Health Services (DSHS) - Economic Services Program)

This proviso would have limited the funds available for job search and job placement activities to \$5.8 million for the biennium. DSHS cannot comply with this proviso since it has already expended over \$19 million on these activities.

Subsection 207(1)(h), Page 80, WorkFirst Post-Employment Labor Exchange Program (Department of Social and Health Services (DSHS) - Economic Services Program)

This proviso would have eliminated the WorkFirst Post-Employment Labor Exchange program. This program is the only post-employment service available to WorkFirst participants and needs to be retained. These services aid participants in job retention, lower the number of clients returning to TANF, and support wage progression. A thorough evaluation of the program will be completed this summer, and the program's effectiveness will be reviewed again at that time.

Subsection 207(1)(I), Page 80, Indigent Civil Legal Services (Department of Social and Health Services (DSHS) - Economic Services Program)

I am pleased that the Legislature restored \$1.5 million (in the Department of Community, Trade, and Economic Development budget) of the \$2.4 million in legal services funding that was eliminated from the program in February. However, there are not sufficient funds in the WorkFirst budget to continue to provide these services, so I have vetoed the proviso appropriating \$900,000 in federal funds to DSHS.

Subsection 207(1)(j), Page 80, Limit on Child Care Subsidy Co-payment (Department of Social and Health Services (DSHS) - Economic Services Program)

This proviso would have limited the increase in co-payments for childcare to no more than two dollars per month. However, an increase of five dollars in the current co-pay must be implemented to keep program expenditures within available funds. The proviso also restricts the agency's future flexibility by forcing the childcare program to reduce eligible clients rather than increasing co-pay rates.

Subsection 207(1)(k), Page 80, Parenting Skills Funding (Department of Social and Health Services (DSHS) - Economic Services Program)

This proviso would have restored funding for parenting and family management skills development, enhanced childcare rates, and other programs provided at the community colleges. While these are valuable services, there are insufficient funds in the WorkFirst budget to restore these programs to the level required by the proviso. The community and technical colleges are currently reviewing the best way to serve clients being referred to them, and need flexibility in their expenditure plan.

Subsection 207(1)(l), Page 80, After-school Programs for Middle School Youth (Department of Social and Health Services (DSHS) - Economic Services Program)

The Legislature restored \$300,000 for after-school programs for middle school youth by assuming use of federal funding. Although this is an innovative program that benefits middle school students by providing out-of-school care, it is not core to the goals of WorkFirst and cannot be achieved without displacing other programs.

Subsection 207(1)(m), Page 80, Consultation and Training for Child Care Providers Caring for Children with Special Needs (Department of Social and Health Services (DSHS) - Economic Services Program)

By this proviso, the Legislature would have restored \$3.4 million to the Department of Health for services by local public health nurses to provide consultation and training to child care providers caring for children with special needs. This is a worthy program, but there are insufficient funds in the WorkFirst budget to continue to provide these services, so I have vetoed this item.

Subsection 207(1)(n), Page 80, Hometown and College Mentoring Services and Programs for Low-Income Youth (Department of Social and Health Services (DSHS) - Economic Services Program)

This proviso would have dedicated \$1 million of WorkFirst federal funds to the Hometown and College Mentoring Services and Programs (Community in Schools Program). Funding for this program has already been provided, thus there is no need for this proviso.

Subsection 308(18), Page 135, Cost Recovery for Conservation Areas and Recreational Sites in the San Juan Islands (Department of Natural Resources (DNR))

This proviso would have directed DNR to employ cost recovery methods at its Natural Resource Conservation Areas and recreation sites in the San Juan Islands comparable to those used by State Parks. This approach could result in the imposition of fees for use of the DNR sites. A task force is created elsewhere in the budget (Subsection 303(6)) to give all users and agencies an opportunity to discuss funding options for the state's outdoor recreation facilities. Implementing a fee solely for the San Juan Islands Natural Resource Conservation Areas and recreation sites before the task force has begun is premature. Given the current state budget outlook, I encourage all interested parties to provide suggestions to the task force for funding the ongoing maintenance and operations of outdoor recreational facilities.

Multiple Sections

In order to maintain a more responsible reserve and because additional revenues were assumed but not enacted, I have eliminated a number of General Fund-State supplemental items. While many of these additions are worthwhile, I have vetoed the following items to save the state General Fund-State \$37.008 million.

- Section 103, lines 10-11, page 3, Second Year Funding Increase (Joint Legislative Audit and Review Committee)
- Section 113, line 23, page 11, Dependency and Termination Pilot (Office of Public Defense)
- Subsection 125(31), page 28, Artistic Organization Support (Department of Community, Trade, and Economic Development)
- Subsection 137(2), pages 38-39, Tax Incentives Study (Department of Revenue)
- Subsection 137(4), page 39, Municipal Business and Occupation Tax Uniformity (Department of Revenue)
- Subsection 205(1)(j), pages 71-72, Home Care Worker Wage Increase (Department of Social and Health Services - Developmental Disabilities Program)
- Subsection 206(11), pages 76-77, Home Care Worker Wage Increase (Department of Social and Health Services - Long-Term Care). I am asking DSHS to put \$2,927,000 of General Fund-State in allotment reserve status to reflect this veto.
- Subsection 221(2)(I), page 104, Motor Vehicle Theft (Department of Corrections)
- Subsection 501(2)(b)(iii), pages 147-148, Technology Task Force (Office of the Superintendent of Public Instruction Statewide Programs)
- Subsection 604(10), page 203, Recruitment and Retention (University of Washington)
- Subsection 605(4), page 204, Recruitment and Retention (Washington State University)
- Section 606, lines 31-38, page 204; lines 1-3, page 205, Recruitment and Retention (Eastern Washington University)
- Subsection 607(1), page 205, Enrollment Recovery (Central Washington University)
- Subsection 607(2), page 205, Recruitment and Retention (Central Washington University)
- Subsection 608(1), page 206, Recruitment and Retention (The Evergreen State College)
- Subsection 608(11), pages 208-209, Washington State Institute for Public Policy Studies (The Evergreen State College)
- Subsection 609(2), pages 209-210, Recruitment and Retention (Western Washington University)
- Section 725, page 244, Tort Liability Account

I also have concerns about two provisos of this bill that I did not veto:

Subsection 204(1)(j) requires that DSHS reduce funding to the Regional Support Networks based on an excess of specified reserves. Recognizing legislative interests, I am directing DSHS to work with the Regional Support Networks to develop an implementation plan that identifies and best addresses any unintended consequences, were the reserves to be liquidated as planned. The implementation plan will ensure that the total reserve spend-down will result in the necessary general fund savings as required by the appropriations bill.

Subsection 205(1)(b) is an essential component of the settlement in the Arc v. State of Washington case. Although there have been concerns expressed to me regarding the program implications, vetoing this proviso would eliminate the funding needed to phase in service expansions agreed upon in the settlement and would risk continued litigation. The funding assumptions in this subsection, though complicated, will expand services. This subsection also requires a redesign of some elements of the family support, and employment and day programs. Given the complexity of these changes, I am requiring

DSHS to work with clients, client advocates, and service providers to develop a plan that best implements these changes and program expansions.

For these reasons, I have vetoed sections 103, lines 10-11; 113, line 23; subsections 125(31); 125(34); 137(2); 137(4); 204(1)(h); 204(1)(k); 204(5)(c); 205(1)(a); 205(1)(j); 206(11); 207(1)(e); 207(1)(f); 207(1)(g); 207(1)(h); 207(1)(I); 207(1)(j); 207(1)(k); 207(1)(l); 207(1)(m); 207(1)(n); 221(2)(I); 308(18); 501(2)(b)(iii); 604(10); 605(4); section 606, lines 31-38, page 204; lines 1-3, page 205; subsections 607(1); 607(2); 608(1); 608(11); 609(2); and section 725; of Engrossed Substitute Senate Bill No. 6387.

With the exception of sections 103, lines 10-11; 113, line 23; subsections 125(31); 125(34); 137(2); 137(4); 204(1)(h); 204(1)(k); 204(5)(c); 205(1)(a); 205(1)(j); 206(11); 207(1)(e); 207(1)(f); 207(1)(g); 207(1)(h); 207(1)(I); 207(1)(j); 207(1)(k); 207(1)(l); 207(1)(m); 207(1)(n); 221(2)(I); 308(18); 501(2)(b)(iii); 604(10); 605(4); section 606, lines 31-38, page 204; lines 1-3, page 205; subsections 607(1); 607(2); 608(1); 608(11); 609(2); and section 725, Engrossed Substitute Senate Bill No. 6387 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SENATE BILL NO. 6396

March 28, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 104 and 126(3), Engrossed Senate Bill No. 6396 entitled:

"AN ACT Relating to the capital budget;"

Section 104, page 4, Department of Community, Trade, and Economic Development

This section would have modified the appropriation from a governance study, yet to be completed, of the Burke Museum into a study to expand the museum. The governance study is important because it will identify alternative funding for a museum expansion. The amended language also authorized expenditures for preservation of museum collections (an operational expense). These funds were first appropriated for the Burke Museum in the 1999–2001 biennium, at which time I vetoed provisional language for a study of future expansion of the museum. It is inappropriate to forego the governance study and to fund preservation of collections with capital funds.

Section 126(3), page 18, Interagency Committee for Outdoor Recreation

This section would have provided a direct appropriation to People for Salmon (PFS) from Salmon Recovery Funding Board (SRFB) grant funds. The SRFB was designed to be an independent decision maker for the allocation of salmon recovery grants. A direct appropriation by the legislature intrudes upon SRFB autonomy and decision making as to which projects best aid in fish recovery and are most desirable to fund. A similar provision was vetoed last year for the same reasons.

I add this special note regarding section 110, which I have allowed to stand. This section revises and increases funding for the Bremerton Readiness Center for the Military Department. These funds will construct additional classrooms to support an emergency services training center. While there are unique programmatic, geographic and interagency aspects of this project, proceeding with this project should in no way suggest concurrence or agreement with any future, state-financed emergency services training facilities.

For these reasons, I have vetoed sections 104 and 126(3) of Engrossed Senate Bill No. 6396.

With the exception of sections 104 and 126(3), Engrossed Senate Bill No. 6396 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON ENGROSSED SUBSTITUTE SENATE BILL NO. 6464

March 29, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 7 and 18, Engrossed Substitute Senate Bill No. 6464 entitled:

"AN ACT Relating to city transportation authority;"

This bill will allow the voters of Seattle to decide if they want to impose taxes to pay for a monorail system.

Section 7 of the bill contained a drafting error that would have inadvertently required two public votes, rather than one. Because sections 2, 9, 10, and 11 all ensure a public vote, vetoing this section will not affect the requirement of voter approval. This section also included language requiring a plan and public hearings; however, section 3 and other parts of the bill provide sufficient opportunities for the city council to ensure an open, public process and careful consideration of any monorail plan.

Section 18 would have rendered the entire bill null and void if a "regional transportation act does not become law by December 31, 2002." On March 21, 2002, I signed into law a regional transportation act, Engrossed Second Substitute Senate Bill No. 6140, making section 18 moot. Vetoing the moot section will help reduce confusion.

For these reasons, I have vetoed sections 7 and 18 of Engrossed Substitute Senate Bill No. 6464.

With the exception of sections 7 and 18, Engrossed Substitute Senate Bill No. 6464 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6471

March 14, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to subsection 3, Senate Bill No. 6471 entitled:

"AN ACT Relating to labeling of agricultural products by place of origin;"

Senate Bill No. 6471 requires grocery stores or other businesses offering fresh fruit and vegetables to either display a placard near the produce stating if it was "Grown in the United States" or "Grown in Washington," or to label each piece of produce individually. Subsection 3 of the bill would have allowed a retailer failing to do so to be fined up to \$250 on the second violation and up to \$1000 on the third violation in a calendar year.

I agree with the intent of the bill, which is to reveal the origin of produce to consumers. However, the penalties established in subsection 3 of the bill are excessive. Subsection 3 would normally be a separate section, and even refers to itself as a section. For these and other reasons, it is subject to veto.

For these reasons, I have vetoed subsection 3 of Senate Bill No. 6471.

With the exception of subsection 3, Senate Bill No. 6471 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6538

April 1, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Senate Bill No. 6538 entitled:
"AN ACT Relating to ballast water;"

Senate Bill No. 6538 requires the director of the Department of Fish and Wildlife to establish a work group to study issues related to ballast water, including treatment technologies to prevent the spread of invasive species and other pollutants. The group will also examine rules for the treatment and disposal of ballast water in Washington waters.

Section 6 of the bill was an emergency clause, which would have made the law effective upon my signature. I believe the emergency clause is unnecessary for this bill.

For these reasons, I have vetoed section 6 of Senate Bill No. 6538.

With the exception of section 6, Senate Bill No. 6538 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6557

April 3, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Senate Bill No. 6557 entitled:

"AN ACT Relating to the selection of the chair of the higher education coordinating board;"

Senate Bill No. 6557 changes the structure of the Higher Education Coordinating Board (HECB) to allow the HECB members to select the chair, rather than the governor.

Currently, all members of the HECB serve four-year terms, except the chair, who serves at the pleasure of the governor. Section 2 of the bill would have changed the term of the chair to a four-year term as well. However, it was unclear whether the four-year term limitation for the chair applied to the current chair. The existing law, which is retained by this veto, does not contain the same caveat as section 1 of the bill regarding the term of the current chair. Accordingly, this veto may create confusion regarding the length of the chair's term. I ask the legislature to pass remedial legislation next year.

I endorse rotation of the chair among the board members in the future, however it is a principle of the Washington State Constitution that the term of an official should not be shortened while the official is in office.

For these reasons, I have vetoed section 2 of Senate Bill No. 6557.

With the exception of section 2, Senate Bill No. 6557 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6609

April 4, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to subsection 2(c), Senate Bill No. 6609 entitled:

"AN ACT Relating to studies conducted by the department of ecology;"

Senate Bill No. 6609 provides for public participation and comment on studies conducted by the Department of Ecology (DOE) in the implementation of chapter 90.48 RCW. It also provides for review of disputes by the DOE director, and requires disclosure of the underpinnings of studies and the data used in them, prior to finalization of the studies.

Subsection 2(c) of this bill would have set an undesirable precedent by barring appeal of administrative law judges' decisions, and potentially requiring DOE to pay for the costs of studies conducted by an aggrieved party. It is a basic principle of our system of law that parties who disagree with administrative law judges have a right to appeal the judges' determinations in court. Requiring an agency to pay a challenger's costs could have significant unforeseeable budget consequences.

For these reasons, I have vetoed subsection 2(c) of Senate Bill No. 6609.

With the exception of subsection 2(c), Senate Bill No. 6609 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MESSAGE FROM THE GOVERNOR
PARTIAL VETO MESSAGE ON SENATE BILL NO. 6627

March 27, 2002

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 34, Senate Bill No. 6627 entitled:

"AN ACT Relating to community service;"

Senate Bill No. 6627 changes references to "community service" in the criminal sentencing code to "community restitution."

Section 34 of this bill amends language that is repealed in section 3 of another bill, Substitute Senate Bill No. 6748. The Code Reviser has informed my office that signing both sections into law would require publishing both in the Revised Code of Washington, causing confusion and making corrective legislation necessary. Section 34 serves no purpose in light of the repeal of the affected language in the other bill.

For these reasons, I have vetoed section 34 of Senate Bill No. 6627.

With the exception of section 34, Senate Bill No. 6627 is approved.

Respectfully submitted,

GARY LOCKE, Governor

MOTION

On motion of Senator Sheahan, the Messages from the Secretary of State regarding the bills that the Governor partially vetoed in 2002 were held on the desk.

MESSAGE FROM STATE OFFICE
STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
P. O. Box 42560, Olympia, Washington 98504-2560

REPORT TO THE LEGISLATURE
IMPORTED APPLES REPORT

December 26, 2002

Prepared by Jerry Buendel
Commission Merchants Program Manager
Washington State Department of Agriculture

Background

The Commission Merchants Program was established to protect producers, buyers and sellers of agricultural products against illegal business practices. Chapter 20.01 Revised Code of Washington, Agriculture Products—Commission Merchants, Dealers, Brokers, Buyers, Agents, was first enacted in 1959. The statute gives the department authority to regulate individuals and businesses that receive on consignment, take possession or control of or act as brokers in the resale or processing of unprocessed agricultural products, i.e. commission merchants. The department regulates individuals and businesses through licensing and bonding. The program takes complaints from consignors, conducts investigations and enforcement activities. Funding for the Commission Merchants Program is provided through the collection of license fees and other charges; no general fund dollars are received.

The Washington State Department of Agriculture (WSDA) was directed by the 2002 Legislature, under Chapter 235, Laws of 2002, to require each commission merchant handling apples imported into the United States between January 1, 2002, and November 30, 2002, to report the volume of each variety of imported apples that was received by and packed and sold by the commission merchant by December 15, 2002. WSDA was to compile the information and provide a report to the Secretary of the Senate and the Chief Clerk of the House of Representatives by December 31, 2002.

WSDA tasked the Commission Merchants Program to gather and report the information. The program office, after coordinating with stakeholder associations, devised a form and method to collect the required information.

Results

The table provides a breakout of the volume of imported apples by variety for the period of January 1, 2002, to November 30, 2002. The apples were reported in 42-pound equivalent units—the approximate weight of a box of apples.

IMPORTED APPLES BY VARIETY, 2002

<u>VARIETY</u>	<u>RECEIVED</u>	<u>PACKED</u>	<u>SOLD</u>
Bart	1,280		1,280
Beauty	278		278
Braeburn	687,921	27,624	680,820
Cripps Pink	10,073		10,073
Fuji	679,486	32,066	694,775
Gala	288,198	64,905	286,233
Golden	242		242
Granny Smith	262,893	10,860	246,556
Jazz	1,477		1,477
Jonagold	872		872
Macintosh	34,176	1,386	33,886
New Zealand Queen	3,633		
New Zealand Rose	18,088		
Pacific Beauty	11,055		10,549

Pacific Queen	21,945		10,167
Pacific Rose	123,148		21,625
Pink Lady	54,363		118,706
Red Delicious	637		52,244
Rose	30,278	26,116	637
Royal Gala	727,837		55,946
Sansa	98		754,457
Southern Rose	90,668		98
Spartans	546		88,251
Yataka	5,792		546
			5,792
TOTALS	3,059,186	162,957	3,090,337

Notes:

- * Apples were imported from New Zealand, Chile, Argentina and Canada. Reporting on the country of origin was optional.
- * 16 out of 112 businesses licensed as commission merchants reported imported fruit.

The Department of Agriculture's "Imported Apples Report" is on file in the Office of the Secretary of the Senate.

EDITOR'S NOTE : The following are new gubernatorial appointments or reappointments by the Governor since the last legislative session. Holdover gubernatorial appointments and reappointments were assigned new numbers and assigned to the same or appropriate committees.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

September 19, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Naomi K. Pursel, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Olympic Community College District No. 3.

GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 20, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jane L. Jacobsen, appointed November 20, 2001, for a term ending June 12, 2003, as a member of the Columbia River Gorge Bi-State Commission.

GARY LOCKE, Governor

Referred to Committee on Parks, Fish and Wildlife.

December 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pat Lovett reappointed December 14, 2001, for a term ending December 5, 2004, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Children and Family Services and Corrections.

January 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elsa Welch, appointed January 10, 2002, for a term ending September 30, 2005, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 21, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas J. Gaffney, appointed January 21, 2002, for a term ending June 30, 2006, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 25, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles Davis, reappointed January 25, 2002, for a term ending December 26, 2005, as a member of the Board of Pilotage Commissioners.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Highways and Transportation.

February 18, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kay Field, appointed February 18, 2002, for a partial term ending September 30, 2002, and for a full term beginning October 1, 2002, and ending September 30, 2007, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

February 20, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol Dotlich, reappointed for a term beginning March 15, 2002, and ending December 5, 2003, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Children and Family Services and Corrections.

February 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol Keljo, appointed February 27, 2002, for a term ending August 2, 2008, as a member of the Lottery Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

February 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe Kosai, appointed February 27, 2002, for a term ending September 30, 2004, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

February 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ruth M. Mahan, reappointed February 27, 2002, for a term ending December 31, 2004, as Chair of the Interagency Committee for Outdoor Recreation.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Parks, Fish and Wildlife.

February 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert L. Parlette, reappointed February 27, 2002, for a term ending December 31, 2004, as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Parks, Fish and Wildlife.

February 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Howard L. Phillips, appointed February 27, 2002, for a term ending August 2, 2003, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

March 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Art George, appointed March 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Trudy Marcellay, appointed March 1, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Teresa Pan, appointed March 1, 2002, for a term ending September 30, 2005, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 18, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kay Cochran, appointed March 18, 2002, for a term ending September 30, 2003, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

March 19, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rebecca Bowers, appointed March 19, 2002, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

April 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carla Maulden, reappointed April 1, 2002, for a term ending March 26, 2006, as a member of the Higher Education Facilities Authority.

Referred to Committee on Higher Education.

Sincerely,

GARY LOCKE, Governor

April 2, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael F. Connelly, appointed April 2, 2002, for a term ending December 31, 2006, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Government Operations and Elections.

April 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alan O. Link, reappointed April 10, 2002, for a term ending April 3, 2006, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gerald L. Morgen, reappointed April 10, 2002, for a term ending July 26, 2007, as a member of the Personnel Appeals Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Government Operations and Elections.

April 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Shauna Weatherby, appointed April 10, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

April 11, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Scarbrough, to be appointed May 1, 2002, for a term ending August 2, 2005, as a member of the Lottery Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

April 12, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Spearman, reappointed April 12, 2002, for a term ending August 2, 2004, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

April 18, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

George Masten, reappointed April 18, 2002, for a term ending December 31, 2004, as a member of the Investment Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance and Housing.

April 23, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edward L. Barnes, reappointed April 23, 2002, for a term ending June 30, 2007, as a member of the Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Highways and Transportation

April 23, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Valoria Loveland, to be appointed June 1, 2002, for a term ending at the pleasure of the Governor, as Director of the Department of Agriculture.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Agriculture.

April 23, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Stuart McKee, appointed April 22, 2002, for a term ending at the pleasure of the Governor, as Director of the Department of Information Services.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Technology and Communications.

April 23, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alison Sing, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Edmonds Community College District No. 23.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roger Dovel, appointed April 29, 2002, for a term ending at the pleasure of the Governor, as Director of the Pollution Liability Insurance Program.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Energy and Water.

May 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anthony Molica, appointed June 10, 2002, for a term ending at the pleasure of the Governor, as Director of the Washington State Lottery Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

May 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lawrence Kenney, reappointed July 1, 2002, for a term ending June 30, 2006, as a member of the Executive Board of the Washington Public Power Supply System.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Natural Resources, Energy and Water.

May 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John P. Sullivan, to be reappointed June 16, 2002, for a term ending June 15, 2007, as a member of the Marine Employees' Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on. Highways and Transportation.

May 13, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Leonor Fuller, to be appointed October 1, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 13, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rudy Vasquez, reappointed June 18, 2002, for a term ending June 17, 2007, as Chair of the Human Rights Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary .

May 22, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Shelly Bouse, appointed May 13, 2002, for a term ending June 30, 2006, as a member of the Academic Achievement and Accountability Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

June 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sandra Ayesh, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Trustees for The Evergreen State College.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jason Johnson, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Regents for the Washington State University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kennet Phillipson, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David Moore Reeploeg, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Regents for the University of Washington.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anita Sheety, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 12, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul Tanaka, to be appointed July 1, 2002, for a term ending September 30, 2005, as a member of the Board of Trustees for Eastern Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

June 21, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Francis Martin, appointed June 21, 2002, for a term ending December 31, 2004, as a member of the Public Disclosure Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Government Operations and Elections.

June 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Pat E. Clothier, reappointed June 27, 2002, for a term ending July 1, 2005, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

June 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bonita K. Decker, appointed June 27, 2002, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

June 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Todd S. Reeves, appointed June 27, 2002, for a term ending July 1, 2004, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education

June 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.
Bruce Romanish, reappointed June 27, 2002, for a term ending July 1, 2007, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education

June 27, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Duane Sommers, reappointed June 27, 2002, for a term ending July 1, 2006, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education

June 27, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sidney Weldele-Wallace, appointed June 27, 2002, for a term ending July 1, 2006, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education

June 28, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jennifer Hazen, appointed June 28, 2002, for a term ending May 31, 2003, as a member of the Board of Trustees for Central Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

June 28, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frederick Whang, to be appointed July 1, 2002, for a term ending September 30, 2003. as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

June 30, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Noel Nightingale, to be reappointed July 1, 2002, for a term ending July 1, 2007, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education

July 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jerry Farley, reappointed July 1, 2002, for a term ending July 1, 2007, as a member of the Board of Trustees for the State School for the Blind.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education

July 11, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James Garrison, to be appointed August 1, 2002, for a term ending April 2, 2003, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

July 31, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Edward Davila, appointed July 31, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gene L. Chase, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Everett Community College District No. 5.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Beverly Cheney, appointed August 1, 2002, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jesus "Jess" del Bosque, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Laurie A. Jinkins, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Tacoma Community College District No. 22.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Helen C. Malone, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dr. Gloria Mitchell, appointed August 1, 2002, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education.

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edith L. Nelson, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Shoreline Community College District No. 7.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dora C. Reyes, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James Robinson, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret E. Sundstrom, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Centralia Community College District No. 12.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Larry E. Swift, appointed July 31, 2002, for a term ending July 1, 2004, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Beth Thew, appointed August 1, 2002, for a term ending June 30, 2006, as a member of the Work Force Training and Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Stacey Valentin, appointed August 1, 2002, for a term ending June 30, 2003, as a member of the Higher Education Coordinating Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education

August 1, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard N. Wadley, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Arturo Garcia-Flores, appointed August 21, 2002, for a term ending September 30, 2004, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Helen Howell, to be appointed September 4, 2002, for a term ending at the pleasure of the Governor, as Director of the Department of Financial Institutions.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance and Housing.

August 21, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas W. Malone, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald Meyer, to be appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Pierce Community College District No. 11.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Brent Stewart, appointed August 21, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 21, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jose Veliz, to be appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

August 22, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert Holloway, to be appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Big Bend Community College District No. 18.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 6, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sharon Fairchild, to be appointed September 9, 2002, for a term ending April 3, 2006, as a member of the State Board for Community and Technical Colleges.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 7, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Brian Gain, reappointed October 7, 2002, for a term ending August 2, 2005, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 7, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Janis Gall-Martin, reappointed October 7, 2002, for a term ending August 2, 2005, as Chair of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 7, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Russell D. Hauge, reappointed October 7, 2002, for a term ending August 2, 2005, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 7, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lenell Nussbaum, appointed October 7, 2002, for a term ending August 2, 2005, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 7, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mary Place, reappointed October 7, 2002, for a term ending August 2, 2005, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 7, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dan C. Wilder, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 7, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert W. Winsor, reappointed October 4, 2002, for a term ending September 25, 2006, as a member of the Clemency and Pardons Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 8, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. Elizabeth Huang, reappointed October 8, 2002, for a term ending October 1, 2006, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

October 8, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David E. Lamb, reappointed October 8, 2002, for a term ending October 1, 2006, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

October 8, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank Irigon, to be appointed November 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Renton Technical College District No. 27.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 8, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Perryman, reappointed October 8, 2002, for a term ending October 1, 2006, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

October 9, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jenny Wieland, reappointed October 7, 2002, for a term ending August 2, 2005, as a member of the Sentencing Guidelines Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phil Sharpe, appointed October 10, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 17, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kenneth Alhadeff, reappointed October 17, 2002, for a term ending September 30, 2008, as a member of the Board of Regents for Washington State University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 25, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Reichert, appointed October 25, 2002, for a term ending June 30, 2005, as a member of the Housing Finance Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance and Housing.

October 25, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marilyn Showalter, to be reappointed January 2, 2003, for a term ending January 1, 2009, as Chair of the Utilities and Transportation Commission.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Technology and Communication.

November 25, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronda Kenney, reappointed November 25, 2002, for a term ending December 5, 2006, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Children and Family Services and Corrections.

November 25, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dodds Simangan, reappointed November 25, 2002, for a term ending December 5, 2006, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Children and Family Services and Corrections.

November 25, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nancy J. Strobe, appointed November 25, 2002, for a term ending December 5, 2004, as a member of the Eastern State Hospital Advisory Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Children and Family Services and Corrections.

November 26, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roger Hoen, reappointed January 16, 2003, for a term ending January 15, 2009, as a member of the Liquor Control Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

November 26, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Peggy Zoro, to be appointed January 1, 2003, for a term ending September 30,2008, as a member of the Board of Trustees for Western Washington University.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Higher Education.

January 1, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Earl Tilly, appointed January 1, 2003, for a term ending December 31, 2008, as a member of the Public Disclosure Commission.

GARY LOCKE, Governor

Referred to Committee on Government Operations and Elections

April 1, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Busse Nutley, to be appointed April 1, 2003, for a term ending July 26, 2005, as a member of the Personnel Appeals Board.

Sincerely,

GARY LOCKE, Governor

Referred to Committee on Government Operations and Elections.

REPORT OF COMMITTEE

The Senate Committee composed of Senators Rossi and Kastama appeared before the bar of the Senate and reported that the Governor had been notified, under the provisions of House Concurrent Resolution No. 4400, that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGE FROM HOUSE

January 13, 2003

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION 8400, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION 8400.

PERSONAL PRIVILEGE

Senator Brown: "A point of personal privilege, Mr. President. Thank you, Mr. President, and welcome back to us. I want to offer my congratulations particularly, from this side of the aisle, to all the new Senators and to the newly elected President Pro Tempore and Vice President Pro Tempore and to the new Secretary of the Senate. We really look forward to working with you. It hasn't been mentioned yet, but we also have a new majority leader--Senator West. I want to offer my congratulations to him.

"This is one of my first and only experiences of being on the floor of the Senate without Senator Snyder, our previous majority leader. I would just like to acknowledge that, not only will this year not be the same, because we are in different quarters, but it certainly won't be the same because we won't have Sid and his incredible knowledge of the institution and the players and the process. Those are incredible shoes to fill; I am going to do my best.

"I just wanted to make a brief comment that obviously we represent two sides of the aisle and at least two of our state's political parties. More significant than that, we also represent a true diversity of our state's communities and peoples and differing beliefs, passions and priorities. We want to pledge to you from our side of the aisle that in this session, we will be a vigorous opposition. When we disagree, we will certainly disagree as strongly as we can. However--our disagreement--we pledge will be civil. We pledge, also, to focus on the principle that is at stake, not the person, but on the idea that is controversial, not the motive of the individual speaking. We, also, are concerned with the challenges facing us that, though, we will certainly represent our differences of opinion and vigorously oppose the things that are going forward that we think should not, but advance other ideas that we think should go forward. We also want to work with you for a resolution of these issues in a timely, fair and responsible way. Thank you very much, and we are looking forward to this session."

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Mr. President. Thank you, Mr. President and members of the Senate. As unaccustomed as I am to public speaking and not having prepared any remarks today, I will just wing it. First of all, I want to thank Senator Brown for her kind congratulations. I am sure that we will be able to work together. We will have many issues, just making the Senate function, let alone the political issues that often times we get involved in. You are right, we will miss Senator Snyder. Many of us developed very good friendships with him over the years. While we may have disagreed from time to time, he was a font of knowledge of the institution. I particularly respected his knowledge of the rules and his knowledge of past practices. We are going to sadly miss that.

"We are in very--I don't want to call these difficult quarters--they are difficult quarters considering where we came from--the nice facade, very historic, very majestic Senate Chambers. I miss those Chambers. I think they really added something to our deliberation. I think we should all look forward to the time two years from now when we can go back into those Chambers. But, I don't want to call these difficult conditions, because, you know, two years ago we were on folding chairs and folding tables in a very small committee room and we made it work. Actually, in that room, because we were so close, because we were so tight, I think we actually formed some pretty nice alliances and friendships. One thing that I have been troubled with in my tenure in the Legislature is that we don't seem to have enough personal contact. So, we would like to do more of that this year if at all possible--where we can get to know each other--not just as adversaries across the aisle or collaborators across the aisle, but actually as personal friends.

"One, I think we won the challenge of the earthquake and two, I wasn't there--I am sure Sid was--in Statehood, when they met on planks on the second story of a hardware store in downtown Olympia. That was before they built the first Capitol. These conditions are nothing like that. We have computer ports; we have telephones; we have microphones, so we are in pretty good shape. I know we may get catastrophic, but we shouldn't. In consideration of that, we are probably going to have less time on the floor this year than we have in the past. We are going to come to the floor to do legislation. We are not going to come to

the floor when we can avoid busy work. A lot of the working together and some of these conflicts that we anticipate that we may have over the issues, I am hoping are settled in committee. I am hoping these are settled before we ever get to the floor, where we can have the compromises necessary and hammer out good legislation that addresses the issues for the people of the state of Washington.

"We do represent a broad spectrum of ideas, but we also represent a broad spectrum of geography. Sometimes that shadows our ideas. We have a saying on our caucus wall, '*We will attack ideas, not people.*' I am glad to hear Senator Brown, the distinguished lady from the Third District, mention that we are going to keep our debates and discussions civil, focusing on the ideas we are talking about and not the people. We also have a saying on the wall of our caucus that says, '*If you disagree with somebody's idea, we will attack ideas with better ideas.*' It is not enough to say that the other person has a bad idea if you don't have ideas of your own.

"Again, as we move through this session, we are looking for solutions. We are looking for solutions to problems. Sometimes, our solutions may be different than what you would propose. Sometimes, your solutions may be different than what we might propose, but let's work through that, so that we can get through solutions. That is what the people expect. If we are ever going to restore credibility to government, which is desperately needed, we are going to have to produce results. We can disagree; we can argue; we can be contentious; but when it is all said and done, we better have something that makes the people's lives better in the state of Washington.

"Thank you, each and everyone of you. I look forward to working with each and everyone of you. I am sure that there are things that we can make happen, so let's do it."

PERSONAL PRIVILEGE

Senator Haugen: "A point of personal privilege, Mr. President. I would like to take this opportunity to say 'thank you' to all of you for your cards. They meant a lot to me. My brother died, for those of you who don't know, my brother died on Christmas Day. It was a real sad day."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I would like to take this opportunity to thank all of you for the cards and letters that you sent to my wife. She is recovering. She has advanced from a wheel chair to a walker and the next advancement is to a cane, which she will probably beat me over the head with. She is getting along fine and thank you very much from the bottom of my heart."

MOTION

At 2:25 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 4:42 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

January 13, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4400, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

January 13, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4401, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401.

MOTION

At 2:44 p.m., on motion of Senator Sheahan, the Senate adjourned until 2:30 p.m., Tuesday, January 14, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, JANUARY 13, 2003

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

SECOND DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Tuesday, January 14, 2003

The Senate was called to order at 2:30 p.m. by President Owen. No roll call was taken.

MOTION

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

MESSAGES FROM STATE AGENCIES
STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

December 26, 2002

Mr. Tony Cook
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Blended Funding." It is mandated under Chapter 219, Laws of 2000, Section 2.

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Peggy Brown at (360) 902-7910 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Blended Funding" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

January 6, 2003

Mr. Tony Cook
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Determining the Value of Opiate Substitution Treatment." It is mandated under RCW 70.96A.420(4).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call David Albert at (360) 407-0822 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Determining the Value of Opiate Substitution Treatment" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000
January 9, 2003

Mr. Tony Cook
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "WorkFirst Contract Outcome Measures." It is mandated under Chapter 58, Laws of 1997, Section 704, RCW 74.08A,430.

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Kathy Brockman at (360) 413-3300 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "WorkFirst Contract Outcome Measures" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

January 9, 2003

Mr. Tony Cook
Secretary of the Senate

PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Accreditation of Children's Administration." It is mandated under Chapter 265, Laws of 2001, Section 2, RCW 74.13.017.

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Ross Dawson at (360) 902-7756 or Doug Lehrman at (360) 993-7868 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Accreditation of Children's Administration" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

January 9, 2003

Mr. Tony Cook
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Racial Disproportionality in the Juvenile Justice System." It is mandated under Chapter 415, Laws of 1993, RCW 13.06.050(3).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Ross Dawson at (360) 902-7756 or Doug Lehrman at (360) 993-7868 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Racial Disproportionality in the Juvenile Justice System" is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5064 by Senators Zarelli, Winsley and Kohl-Welles

AN ACT Relating to a jury duty exemption for sole caregivers; and amending RCW 2.36.100.
Referred to Committee on Judiciary.

SB 5065 by Senator Swecker

AN ACT Relating to obtaining a geologist license; amending RCW 18.22 0.060; and declaring an emergency.
Referred to Committee on Commerce and Trade.

SB 5066 by Senators Swecker, Fraser and Rasmussen

AN ACT Relating to the use of dental restorative materials containing mercury in the practice of dentistry;

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SB 5067 by Senators Morton, Thibaudeau and Hale

AN ACT Relating to exempting garbage trucks from stopping at a weighing station; and amending RCW 46.44.105.
Referred to Committee on Highways and Transportation.

SB 5068 by Senator Prentice

AN ACT Relating to resolving manufactured/mobile home landlord and tenant disputes; amending RCW 59.22.050; adding a new chapter to Title 59 RCW; prescribing penalties; and providing effective dates.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5069 by Senators Haugen, Mulliken, Kline, T. Sheldon, Swecker and Schmidt

AN ACT Relating to assumptions of water-sewer districts by cities and towns; adding a new section to chapter 36.93 RC W; and adding new sections to chapter 35.13A RCW. ,
Referred to Committee on Land Use and Planning.

SB 5070 by Senator Zarelli

AN ACT Relating to modifying the qualification requirements for the health and social welfare organization business and occupation tax deduction; amending RCW 82.04.4 31; and creating a new section.
Referred to Committee on Ways and Means.

SB 5071 by Senators Reardon, Schmidt, Shin, Stevens and Rasmussen

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

SB 5072 by Senators Eide, Carlson, Kohl-Welles, Fairley, Winsley, Shin, Keiser, Prentice, Rasmussen, McAuliffe, Regala, Reardon, Doumit, Fraser, Spanel, Franklin, Kline, Thibaudeau, B. Sheldon, Brown, Jacobsen, Schmidt and Poulsen

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, and 28A.530.020; and providing a contingent effective date.
Referred to Committee on Education.

SB 5073 by Senators Fraser, Honeyford, Hale and Kohl-Welles

AN ACT Relating to watershed management; amending RCW 39.34.020 and 35.21.210; adding new sections to chapter 39.34 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 36.89 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 85.38 RCW; adding a new section to chapter 86.09 RCW; adding a new section to chapter 86.15 RCW; and creating a new section.
Referred to Committee on Natural Resources, Energy and Water.

SB 5074 by Senators Morton, Oke, Doumit, T. Sheldon, Fraser and Rasmussen (by request of Commissioner of Public Lands Sutherland)

AN ACT Relating to the authority of the department of natural resources to contract for the harvest of timber from state trust lands; amending RCW 76.12.030, 76.12.120, 79.64.040, 43.85.130, and 84.33.078; reenacting and amending RCW 43.84.092 and 84.33.035; adding a new chapter to Title 79 RCW; creating new sections; and making appropriations.
Referred to Committee on Natural Resources, Energy and Water.

SB 5075 by Senators Morton, Fraser, Oke and Doumit (by request of Commissioner of Public Lands Sutherland)

AN ACT Relating to authorization to accept gifts of aquatic land; and adding a new section to chapter 79.90 RCW.
Referred to Committee on Natural Resources, Energy and Water.

SB 5076 by Senators Morton, Fraser, T. Sheldon and Doumit (by request of Commissioner of Public Lands Sutherland)

AN ACT Relating to the highest responsible bidder for sales of valuable materials from state-owned aquatic lands; and amending RCW 79.90.215. Referred to Committee on Natural Resources, Energy and Water.

SB 5077 by Senators Honeyford, Rasmussen, Doumit, Hewitt, Swecker, Morton, Brandland, Hale and Mulliken

AN ACT Relating to withdrawals for stock-watering; and amending RCW 90.44.050.
Referred to Committee on Natural Resources, Energy and Water.

SB 5078 by Senators Shin, Fairley, Schmidt, Reardon, Kastama and Stevens

AN ACT Relating to metropolitan municipal corporations; and amending RCW 35.58.320.
Referred to Committee on Land Use and Planning.

SB 5079 by Senators Finkbeiner, Kohl-Welles, Oke, Winsley, Zarelli, Benton, Swecker, Esser, Hale, Johnson, Hewitt, McAuliffe, Rasmussen and Parlette

AN ACT Relating to natural science, wildlife, and environmental education; adding new sections to chapter 28A.300 RCW; and creating a new section.
Referred to Committee on Education.

SJM 8000 by Senators Fraser, Morton, Hewitt, Keiser and Hale

Requesting the federal energy regulatory commission to withdraw a proposal affecting electricity.

Referred to Committee on Natural Resources, Energy and Water.

SJR 8202 by Senators Eide, Carlson, Kohl-Welles, Fairley, Winsley, Shin, Keiser, Prentice, Rasmussen, McAuliffe, Regala, Reardon, Doumit, Fraser, Spanel, Franklin, Kline, Thibaudeau, B. Sheldon, Brown, Jacobsen, Schmidt and Poulsen

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

Referred to Committee on Education.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5069 and Senate Bill No. 5078 were referred to the Committee on Land Use and Planning.

MOTION

At 2:32 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease for the Senators to travel to St. Martin's Pavilion for a Joint Session to hear the State of the State address by Governor Gary Locke.

OATH OF OFFICE FOR SENATOR PAULL SHIN

The Honorable Gerry L. Alexander, Chief Justice of the Washington State Supreme Court, administered the Oath of Office for State Senator to Senator Paull Shin at St. Martin's Pavilion in Lacey.
Chief Justice Alexander presented Senator Shin with a certificate of election.

EDITOR'S NOTE: Senator Paull Shin was excused from the First Day Legislative Session and the swearing in of newly reelected Senators. Senator Shin was in Hawaii, at the time, receiving an award as one of the ten heroes of Korean immigration to the United States.

JOINT SESSION

The President of the Senate declared the Joint Session to be in order.

The Clerk of the House called the roll of the House.

The Secretary of the Senate called the roll of the Senate.

APPOINTMENT OF SPECIAL COMMITTEES

The President of the Senate appointed Senators Johnson, Kline Sheahan and Thibaudeau and Representatives Carrell, Clibborn, McMahan and Pettigrew as a special committee to escort the Supreme Court Justices to the Chamber.

The President of the Senate appointed Senator Eide, Hale, Horn and Spanel and Representatives Armstrong, Hunter, Morrell and Sharbro as a special committee to escort the State Elected Officials to the Chamber.

The President of the Senate appointed Senators Deccio and Franklin and Representatives McCoy and Newhouse as a special committee to escort Governor Gary Locke and Mrs. Locke to the Chamber.

INTRODUCTION OF SPECIAL GUESTS

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

The President of the Senate welcomed and introduced the State Elected Officials: Secretary of State Sam Reed, Superintendent of Public Instruction Terry Bergeson, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine Gregoire, Commissioner of Public Lands Doug Sutherland and Insurance Commissioner Mike Kreidler.

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

The President of the Senate welcomed and introduced Governor and Mrs. Gary Locke and instructed the committee to escort them to the rostrum.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard.

The prayer was offered by Rabbi Michael Latz of the Temple Bnai Torah in Seattle.

REMARKS BY PRESIDENT OWEN

President Owen: "The purpose of this joint session is to receive the State of the State Address from his Excellency, Governor Locke."

The President of the Senate introduced the Honorable Gary Locke.

STATE OF STATE ADDRESS BY GOVERNOR GARY LOCKE

Governor Locke: "Mr. President, Mr. Speaker, Honorable Chief Justice, distinguished Justices of the Supreme Court, members of the Consular Association, statewide elected officials, members of the Washington State Legislature, people of Washington. It's great to welcome many friends back to Olympia. I'd also like to especially welcome the new members of this Fifty-eighth Legislature. I share your pride in the opportunity to serve the people of Washington. I look forward to a productive session in which we work together across party lines to meet our state's pressing challenges, advance our vision of Washington's future, and leave at the end of the session with the people's business completed. We will be tested by difficult decisions. And I believe we have uniquely promising opportunities to advance our agenda for a better Washington.

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

"We will make tough choices in the days ahead, but tough choices today mean a better tomorrow. We must restore public trust in government by making the hard choices--and the right choices--choices that protect our state's most vital interests--choices that strongly position our state for a sustainable future--a future of stronger communities, a more vibrant economy, a healthier environment, and a continued high quality of life.

"I think of our state as a family, struggling through difficult economic times right now. Like every family, we will continue to take care of one another. We will continue to plan for the future and better times for our children and grandchildren. We will build such a future by focusing on what matters most. The way to get back on our feet economically is to live within our means. By sticking together and sacrificing together, we will get through these tough times.

"The results-oriented budget I have proposed is a bold response to our deficit. Nearly every state in America faces serious economic challenges, but we are the first state in the nation to tackle our problems head on by reexamining how we govern--and fundamentally changing how we govern. Our Priorities of Government approach is becoming a model for other states to follow. We exhaustively studied all that we do--examining some 1,400 state government activities. Then, like a family on a very tight budget, we sat down and looked at how we've typically spent our money. We decided how we now need to spend it to get the results we want.

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

"The budget I've proposed will let us do what matters most without a general tax increase. A general tax increase in these tough economic times will hurt, not help, our economic recovery. The \$2.4 billion dollar deficit would require a sales tax increase of over one percent. That will not help struggling families; that will not help struggling businesses. The tough choices we make today will lead us to a better, more secure tomorrow.

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

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

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

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

"We must continue the gains we have made. The test scores of our students have consistently improved. We've seen great progress at schools like Garfield Elementary in Spokane, where the percentage of fourth graders meeting the math standards has gone from only fourteen percent to eighty-one percent in just a few years. Schools like Union Gap Elementary, where the percentage of fourth graders meeting the reading standards has gone from only twenty-one percent to seventy-four percent.

"We've seen reading scores climb for all grades in our state, thanks to programs like the Washington Reading Corp, which has helped 22,000 struggling readers advance in their reading skills by more than one full grade level. While test scores are on the rise, there's a widening disparity between minority and white students. That growing achievement gap is unacceptable. A good education is a universal right and must never depend on circumstances of social or economic standing. We'll close the gaps by reforming the Learning Assistance Program to ensure that the schools with at risk kids receive and keep the money they need. As I announced yesterday, we must also simplify and reform the WASL high school graduation requirements.

"I support a constitutional amendment to allow the passage of school levies by a simple majority of the voters. If we can build police stations, symphony halls, low-income housing and professional sports stadiums with a simple majority, then it should also be sufficient for our schools. It's time to remove artificial distinctions between neighboring school districts. Currently, some school districts right next door to one another have vastly different levy limits. That's not fair, and that's why I'm proposing legislation that would allow all school districts the opportunity to ask their local voters for levies up to thirty-six percent of their levy base. That will also help those districts with high costs of living meet the needs of their teachers.

"We are honoring our commitment to education. As I said, K-12 education is one of the very few areas in which we will be spending more in the upcoming biennium than in the current one. But, we can and must do more. Building an education system where every child achieves his or her potential requires new approaches and new commitments. The structure and funding of our education system has not changed even as we have learned more about what's needed and even as we have demanded more of our students and teachers. We must recognize that the lines we have traditionally drawn between pre-school and K-12, and between K-12 and college are artificial. Our education system must be seamless, with all components--from early learning to graduate school--working together as one. That system needs stable and dedicated funding.

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

"A strong education system prepares our workforce for good, family-wage jobs. And jobs are the key to economic recovery. We must do all we can this session to create and support jobs in our state. That's why I have a five-point plan for jobs and economic recovery. First, we will create new jobs by building a better Washington. Approving my state construction budget will mean more than 13,000 new private sector construction and other family-wage jobs during the next two years-- jobs building and renovating buildings on the campuses of our colleges and universities, public schools and our prisons. Let's approve the state construction budget as early as possible and get those family-wage jobs to the workers who need them. Let's build a better Washington.

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

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

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

"The Community Economic Revitalization Board program has attracted a British Columbia manufacturing company to Blaine, a grass seed cleaning operation to Odessa, and a technology center to the Port of Chelan County. This program has

created thousands of jobs for rural areas, but has lost its funding source. So, I'm submitting legislation to provide permanent funding to keep this program going. It's a strong source of good jobs for rural families and I hope you'll support it.

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

"I don't want Washington companies to have to hire people from out-of-state to meet their needs. I want Washington citizens to have the first chance at filling these good paying jobs. We're also providing funding to retrain more than 7,200 unemployed workers. Following this five-point plan and working together will lead us to more jobs and accelerate our economic recovery.

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

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

"As the Competitiveness Council emphasized, a strong business climate does not mean lowering environmental standards. Just last month, businesses, environmentalists and local government announced an historic agreement to protect our shorelines. I want to thank our Attorney General Christine Gregoire for helping mediate that agreement. I'm proposing funding to implement that agreement. We can be proud that we have a rescue tug to protect our coastline and the Strait of Juan de Fuca from oil spills. Funding for that rescue tug must continue.

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

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

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

"As we strive to do more with less, we will continue to work hard to make state government more efficient, more effective and less costly. We'll continue to find ways to better serve the people of our state through technology.

"Many of our agencies and their services have been rated the best in the nation, thanks to the work of state employees. Unfortunately, state government employees will feel the pain of cutbacks. The state workforce will continue to shrink--a total of 2,500 full-time jobs will be eliminated in the next twelve months. These employment reductions are necessary, but not easy.

"I deeply appreciate the hard work of our state employees. Their dedication to their jobs and to our state is remarkable and I ask for their continued dedication. State workers are the face of our government, and directly interact with our citizens. We count on state employees every day to make government work--and work well. So, on behalf of the people of Washington, I thank our state employees.

"Difficult times remind us that we cannot do everything, but we can do the things that matter most by being disciplined, creative and determined. Like any family, we can do our best to learn from hard times and plan for the future. I am proposing a constitutional amendment for a constitutionally-protected 'rainy day fund.' As our economy recovers, we must make every effort to protect ourselves and set aside resources to help our state the next time we experience hard times. I am confident that we will overcome our challenges. Tough decisions today will bring us a better tomorrow.

"I want a Washington known across America as 'The Education State.' I want a Washington where every person has ample opportunity to earn a good living and hold a family-wage job. I want a Washington that protects and takes care of its most vulnerable children and adults, a state where people feel safe and secure and part of a caring community. I want a Washington that attracts new businesses and is confidently geared toward the prosperous industries of the future. I want a Washington with an unrivaled quality of life, and a sustainable future of exceptional education, economic vitality and a healthy environment--a state where our children and grandchildren will want to live, work, and raise their families. Join me in making this happen. If we work hard, if we work together, if we make the tough choices, we will accomplish great things.

"Thank you and God bless you all."

The President of the Senate thanked Governor Locke for his comments and requested the special committee to escort the Honorable Gary Locke and Mrs. Locke from the Chamber.

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

The President of the Senate asked the special committee to escort the State Elected Officials from the Chamber.

MOTION

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

The Senate was called to order at 5:19 p.m. by President Owen.

MOTION

At 5:20 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:30 a.m., Wednesday, January 15, 2003.

MILTON H. DOUMIT, Jr., Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 14, 2003

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THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 15, 2003

The Senate was called to order at 10:30 a.m. by President Owen. No roll call was taken.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5080 by Senators Stevens, Mulliken, Benton, Hewitt, Honeyford, Morton, McCaslin, Parlette and T. Sheldon

AN ACT Relating to a hiring freeze within state government; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Government Operations and Elections.

SB 5081 by Senators Stevens, Roach, Benton, Schmidt, Swecker, Deccio and Esser

AN ACT Relating to verification that applicants for driver's licenses, permits, and identicards are lawfully within the United States; amending RCW 46.20.031, 46.20.117, 46.20.181, and 46.20.207; reenacting and amending RCW 46.20.055 and 46.20.070; adding new sections to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Highways and Transportation.

SB 5082 by Senators Stevens, Benton, Mulliken, Roach, Honeyford and McCaslin

AN ACT Relating to reducing the assessed value of property by amounts spent on mitigation fees, impact fees, and system improvement charges; and amending RCW 84.40.030.

Referred to Committee on Land Use and Planning.

SB 5083 by Senators Stevens, Benton, Mulliken, Roach, Oke, Esser, Swecker and T. Sheldon

AN ACT Relating to recognizing concealed weapon licenses issued by other states; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

SB 5084 by Senators Stevens, Swecker, Mulliken and Honeyford

AN ACT Relating to selection of jurors; amending RCW 2.36.010, 2.36.054, 2.36.055, 2.36.065, and 2.36.070; and repealing RCW 2.36.057 and 2.36.0571.

Referred to Committee on Judiciary.

SB 5085 by Senators Honeyford, Deccio and Mulliken

AN ACT Relating to repealing regulation of water recreation facilities; creating a new section; and repealing RCW 70.90.101, 70.90.110, 70.90.120, 70.90.125, 70.90.140, 70.90.150, 70.90.160, 70.90.170, 70.90.180, 70.90.190, 70.90.200, 70.90.205, 70.90.210, 70.90.230, 70.90.240, 70.90.250, 70.90.910, and 70.90.911.

Referred to Committee on Parks, Fish and Wildlife.

SB 5086 by Senators Honeyford, Doumit, Hewitt, Deccio, Hale, Sheahan, Morton, Parlette, Mulliken and Rasmussen

AN ACT Relating to the water-related actions of the department of ecology; amending RCW 34.05.514, 43.21B.110, 43.21B.130, 43.21B.240, 43.27A.190, 90.14.130, 90.14.190, and 90.14.200; reenacting and amending RCW 43.21B.310; adding new sections to chapter 43.21B RCW; and creating a new section.

Referred to Committee on Natural Resources, Energy and Water.

SB 5087 by Senators Honeyford, Rasmussen, Hewitt, Deccio, Hale, Mulliken, Sheahan, Parlette, Morton and T. Sheldon

AN ACT Relating to creating a water commission; and adding a new chapter to Title 90 RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5088 by Senators Regala, Winsley, Franklin and Fraser

AN ACT Relating to certain lands in Tacoma used for school and playground purposes; creating new sections; and declaring an emergency.

Referred to Committee on Natural Resources, Energy and Water.

SB 5089 by Senators Carlson, Fraser, Rasmussen and Esser (by request of Joint Committee on Pension Policy)

AN ACT Relating to allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2; adding a new section to chapter 41.26 RCW; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 5090 by Senators Carlson, Fraser, Spanel and Rasmussen (by request of Joint Committee on Pension Policy)

AN ACT Relating to determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards; and amending RCW 41.16.010, 41.16.020, and 41.26.110.

Referred to Committee on Ways and Means.

SB 5091 by Senators Carlson, Fraser, Shin and Spanel (by request of Joint Committee on Pension Policy)

AN ACT Relating to public employees', teachers', and school employee's retirement systems plan 3 member contribution rates; and amending RCW 41.34.040.

Referred to Committee on Ways and Means.

SB 5092 by Senators Jacobsen, Winsley, Carlson, Spanel, Fraser, B. Sheldon, Shin, Kohl-Welles and Rasmussen (by request of Joint Committee on Pension Policy)

AN ACT Relating to providing a death benefit for certain public employees; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Ways and Means.

SB 5093 by Senators Spanel, Carlson, Fraser, B. Sheldon, Kohl-Welles, Haugen and Rasmussen (by request of Joint Committee on Pension Policy)

AN ACT Relating to allowing members of the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system to begin receiving benefits without leaving service at age seventy and one-half; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5094 by Senators Carlson, Jacobsen, Spanel, Fraser, B. Sheldon and Rasmussen (by request of Joint Committee on Pension Policy)

AN ACT Relating to providing optional service credit for substitute service to members of the school employees' retirement system; amending RCW 41.35.010 and 41.35.030; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Ways and Means.

SB 5095 by Senators Spanel, Jacobsen, Carlson, B. Sheldon and Rasmussen (by request of Joint Committee on Pension Policy)

AN ACT Relating to allowing a member holding state elective office the option during each term of office of membership or retirement and beginning their retirement allowance in the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system; and amending RCW 41.26.030, 41.32.010, 41.32.263, 41.35.030, and 41.40.023.

Referred to Committee on Ways and Means.

SB 5096 by Senators Regala, Winsley, Carlson, Spanel, Jacobsen, Fraser, B. Sheldon, Kohl-Welles and Rasmussen (by request of Joint Committee on Pension Policy)

AN ACT Relating to allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation; and amending RCW 41.32.010.

Referred to Committee on Ways and Means.

SB 5097 by Senators Winsley, Fraser, Spanel, Parlette, B. Sheldon, Haugen and Rasmussen (by request of Joint Committee on Pension Policy)

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

Referred to Committee on Ways and Means.

SB 5098 by Senators Jacobsen, Winsley, Fraser, Carlson, Rasmussen and Esser (by request of Joint Committee on Pension Policy)

AN ACT Relating to department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 or periods of future service; amending RCW 41.26.030 and 77.15.075; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5099 by Senators Winsley, Carlson, Fraser and B. Sheldon (by request of Joint Committee on Pension Policy)

AN ACT Relating to creating the select committee on pension policy; amending RCW 41.50.110, 44.44.040, 41.40.037, 41.45.020, 41.45.090, 44.04.260, and 44.44.030; reenacting and amending RCW 41.32.570; adding new sections to chapter 41.04 RCW; decodifying RCW 41.54.061; and repealing RCW 44.44.015, 44.44.050, and 44.44.060.

Referred to Committee on Ways and Means.

SB 5100 by Senators Fraser, Carlson, Winsley, Spanel, Parlette and Rasmussen (by request of Joint Committee on Pension Policy)

AN ACT Relating to paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Ways and Means.

SB 5101 by Senators Carlson, Fraser, Winsley, Spanel, Parlette and B. Sheldon (by request of Joint Committee on Pension Policy)

AN ACT Relating to correcting retirement system statutes; amending RCW 41.04.450, 41.26.195, 41.26.460, 41.31A.020, 41.35.640, 41.40.660, 41.40.748, 41.40.801, 41.40.845, 41.45.060, 41.50.110, 41.50.700, 41.54.030, 43.43.271, 43.43.295, and 44.44.040; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5102 by Senators Jacobsen, Shin, Kohl-Welles and Rasmussen

AN ACT Relating to leaves of absence for peace corps volunteers; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Education.

SB 5103 by Senators Fairley, Morton and Fraser

AN ACT Relating to the financial responsibility of onshore and offshore facilities; amending RCW 88.40.025; and creating a new section.

Referred to Committee on Natural Resources, Energy and Water.

SB 5104 by Senators Fraser, Morton and Fairley

AN ACT Relating to financial responsibility requirements for vessels; amending RCW 88.40.011, 88.40.020, and 88.40.040; and creating a new section.

Referred to Committee on Natural Resources, Energy and Water.

SB 5105 by Senators Fraser, B. Sheldon, Carlson, McAuliffe and Kohl-Welles

AN ACT Relating to educational interpreters; and creating new sections.

Referred to Committee on Education.

SB 5106 by Senators Hewitt, Hale, T. Sheldon, Doumit, Sheahan, Rasmussen, Morton, Mulliken, Honeyford, Deccio and Parlette

AN ACT Relating to water rights; and amending RCW 90.03.380.

Referred to Committee on Natural Resources, Energy and Water.

SB 5107 by Senators Hewitt, Hale, Eide and Kohl-Welles

AN ACT Relating to the use of liquor in courses teaching enology or viticulture; and amending RCW 66.12.140.

Referred to Committee on Commerce and Trade.

SB 5108 by Senators Mulliken, Stevens, Morton, Honeyford, Swecker, McCaslin and Parlette

AN ACT Relating to criminal trespass; amending RCW 9A.52.010, 15.09.070, 15.13.265, 16.52.085, 17.04.280, 17.10.160, 17.21.320, 17.24.021, 22.16.020, 35.43.045, 35.67.310, 35.80.030, 35.80A.040, 35.81.070, 36.70.500, 36.88.390, 38.32.030, 43.92.080, 43.190.080, 47.01.170, 47.41.070, 47.42.080, 57.08.005, 59.18.115, 59.20.130, 70.105D.030, 70.119A.150, 76.01.060, 76.04.035, 76.06.060, 76.09.150, 76.09.160, 77.12.154, 77.12.315, 78.04.015, 78.04.040, 79.01.649, 79.01.650, 79.01.676, 79.01.680, 80.32.070, 80.36.020, 80.36.030, 81.36.020, 81.64.050, 86.09.226, 87.03.140, 89.30.211, 90.16.040, and 90.48.090; and creating a new section.

Referred to Committee on Land Use and Planning.

SB 5109 by Senator Mulliken

AN ACT Relating to penalties assessed when farm and agricultural land is removed from open space classification; and reenacting and amending RCW 84.34.108.

Referred to Committee on Land Use and Planning.

SB 5110 by Senators Oke, T. Sheldon, Swecker, Franklin, Carlson, B. Sheldon, Parlette, Deccio, Haugen, Winsley, Spanel, Thibaudeau, Fraser, Keiser, Stevens, Hargrove, Rasmussen, Jacobsen, McAuliffe, Fairley, Shin, Kohl-Welles and Regala

AN ACT Relating to tobacco product sampling; amending RCW 70.155.010, 70.155.050, 70.155.090, 70.155.100, 82.24.120, and 82.24.230; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.

Referred to Committee on Commerce and Trade.

SB 5111 by Senators Oke, Jacobsen, Swecker, Regala, Fraser, Shin, Spanel, Kohl-Welles, Haugen and Rasmussen

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

Referred to Committee on Parks, Fish and Wildlife.

SB 5112 by Senators Oke, Regala, Sheahan, Swecker, Jacobsen and Esser

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

Referred to Committee on Parks, Fish and Wildlife.

SB 5113 by Senators Oke, Regala, Swecker, Jacobsen, Kohl-Welles and Haugen

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

Referred to Committee on Parks, Fish and Wildlife.

SB 5114 by Senators Oke, Jacobsen, Sheahan, Regala, Swecker, Kohl-Welles, Haugen and Esser

AN ACT Relating to making the construction, development, or major rehabilitation of public parks eligible for loans or guarantees through the public works assistance account; and amending RCW 43.155.020.

Referred to Committee on Parks, Fish and Wildlife.

SB 5115 by Senator Eide

AN ACT Relating to the taxation of direct mail; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5116 by Senators Eide, Keiser and T. Sheldon

AN ACT Relating to siting secure community transition facilities; reenacting and amending RCW 71.09.020; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SB 5117 by Senators Eide and Kohl-Welles

AN ACT Relating to sale, distribution, or installation of air bags; amending RCW 46.63.020; adding new sections to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Highways and Transportation.

SB 5118 by Senators Prentice, Winsley, Reardon, Schmidt, Esser, Zarelli and Keiser

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

Referred to Committee on Financial Services, Insurance and Housing.

SB 5119 by Senators Eide, Keiser and Reardon

AN ACT Relating to criminal law; amending RCW 9A.76.050, 9A.76.070, and 9A.76.080; adding a new section to chapter 9A.36 RCW; creating a new section; repealing RCW 9A.76.060; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5120 by Senators Rossi, Kline, Oke, Roach, Esser, Swecker, Deccio, Stevens, Benton, Hale, Hewitt, Mulliken, Honeyford, Johnson, Schmidt, Sheahan and Horn

AN ACT Relating to drivers convicted of alcohol offenses; and amending RCW 46.20.720 and 46.20.311.

Referred to Committee on Judiciary.

SB 5121 by Senators Rossi, Benton, Carlson, Zarelli, T. Sheldon, Deccio, Esser, Hale, Hewitt, Johnson, Schmidt, Honeyford, Morton, Sheahan, Mulliken and Oke

AN ACT Relating to high-occupancy vehicle lanes; and amending RCW 46.61.165.

Referred to Committee on Highways and Transportation.

SB 5122 by Senators Johnson, Kline and Esser

AN ACT Relating to trademark registration; amending RCW 19.77.010, 19.77.020, 19.77.050, 19.77.140, 19.77.150, and 19.77.160; adding a new section to chapter 19.77 RCW; and repealing RCW 19.77.110.

Referred to Committee on Judiciary.

SB 5123 by Senators Johnson, Kline and Esser

AN ACT Relating to the Washington business corporation act; amending RCW 23B.07.260, 23B.10.020, 23B.10.030, 23B.10.040, 23B.11.030, 23B.12.020, 23B.13.020, and 23B.14.020; adding a new section to chapter 23B.01 RCW; and adding a new section to chapter 23B.11 RCW.

Referred to Committee on Judiciary.

SB 5124 by Senators Swecker, Fraser, Carlson, Regala, Oke, B. Sheldon, Eide, Finkbeiner, Keiser, Rasmussen, Esser, Fairley, Kline, Spanel, Kohl-Welles, Franklin, Haugen and Thibaudeau

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

Referred to Committee on Natural Resources, Energy and Water.

SB 5125 by Senators Honeyford, Doumit and Morton

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

Referred to Committee on Natural Resources, Energy and Water.

SB 5126 by Senators Benton and Morton

AN ACT Relating to environmental appeals; and amending RCW 36.70A.300, 43.21B.170, 43.21B.180, 77.55.180, 76.09.230, and 90.58.180.

Referred to Committee on Natural Resources, Energy and Water.

SB 5127 by Senator Benton

AN ACT Relating to eliminating the state property tax; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, and 84.69.020; reenacting and amending RCW 84.52.010; and creating a new section.

Referred to Committee on Ways and Means.

SB 5128 by Senator Benton

AN ACT Relating to compulsory study of the United States Constitution and the Declaration of Independence; and amending RCW 28A.230.170.

Referred to Committee on Education.

SB 5129 by Senators Swecker, Oke, Roach, Rasmussen and Morton

AN ACT Relating to body gripping traps; repealing RCW 77.15.192, 77.15.194, 77.15.196, and 77.15.198; repealing 2001 c 1 s 1 (uncodified); and repealing 2001 c 1 s 6 (uncodified).

Referred to Committee on Parks, Fish and Wildlife.

SB 5130 by Senators Swecker, Jacobsen, Hewitt, Oke, Carlson, Morton, Haugen, Winsley, Eide, Horn, Honeyford, Fairley, Esser, Prentice, Roach, Deccio, T. Sheldon, Parlette, Rossi, Fraser, Mulliken and Rasmussen

AN ACT Relating to expanding the private sponsorship of state parks, recreation areas, and other natural resource facilities; amending RCW 77.04.055; reenacting and amending RCW 79A.05.030; adding a new section to chapter 43.30 RCW; and creating a new section.

Referred to Committee on Parks, Fish and Wildlife.

SB 5131 by Senators Swecker, Zarelli, Morton, Stevens, Benton, Oke, Roach, Hargrove, Mulliken and Rasmussen

AN ACT Relating to use of library computers to access pornography; adding a new section to chapter 9.73 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5132 by Senators Swecker, Zarelli, Haugen, Doumit, Stevens, Benton, Oke, Roach, Hargrove and Rasmussen

AN ACT Relating to internet access for patrons of public libraries; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Judiciary.

SB 5133 by Senators Carlson, Stevens, Hargrove, McCaslin, Kline, Sheahan, Kohl-Welles, Schmidt, McAuliffe, Oke, Rossi, Regala, Esser, Deccio, Swecker, Brandland, Parlette, Zarelli and Rasmussen

AN ACT Relating to the interstate compact for juveniles; adding a new section to chapter 13.24 RCW; repealing RCW 13.24.010; and providing a contingent effective date.

Referred to Committee on Children and Family Services and Corrections.

SB 5134 by Senators Carlson, Zarelli, Kohl-Welles, Schmidt, Horn and Shin

AN ACT Relating to border county higher education opportunities; amending RCW 28B.80.805, 28B.80.806, 28B.80.807, and 28B.15.0139; repealing 2002 c 130 s 7 (uncodified); repealing 2002 c 130 s 6 and 1999 c 320 s 6 (uncodified); and repealing 2002 c 130 s 5 and 2000 c 160 s 4 (uncodified).

Referred to Committee on Higher Education.

SB 5135 by Senators Carlson, West, Horn, Schmidt and Rossi

AN ACT Relating to increased tuition fees for excess credits taken at institutions of higher education; and adding new sections to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

SB 5136 by Senators Carlson, Schmidt, Mulliken and Shin

AN ACT Relating to higher education coordinating board membership; amending RCW 28B.80.400; and reenacting and amending RCW 28B.80.390.

Referred to Committee on Higher Education.

SB 5137 by Senator Carlson

AN ACT Relating to admission requirements at institutions of higher education; and amending RCW 28B.50.090, 28B.80.350, and 28A.600.310.

Referred to Committee on Higher Education.

SB 5138 by Senator Carlson

AN ACT Relating to the use of the Washington assessment of student learning for qualifying for the promise scholarship and other purposes; and amending RCW 28B.119.010, 28A.195.010, and 28A.200.010.

Referred to Committee on Education.

SB 5139 by Senator Carlson

AN ACT Relating to remedial postsecondary education; amending RCW 28B.10.685; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5140 by Senator Carlson

AN ACT Relating to using revenues under the county conservation futures levy; and amending RCW 84.34.230 and 84.34.240.

Referred to Committee on Parks, Fish and Wildlife.

SB 5141 by Senators Carlson, Eide and Kohl-Welles

AN ACT Relating to school improvement goals reporting; and amending RCW 28A.655.030.

Referred to Committee on Education.

SB 5142 by Senators Carlson, Eide, Schmidt, Johnson, B. Sheldon, Shin, Kohl-Welles, Rasmussen and Esser

AN ACT Relating to permitting children of certificated and classified school employees to enroll at the school where the employee is assigned; and amending RCW 28A.225.225 and 28A.225.270.

Referred to Committee on Education.

SB 5143 by Senators Hewitt, Oke and Regala

AN ACT Relating to the keeping state recreation facilities open; amending RCW 4.24.210; adding a new section to chapter 43.30 RCW; adding a new chapter to Title 79A RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Parks, Fish and Wildlife.

SB 5144 by Senators Morton and Oke

AN ACT Relating to protecting forest health; amending RCW 76.06.010, 76.06.020, 76.06.030, 76.06.050, 76.09.050, and 17.24.171; reenacting and amending RCW 76.09.060; adding new sections to chapter 76.06 RCW; and repealing RCW 76.06.040, 76.06.060, 76.06.070, 76.06.080, 76.06.090, and 76.06.110.

Referred to Committee on Natural Resources, Energy and Water.

SB 5145 by Senators Mulliken and T. Sheldon

AN ACT Relating to withdrawals of public ground waters; and amending RCW 90.44.050.

Referred to Committee on Natural Resources, Energy and Water.

SB 5146 by Senators Winsley and Prentice (by request of Insurance Commissioner Kreidler)

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

Referred to Committee on Financial Services, Insurance and Housing.

SB 5147 by Senators Winsley and Prentice (by request of Insurance Commissioner Kreidler)

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

Referred to Committee on Financial Services, Insurance and Housing.

SB 5148 by Senators Winsley and Prentice (by request of Insurance Commissioner Kreidler)

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

Referred to Committee on Financial Services, Insurance and Housing.

SB 5149 by Senator Benton

AN ACT Relating to preventing businesses from taking multiple tax credits on the same employment positions; and amending RCW 82.62.090.

Referred to Committee on Ways and Means.

SB 5150 by Senators Benton, Roach and Stevens

AN ACT Relating to providing for the election of library trustees; amending RCW 27.12.190, 27.12.010, 27.12.040, 27.12.050, 27.12.130, 27.12.420, 27.12.470, and 29.21.015; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Government Operations and Elections.

SB 5151 by Senators Benton, Reardon and Mulliken

AN ACT Relating to open public meetings; amending RCW 42.30.030, 42.30.040, 42.30.060, and 42.30.070; and adding a new section to chapter 42.30 RCW.

Referred to Committee on Government Operations and Elections.

SB 5152 by Senators Benton, Honeyford, Mulliken, Stevens and Zarelli

AN ACT Relating to the zoning authority of the Columbia River Gorge commission; and adding a new section to chapter 43.97 RCW.

Referred to Committee on Land Use and Planning.

SB 5153 by Senators Benton and Zarelli

AN ACT Relating to establishing a procedure for the election of county commissioners by district; amending RCW 36.32.050; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Government Operations and Elections.

SJM 8001 by Senators Fraser and Morton

Requesting increased borrowing authority for the Bonneville Power Administration.

Referred to Committee on Natural Resources, Energy and Water.

SJM 8002 by Senators Morton, Hewitt, Sheahan, Stevens, Parlette, Mulliken, Oke and Roach

Requesting forest health-related management activities on all state and national forests in Washington state.

Referred to Committee on Natural Resources, Energy and Water.

SJR 8203 by Senators Stevens, Mulliken, Benton, Honeyford and Roach

Reducing the assessed value of real estate by amounts spent on certain fees.

Referred to Committee on Land Use and Planning.

SJR 8204 by Senators Rossi, Fairley, Deccio, Swecker, Benton, Zarelli, Horn, Hewitt, Parlette, Esser, Honeyford, Reardon, Rasmussen, Morton, T. Sheldon, Sheahan, Mulliken, West, McCaslin, Shin and Oke

Amending the Constitution to provide for a revenue stabilization fund.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5140 was referred to the Committee on Parks, Fish and Wildlife.

MOTION

At 10:31 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease to retire to the Temple of Justice for a Joint Session to hear the State of the Judiciary Report.

JOINT SESSION

The President of the Senate called the Joint Session to order at 11:00 a.m. in the Supreme Court Courtroom of the Temple of Justice.

The Clerk of the House called the roll of the House.

The Secretary of the Senate called the roll of the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed Senators Haugen, Johnson, Kline and Sheahan and Representatives Bailey, Condotta, Flannigan and Moeller as a special committee to escort the State Elected Officials to the Courtroom.

INTRODUCTION OF SPECIAL GUESTS

The President of the Senate welcomed and introduced the State Elected Officials present: State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine Gregoire and Superintendent of Public Instruction Terry Bergeson.

INTRODUCTION OF JUSTICES OF THE SUPREME COURT

The President of the Senate welcomed and introduced the Supreme Court Justices: Associate Chief Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Faith Ireland, Justice Bobbe Bridge, Justice Tom Chambers, Justice Susan Owens and Justice Mary Fairhurst, who were seated on the rostrum.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard.

The prayer was offered by The Reverend Neal Neuenschwander, pastor of the Lacey Presbyterian Church.

The President of the Senate welcomed and introduced the Honorable Supreme Court Justice Gerry L. Alexander. The President of the Senate stated the purpose of the Joint Session was to receive the State of the Judiciary report from Chief Justice Gerry L. Alexander.

STATE OF THE JUDICIARY

CHIEF JUSTICE GERRY L. ALEXANDER

“Lieutenant Governor Owen, Speaker of the House Chopp, members of the House and Senate, state elected officials, Pastor Neuenschwander, fellow justices and judges, ladies and gentlemen. Good morning, and welcome to the Temple of Justice. Let me first thank all of the members of the Legislature for the warm welcome you have accorded me and my fellow justices on this and other occasions. Let me also extend our thanks to the leaders of this Legislature for inviting me, as chief justice, to deliver this address to you on behalf of the judiciary of the state of Washington. We know that time is at a premium for senators and representatives during a legislative session. We know also that you need not accord me this privilege. The State Constitution only requires the Governor to deliver a message to the Legislature. While that same document requires the justices of the Supreme Court to report to the Governor in writing on or before January 1 of each year on defects and omissions in the law, it does not require our court to report to the Legislature nor does it require you to provide us that opportunity. But, by a custom that has developed over the past decade, the Chief Justice of the Washington Supreme Court has been invited to speak to the Legislature every other year, on the state of our justice system. The fact that you provide us this opportunity speaks well of the legislative branch of government and we are most grateful for the opportunity to report to you and thereby to the people of the state of Washington.

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

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

“The membership of the Supreme Court has not changed very much since I addressed you two years ago. Eight of the nine justices before you now were on the court then and I think most of you are somewhat familiar with us. You may not, though, be as well acquainted with our newest member, so let me say a brief word about Justice Mary Fairhurst, who swore her oath in this courtroom on Monday of this week. Justice Fairhurst comes to our court from Attorney General Gregoire’s office where she served for sixteen years as an Assistant Attorney General, most recently as the Chief of the very important Revenue, Bankruptcy and Collections Division. Justice Fairhurst is a former president of the Washington State Bar Association, only the third justice in the long history of this court to have served in that important position prior to coming to this court. Interestingly, Justice Tom Chambers who sits next to her on the bench was the second former Washington State Bar Association president to come to this court.

“Although it has been extensively reported, it bears repeating that Justice Fairhurst’s entry onto the Supreme Court alters the gender balance of the court for the first time in our state’s one hundred-fourteen year history, and, as I said at the induction ceremony, this is an historic event. You may recall that two years ago I told you that when Justice Owens took the oath a few days before my address to you, our court instantly had more women among its membership than any Supreme

Court of the fifty states. We still enjoy that distinction, but we also have a majority of women, a distinction that is shared only by the Ohio Supreme Court. Please join me in welcoming Justice Fairhurst to the Washington Supreme Court.

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

“Let me now, in my capacity as this state’s fifty-second chief justice, speak to you about the state of Washington’s justice system. I feel comfortable telling you, as I did two years ago, that our justice system is in relatively good shape. The system is not perfect, to be sure, but the judicial branch is managing to hold its head above water despite the many and increasing demands that have been placed upon it. This would not be true, of course, without the hard work and ingenuity of the judicial officers of this state and the many dedicated employees of the judicial branch, including the excellent elected and appointed county clerks in each of our counties.

“I can’t begin to convey to you the depth of my admiration for the outstanding work of the two hundred-seventeen full and part-time judges of our district and municipal courts who hold forth in the towns, cities, and counties of our state and who manage caseloads made heavy with over two million filings each year. Our one hundred-seventy-five superior court judges are equally as dedicated and hard working, managing to stay on top of caseloads that are enriched each year by over a quarter of a million new filings in those courts located in every county of our state. Collectively, our two levels of trial court entertain approximately one case filing for every 2.5 citizens each year—cases that run the gamut from parking citations to aggravated first degree murder, and from small claims to cases that involve millions and, in some cases, billions of dollars and significant public issues.

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

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

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

“I will start by saying that one of our proudest accomplishments was gaining passage of Engrossed Senate Joint Resolution No. 8208. As you know, that constitutional amendment provides our hard-pressed superior court jurisdictions with greater flexibility in harnessing the assistance of elected judges from other levels of court as judges pro tem when those courts are faced with backlog problems. Of course, we would never have achieved this important reform without the support of the Fifty-seventh Legislature, of which most of you were a part. That Legislature passed, what was then a proposed constitutional amendment, on to the people and gave it a large boost with over a two-thirds vote in each House. The people then approved the measure in November of 2001, by an almost seventy percent affirmative vote, the highest affirmative vote given to any ballot measure that year.

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

“I am proud to report to you on the progress we have made toward revising our time for trial rules for criminal cases--the so-called ‘speedy trial’ rules. You may recall that these rules, which apply to all criminal cases in superior court and courts of limited jurisdiction, came to the attention of the 2002 Session of the Legislature, when the rules came under some criticism. You may recall that I thereafter appeared before a Committee of the House of Representatives and indicated that even though we had not received any recommendations for modification of these rules in recent years, we were willing to look at the rules from top to bottom to see if they should be modified in light of the concerns that were then being expressed.

“The Supreme Court immediately followed up on that promise and appointed a broad-based task force to examine the rules. Four legislators, two from the House and two from the Senate, served on that task force, which was chaired by Professor David Boerner of the Seattle University Law School, a former King County Deputy Prosecutor. We received the report of the task force this past October together with suggested revisions to the rules. The Supreme Court then asked the Board for Judicial Administration, which is the policy setting body for the entire court system, to consider the task force proposal and give us the benefit of their recommendations. We felt this was important because two-thirds of the membership of that board are trial judges, and it is our trial judges who are ultimately responsible for assuring compliance with the time for trial rules. That board will consider the proposal for the second time at its meeting on January 24, after which it will send its recommendations on to our court. I can tell you, speaking for myself, that the task force did a fine job in drafting rules that appear to be designed to preserve the values of the current rule--which is moving criminal cases through the system promptly--while at the same time providing trial judges with greater flexibility in managing their caseloads and dealing with

unforeseen circumstances. I am confident that the Supreme Court will take action on the task force's proposal before this legislative session is completed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The President of the Senate thanked Chief Justice Alexander for his interesting and informative report to the Legislature.

The President of the Senate asked the special committee to escort the state elected officials from the courtroom.

MOTION

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

The Senate was called to order at 11:56 a.m. by President Owen.

MOTION

At 11:56 a.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, January 16, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 15, 2003

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FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 16, 2003

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

MOTION

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

REPORT OF STANDING COMMITTEE

January 15, 2003

SB 5049 Prime Sponsor, Senator Roach: Designating veterans' history awareness month. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5154 by Senators Mulliken, Oke and T. Sheldon

AN ACT Relating to providing for the option for immediate eviction of tenants who are involved in criminal actions or unlawful civil disruptions; adding a new section to chapter 59.18 RCW; and creating a new section. Referred to Committee on Judiciary.

SB 5155 by Senators Mulliken and T. Sheldon

AN ACT Relating to prohibiting strikes and lockouts under chapter 41.59 RCW; amending RCW 41.59.020; adding a new section to chapter 41.59 RCW; and prescribing penalties. Referred to Committee on Commerce and Trade.

SB 5156 by Senators Winsley, Fraser, Jacobsen and Haugen

AN ACT Relating to the combined fund drive; and adding new sections to chapter 41.04 RCW. Referred to Committee on Government Operations and Elections.

SB 5157 by Senators Morton, Rasmussen, Hewitt, Mulliken and Swecker

AN ACT Relating to qualifications for appointment to the veterinary board of governors; and amending RCW 18.92.021. Referred to Committee on Agriculture.

SB 5158 by Senators Carlson, McAuliffe, Hewitt, Kohl-Welles, Sheahan, West, Winsley, Johnson, Oke, Hale, Parlette, Mulliken, Brown, Schmidt, B. Sheldon and Shin

AN ACT Relating to classification as a resident student; amending RCW 28B.15.012; creating a new section; providing an effective date; and declaring an emergency. Referred to Committee on Higher Education.

SB 5159 by Senators Haugen, Horn, Esser and Schmidt

AN ACT Relating to special motorcycle license plates; amending RCW 46.16.313 and 46.16.316; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW. Referred to Committee on Highways and Transportation.

SB 5160 by Senators Morton, Mulliken, McCaslin, Benton, Honeyford, Stevens, Sheahan, Deccio, Swecker, Hale, Parlette and T. Sheldon

AN ACT Relating to counties required to plan under the growth management act; amending RCW 36.70A.040; and creating a new section. Referred to Committee on Land Use and Planning.

SB 5161 by Senators Hewitt, Rasmussen, Honeyford, T. Sheldon, Hale, Hargrove, Horn, Haugen, Mulliken, Oke, Sheahan, Roach, McCaslin, Benton, Brandland, Deccio, Esser, Johnson, Parlette, Rossi and Schmidt

AN ACT Relating to ergonomics rules; and adding a new section to chapter 49.17 RCW. Referred to Committee on Commerce and Trade.

SB 5162 by Senators Rasmussen, Horn, Kastama, Esser, Kohl-Welles and Oke

AN ACT Relating to the transportation of persons with special needs; amending RCW 81.66.010, 81.66.020, 81.66.030, 81.66.040, and 81.66.050; and reenacting and amending RCW 46.74.010. Referred to Committee on Highways and Transportation.

SB 5163 by Senators Doumit, Swecker, Hargrove, Reardon, Regala, Jacobsen and Franklin

AN ACT Relating to commercial fishing violations; amending RCW 77.15.700; adding new sections to chapter 77.15 RCW; and creating a new section.
Referred to Committee on Parks, Fish and Wildlife.

SB 5164 by Senators T. Sheldon, Swecker, Fraser, Fairley, Oke, Haugen and Rasmussen

AN ACT Relating to oyster harvesting; and adding a new section to chapter 77.32 RCW.
Referred to Committee on Parks, Fish and Wildlife.

SB 5165 by Senators Kohl-Welles, Kline, McCaslin and Franklin

AN ACT Relating to vehicular pursuit by law enforcement officers; adding new sections to chapter 43.101 RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 5166 by Senators Esser, Reardon, Roach, Hale, Schmidt and Shin

AN ACT Relating to law enforcement vehicles in high occupancy vehicle lanes; and amending RCW 81.100.020, 46.61.165, and 47.52.025.
Referred to Committee on Highways and Transportation.

SCR 8401 by Senators Kohl-Welles, Carlson, Johnson, Shin, Jacobsen, McAuliffe, Schmidt, Rasmussen and B. Sheldon

Creating a joint select committee to develop a master plan for education.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5155 was referred to the Committee on Commerce and Trade.

MOTION

At 12:02 p.m. on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Friday, January 17, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FOURTH DAY, JANUARY 16, 2003

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FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 17, 2003

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

MOTION

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

REPORT OF STANDING COMMITTEE

January 15, 2003

SB 5048 Prime Sponsor, Senator Roach: Designating an official state mammal. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
P.O. Box 42560, Olympia, Washington 98504-2560

January 13, 2003

Tony Cook, Secretary of the Senate
P.O. Box 40482
Olympia, Washington 98504-0482

RE: Report to the Legislature -- **Imported Apples Report**

Dear Mr. Cook

Enclosed is the revised December 26, 2002 Imported Apples Report required by Chapter 235, Laws of 2002 (EHB 2773). Please replace the report with the current version dated December 31, 2002.

If you have any questions, please call me at (360) 902-1850. Thank you.

Sincerely,
Leslie Emerick
Legislative Affairs Coordinator

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
P. O. Box 42560, Olympia, Washington 98504-2560

REPORT TO THE LEGISLATURE
APPLES IMPORTED BY COMMISSION MERCHANTS

December 31, 2002

Prepared by Jerry Buendel
Commission Merchants Program Manager
Washington State Department of Agriculture

Background

The Commission Merchants Program was established to protect producers, buyers and sellers of agricultural products against illegal business practices. Chapter 20.01 RCW, Agriculture Products—Commission Merchants, Dealers, Brokers, Buyers, Agents, was first enacted in 1959. The statute gives the Department of Agriculture the authority to regulate individuals and businesses that receive on consignment, take possession or control of or act as brokers in the resale or processing of unprocessed agricultural products, i.e. Commission Merchants. The department regulates individuals and businesses through licensing and bonding. The program investigates complaints from consignors and carries out enforcement activities. Funding for the Commission Merchants Program is provided solely through license fees and other charges.

The Washington State Department of Agriculture (WSDA) was directed by the 2002 Legislature, under Chapter 235, Laws of 2002, to require each Commission Merchant handling apples imported into the United States between January 1, 2002, and November 30, 2002, to report the volume of each variety of imported apples that was received by and packed and sold by the Commission Merchant by December 15, 2002. WSDA was to compile the information and provide a report to the Secretary of the Senate and the Chief Clerk of the House of Representatives by December 31, 2002.

WSDA tasked the Commission Merchants Program to gather and report the information. The program office, after coordinating with stakeholder associations, devised a form and method to collect the required information.

Results

Commission Merchants reported selling 3.09 million boxes of imported apples in the 11-month period of January 1 to November 30, 2002. Businesses reported importing 23 different varieties of apples, with Braeburn, Fuji and Royal Gala accounting for 70 percent of the imported apples.

Table 1 provides a breakout of the volume of imported apples by variety reported by those licensed as Commission Merchants. The apples were reported in 42-pound equivalent units, the approximate weight of a box of apples.

TABLE 1, APPLES IMPORTED BY COMMISSION MERCHANTS BY VARIETY, 2002

<u>VARIETY</u>	<u>RECEIVED</u>	<u>PACKED</u>	<u>SOLD</u>
Bart	1,280	1,280	
Beauty	278	278	
Braeburn	687,921	27,624	680,820
Cripps Pink	10,073	10,073	
Fuji	679,486	32,066	694,775
Gala	288,198	64,905	286,233
Golden	242	242	
Granny Smith	262,893	10,860	246,556
Jazz	1,477	1,477	
Jonagold	872	872	
Macintosh	34,176	1,386	33,886
New Zealand Queen	3,633		
New Zealand Rose	18,088		10,549
Pacific Beauty	11,055	10,167	
Pacific Queen	21,945	21,625	
Pacific Rose	123,148	118,706	
Pink Lady	54,363	52,244	
Red Delicious	637	637	
Rose	30,278	26,116	55,946
Royal Gala	727,837	754,457	
Sansa	98	98	
Southern Rose	90,668		88,251
Spartans	546	546	
Yataka	5,792	5,792	
TOTALS		3,059,186	162,957
			3,090,337

Notes:

* Apples were imported from New Zealand, Chile, Argentina and Canada. Reporting on the country of origin was optional.

*The department contacted 112 businesses licensed as Commission Merchants. Sixteen (16) of the 112 businesses reported handling imported apples.

* There are other licensees who may handle imported apples. In 2002, the department issued 35 Broker licenses, 225 Dealer licenses and 3 Limited Dealer licenses and 104 Cash Buyer licenses. Businesses may be licensed in more than one category.

The revised Department of Agriculture 2002 Imported Apples Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

January 17, 2003

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5167 by Senators Regala, Hewitt, Franklin, Winsley and Kohl-Welles

AN ACT Relating to sellers of travel; and amending RCW 19.138.140.
Referred to Committee on Commerce and Trade.

SB 5168 by Senator Hargrove

AN ACT Relating to interest on legal financial obligations; and amending RCW 10.82.090.
Referred to Committee on Children and Family Services and Corrections.

SB 5169 by Senator Hargrove

AN ACT Relating to court-ordered restitution; amending RCW 9.94A.750; and reenacting and amending RCW 9.94A.753.
Referred to Committee on Children and Family Services and Corrections.

SB 5170 by Senators Esser, Kline, Johnson and Roach (by request of Office of the Code Reviser)

AN ACT Relating to correction of outdated internal references in the Revised Code of Washington; and amending RCW 8.26.020, 9.94A.731, 11.68.090, 11.97.010, 11.97.900, and 29.81.310.
Referred to Committee on Judiciary.

SB 5171 by Senators Esser, Kline, Johnson and Roach (by request of Office of the Code Reviser)

AN ACT Relating to technical corrections concerning manufactured and mobile homes under the authority of RCW 1.08.025; amending 2002 c 268 s 10 (uncodified); and reenacting and amending RCW 43.22.434.
Referred to Committee on Judiciary.

SB 5172 by Senators Esser, Kline, Johnson and Roach (by request of Office of the Code Reviser)

AN ACT Relating to making technical corrections to the Revised Code of Washington under the authority of RCW 1.08.025; and amending RCW 3.66.060, 4.24.210, 7.84.020, 7.84.040, 9.41.098, 10.105.900, 15.85.020, 15.85.060, 16.36.005, 17.26.020, 19.27.490, 19.158.020, 34.05.328, 35.21.404, 35.63.230, 35A.21.290, 35A.63.250, 35A.69.010, 36.70.982, 36.70.992, 36.70A.460, 43.21B.005, 43.21C.0382, 43.21C.260, 43.21.010, 43.52.440, 43.101.010, 69.04.930, 69.04.934, 70.105D.090, 72.63.040, 76.09.030, 76.09.063, 76.09.350, 76.09.910, 76.13.100, 76.42.060, 77.15.310, 78.44.050, 79.76.060, 79.90.150, 79.94.390, 79.96.080, 79A.25.240, 79A.60.010, 82.27.070, 89.08.470, 90.03.247, and 90.58.147.
Referred to Committee on Judiciary.

SB 5173 by Senators Esser, Kline, Johnson and Roach (by request of Office of the Code Reviser)

AN ACT Relating to making technical corrections concerning notaries public under the authority of RCW 1.08.025; and repealing RCW 42.44.040.
Referred to Committee on Judiciary.

SB 5174 by Senators Shin, T. Sheldon, Reardon, Fairley, West, Franklin, Hale, Kohl-Welles, McAuliffe, Rasmussen and Roach

AN ACT Relating to renaming the committee on economic development to the committee on economic development and international trade; and amending RCW 44.52.010.
Referred to Committee on Economic Development.

SB 5175 by Senators Doumit, Roach, Haugen, Kohl-Welles, McAuliffe, Rasmussen, T. Sheldon and Winsley

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

SB 5176 by Senators Roach and Doumit

AN ACT Relating to providing wildland fire fighting training; and reenacting and amending RCW 43.43.934.
Referred to Committee on Government Operations and Elections.

SB 5177 by Senators Sheahan, Jacobsen, Swecker, Hewitt, Honeyford, Oke, Hale, Esser, Schmidt and B. Sheldon

AN ACT Relating to creating the corps of discovery pass for Lewis and Clark parks; adding a new section to chapter 79A.05 RCW; and creating a new section.
Referred to Committee on Parks, Fish and Wildlife.

SB 5178 by Senators Hewitt, T. Sheldon, Rasmussen, Franklin, Shin, Rossi, Hale and B. Sheldon (by request of Lieutenant Governor Owen)

AN ACT Relating to funding and expenditures for legislative trade hosting and mission activities; amending RCW 42.52.150; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW. Referred to Committee on Commerce and Trade.

SB 5179 by Senators Oke, Mulliken, Rasmussen and T. Sheldon

AN ACT Relating to the use of body-gripping traps; amending RCW 77.15.192 and 77.15.194; creating a new section; and declaring an emergency. Referred to Committee on Parks, Fish and Wildlife.

SB 5180 by Senators Hewitt, B. Sheldon, Hale, Benton and Rasmussen (by request of Lieutenant Governor Owen)

AN ACT Relating to modifying the name of the legislative committee on economic development; and amending RCW 44.52.010. Referred to Committee on Economic Development.

SB 5181 by Senators Benton, Mulliken, Eide, McCaslin, T. Sheldon and Esser

AN ACT Relating to extending the expiration date on the tax credit for software companies in rural counties; amending RCW 82.04.4456; and providing an expiration date. Referred to Committee on Economic Development.

SB 5182 by Senators Benton, Mulliken, McCaslin, Sheahan, T. Sheldon and Esser

AN ACT Relating to extending the expiration date for the rural county information technology tax credit; amending RCW 82.04.4457; and providing an expiration date. Referred to Committee on Economic Development.

SB 5183 by Senators Benton, Stevens and Eide

AN ACT Relating to first year teachers' salaries; and amending RCW 28A.400.200. Referred to Committee on Education.

SB 5184 by Senators Benton, Stevens, Mulliken, Kohl-Welles, Oke, Winsley, Eide and Esser

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; and amending RCW 84.36.383. Referred to Committee on Ways and Means.

SB 5185 by Senators Benton, Mulliken and Stevens

AN ACT Relating to open public meetings; and amending RCW 42.30.030, 42.30.040, 42.30.060, and 42.30.070. Referred to Committee on Government Operations and Elections.

SB 5186 by Senators Benton, Stevens, Swecker, Horn, Mulliken, Oke, Carlson, Deccio, Hale, Roach, Sheahan, T. Sheldon, West, Winsley and Esser

AN ACT Relating to updating state law to conform to changes in the federal estate tax; amending RCW 11.02.005 and 83.100.020; and creating a new section. Referred to Committee on Ways and Means.

SB 5187 by Senators Benton and Stevens

AN ACT Relating to property taxes; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.40 RCW; and creating new sections. Referred to Committee on Ways and Means.

SB 5188 by Senators Benton, Stevens and Esser

AN ACT Relating to taxation; adding a new section to chapter 43.135 RCW; creating a new section; and providing a contingent effective date.
Referred to Committee on Ways and Means.

SB 5189 by Senators Benton, Swecker, Kohl-Welles, Shin, Stevens, Oke, Roach and Winsley

AN ACT Relating to tuition and fees charged at institutions of higher education to military and naval veterans of the Korean conflict; amending RCW 28B.15.910; and adding a new section to chapter 28B.15 RCW.
Referred to Committee on Higher Education.

SB 5190 by Senators Jacobsen, Horn, Haugen and Franklin

AN ACT Relating to fuel tax evasion; amending RCW 82.36.380 and 82.3 8.270; adding new sections to chapter 82.36 RCW; adding new sections to chapter 82.38 RCW; creating a new section; repealing RCW 82.36.306 and 82.3 8.182; and prescribing penalties.
Referred to Committee on Highways and Transportation.

SB 5191 by Senators Jacobsen, Horn and Haugen

AN ACT Relating to changing the payment date of motor vehicle fuel tax and special fuel tax when paying by electronic funds transfer; amending RCW 82.36.035 and 82.38.160; repealing RCW 82.36.405 and 82.38.289; providing an effective date; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 5192 by Senators Zarelli and Oke

AN ACT Relating to Washington technology investments; adding a new section to chapter 43.33A RCW; and creating a new section.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5193 by Senators Benton, Prentice, Winsley, Horn, Franklin, Kohl-Welles, Oke and Kline (by request of Insurance Commissioner Kreidler)

AN ACT Relating to property insurance for victims of malicious harassment; amending RCW 49.60.030; and adding a new section to chapter 48.30 RCW.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5194 by Senators Roach, Kastama, Johnson and Regala (by request of Legislative Ethics Board)

AN ACT Relating to ethics investigations; and amending RCW 42.52.450.
Referred to Committee on Government Operations and Elections.

SB 5195 by Senators Swecker, Rasmussen, Sheahan, Jacobsen and Brandland (by request of Department of Agriculture)

AN ACT Relating to forwarding grain when an emergency storage situation exists; and amending RCW 22.09.660.
Referred to Committee on Agriculture.

SB 5196 by Senators Swecker, Rasmussen, Sheahan, Jacobsen and Brandland (by request of Department of Agriculture)

AN ACT Relating to regulating the sale, processing, or purchase of agricultural products; amending RCW 20.01.010, 20.01.130, 20.01.140, 20.01.211, 20.01.240, 20.01.32 0, 20.01.410, 20.01.460, 20.01.490, and 20.01.610; and prescribing penalties.
Referred to Committee on Agriculture.

SB 5197 by Senators Swecker, Rasmussen, Jacobsen, Sheahan and Brandland (by request of Department of Agriculture)

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

SB 5198 by Senators Parlette, Winsley, Deccio, Thibaudeau, Keiser, Franklin and Brandland

AN ACT Relating to public hospital district recruitment and training; and amending RCW 70.44.060.

Referred to Committee on Health and Long-Term Care.

SB 5199 by Senators Keiser, Doumit, Eide, McAuliffe and Winsley

AN ACT Relating to park passes; and amending RCW 79A.05.065.
Referred to Committee on Parks, Fish and Wildlife.

SB 5200 by Senators Roach, Benton, Swecker, Finkbeiner, Stevens and Sheahan

AN ACT Relating to height restrictions on amateur radio antennas; and amending RCW 35.21.315, 35A.21.260, and 36.32.600.
Referred to Committee on Government Operations and Elections.

SB 5201 by Senators Roach, Horn, Swecker, Esser and Honeyford

AN ACT Relating to the volunteer amateur radio emergency communications act; amending RCW 38.52.010 and 38.52.030; and adding a new section to chapter 38.52 RCW.
Referred to Committee on Government Operations and Elections.

SB 5202 by Senators Stevens, Esser, Swecker, Schmidt, Benton, Roach, Zarelli and Finkbeiner

AN ACT Relating to use permits for telecommunications facilities on state lands; amending RCW 79.01.392; adding a new section to chapter 79.01 RCW; and creating a new section.
Referred to Committee on Technology and Communications.

SB 5203 by Senators Oke, Doumit, Jacobsen and Swecker (by request of Department of Fish and Wildlife)

AN ACT Relating to the use of controlled substances by the department of fish and wildlife; adding a new section to chapter 69.50 RCW; and creating a new section.
Referred to Committee on Parks, Fish and Wildlife.

SB 5204 by Senators Oke, Doumit, T. Sheldon, Jacobsen, Swecker, Kohl-Welles and Esser (by request of Department of Fish and Wildlife)

AN ACT Relating to enhancing watchable wildlife activities; amending RCW 77.12.170 and 77.32.380; adding a new section to chapter 77.32 RCW; and creating a new section.
Referred to Committee on Parks, Fish and Wildlife.

SB 5205 by Senators Roach, Shin, Hewitt, Horn, Thibaudeau, Schmidt, McCaslin, Benton, Franklin, Keiser, McAuliffe, Oke, Rasmussen, T. Sheldon and Eide

AN ACT Relating to monitoring of sex offenders; adding new sections to chapter 9.94A RCW; adding new sections to chapter 13.40 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Children and Family Services and Corrections.

SB 5206 by Senators Roach, Swecker, Shin, Benton, Oke, Rasmussen and Winsley

AN ACT Relating to crimes related to mail; reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357; adding a new chapter to Title 9A RCW; prescribing penalties; providing an effective date; and providing an expiration date.
Referred to Committee on Judiciary.

SJR 8205 by Senators Benton, Stevens and Esser

Amending the Constitution to require voter approval or super majority legislative approval for tax increases.

Referred to Committee on Ways and Means.

SJR 8206 by Senators Benton and Stevens

Amending the Constitution to require voter approval on taxes.

Referred to Committee on Ways and Means.

SCR 8402 by Senators Shin, Swecker, T. Sheldon, Reardon, Fairley, West, Benton, Kohl-Welles, Rasmussen and Winsley

Encouraging legislator trade mission participation.

Referred to Committee on Commerce and Trade.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5202 was referred to the Committee on Technology and Communications.

MOTION

At 12:05 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Monday, January 20, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 17, 2003

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

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 20, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Poulsen and Zarelli. On motion of Senator Hewitt, Senators Deccio and Zarelli were excused. On motion of Senator Eide, Senator Poulsen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Christian Phillips and Daniel Luecke, presented the Colors. Reverend Tony Moore of Christ the King Bible Fellowship in Federal Way, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 5207 by Senator Oke

AN ACT Relating to catch record cards; and amending RCW 77.32.430 and 77.32.256.

Referred to Committee on Parks, Fish and Wildlife.

SB 5208 by Senator Oke

AN ACT Relating to the state wildlife fund; and amending RCW 77.12.170.

Referred to Committee on Parks, Fish and Wildlife.

SB 5209 by Senators Deccio, Rasmussen, Winsley, Hewitt, T. Sheldon, Morton, Parlette, Stevens, Hale, Brandland, Mulliken, McCaslin and Oke

AN ACT Relating to actions against health care providers; amending RCW 4.56.250, 7.70.070, 4.16.350, 7.70.080, 4.22.070, 7.70.030, and 7.70.060; adding a new section to chapter 4.28 RCW; adding a new section to chapter 7.04 RCW; adding a new section to chapter 7.70 RCW; and providing a contingent effective date.

Referred to Committee on Health and Long-Term Care.

SB 5210 by Senators Honeyford, Rasmussen, Roach, Mulliken, T. Sheldon, Parlette and Stevens

AN ACT Relating to electrician certification; and amending RCW 19.28.191.

Referred to Committee on Commerce and Trade.

SB 5211 by Senators Kohl-Welles, Winsley, Fairley, Prentice, Benton and Keiser

AN ACT Relating to collection agencies; and reenacting and amending RCW 19.16.100.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5212 by Senators Honeyford, Rasmussen, Roach, Mulliken, T. Sheldon and Parlette

AN ACT Relating to electricians; and amending RCW 19.28.091.

Referred to Committee on Commerce and Trade.

SB 5213 by Senator Carlson

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

Referred to Committee on Judiciary.

SB 5214 by Senators Hargrove, Doumit and Keiser

AN ACT Relating to authorizing the use of hotel and motel tax proceeds for law enforcement efforts directed toward tourism areas; amending RCW 67.28.1815; and creating a new section.

Referred to Committee on Economic Development.

SB 5215 by Senators Hargrove and Jacobsen

AN ACT Relating to imposing a surcharge on the personal use shellfish license fee to fund the Olympic region harmful algal bloom program; adding a new section to chapter 77.32 RCW; and creating new sections.

Referred to Committee on Parks, Fish and Wildlife.

SB 5216 by Senators Stevens and Hargrove

AN ACT Relating to the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW; amending RCW 10.77.060; and creating a new section.

Referred to Committee on Children and Family Services and Corrections.

SB 5217 by Senators Stevens and Hargrove

AN ACT Relating to technical, clarifying, and nonsubstantive amendments to chapter 12, Laws of 2001 2nd sp. sess.; amending RCW 71.09.250, 71.09.255, 71.09.265, 71.09.275, 71.09.290, 71.09.300, 71.09.325, 9.95.017, 9.95.055, 9.95.070, 9.95.110, 9.95.120, 9.95.435, 9.95.440, 18.155.030, and 71.09.270; reenacting and amending RCW 71.09.020; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Children and Family Services and Corrections.

SB 5218 by Senators Roach, Kastama, Schmidt, Fairley, Stevens, Reardon, Horn, Benton, Keiser, Johnson, Kohl-Welles, Kline and Esser (by request of Secretary of State Reed)

AN ACT Relating to the timely mailing of absentee and mail ballots; amending RCW 29.36.270, 29.38.010, and 29.38.020; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5219 by Senators Roach, Kastama, Fairley, Stevens, Benton, Kohl-Welles and Esser (by request of Secretary of State Reed)

AN ACT Relating to voting systems certification; amending RCW 29.33.041, 29.33.081, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.330, 29.33.350, 29.04.200, and 29.85.051; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.85 RCW; repealing RCW 29.33.340; and prescribing penalties.

Referred to Committee on Government Operations and Elections.

SB 5220 by Senators Schmidt, Reardon, Fairley, Carlson, Prentice and Kohl-Welles (by request of Secretary of State Reed)

AN ACT Relating to the date of the primary; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020, 29.15.040, 29.15.050, 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.045, 29.24.055, 29.24.070, 29.24.060, 29.36.270, 29.38.020, 29.38.030, 29.62.020, 42.12.040, 42.17.080, 42.17.710, 42.52.185, 27.12.355, 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; adding a new section to chapter 29.38 RCW; repealing RCW 29.01.160; and providing an effective date.

Referred to Committee on Government Operations and Elections.

SB 5221 by Senators Roach, Kastama, Fairley, Stevens, Horn and Benton (by request of Secretary of State Reed)

AN ACT Relating to reorganization of statutes on elections; amending RCW 29.01.006, 29.01.008, 29.01.043, 29.01.045, 29.01.055, 29.01.090, 29.01.110, 29.01.120, 29.01.137, 29.01.140, 29.01.170, 29.01.180, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.048, 29.60.010, 29.60.040, 29.60.050, 29.98.020, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.08.010, 29.07.010, 29.07.110, 29.07.220, 29.10.081, 29.07.092, 29.07.152, 29.07.030, 29.07.070, 29.07.080, 29.07.090, 29.08.080, 29.07.025, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.051, 29.10.090, 29.10.100, 29.10.185, 29.10.220, 29.10.230, 29.04.250, 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.160, 29.10.127, 29.10.150, 29.33.081, 29.33.330, 29.33.350, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.48.005, 29.27.090, 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.040, 29.24.070, 29.15.010, 29.15.090, 29.15.030, 29.15.060, 29.15.220, 29.15.190, 29.04.180, 29.18.150, 29.18.160, 29.68.080, 29.68.100, 29.68.130, 29.04.035, 29.27.076, 29.81.310, 29.81A.010, 29.81A.020, 29.81A.040, 29.30.005, 29.30.081, 29.36.220, 29.36.250, 29.36.260, 29.36.360, 29.51.125, 29.51.185, 29.48.035, 29.51.050, 29.51.060, 29.51.100, 29.51.200, 29.54.018, 29.54.010, 29.54.015, 29.45.010, 29.45.020, 29.45.030, 29.45.050, 29.45.070, 29.45.120, 29.38.040, 29.38.060, 29.21.410, 29.27.030, 29.27.080, 29.27.100, 29.27.110, 29.19.010, 29.82.010, 29.82.021, 29.82.025, 29.82.030, 29.82.040, 29.82.080, 29.82.110, 29.82.120, 29.82.140, 29.71.010, 29.71.030, 29.71.040, 29.71.050, 29.74.010, 29.74.030, 29.74.060, 29.74.070, 29.74.100, 29.74.110, 29.74.130, 29.13.040, 29.54.075, 29.54.085, 29.62.030, 29.62.020, 29.54.025, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.090, 29.65.010, 29.65.020, 29.65.040, 29.65.060, 29.65.080, 29.65.090, 29.65.100, 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.080, 29.79.090, 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.150, 29.79.160, 29.79.170, 29.79.230, 29.79.300, 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.110, 29.15.100, 29.51.030, 29.85.110, 29.85.260, 29.85.240, 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.91.020, 29.91.060, and 43.07.310; reenacting RCW 29.01.005, 29.01.042, 29.01.047, 29.01.050, 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.100, 29.01.113, 29.01.117, 29.01.119, 29.01.130, 29.01.135, 29.01.136, 29.01.155, 29.01.160, 29.01.200, 29.04.025, 29.04.091, 29.13.047, 29.60.030, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.030, 29.10.011, 29.08.060, 29.08.030, 29.07.160, 29.07.230, 29.07.140, 29.08.040, 29.07.430, 29.07.440, 29.10.170, 29.10.097, 29.10.110, 29.10.180, 29.10.015, 29.10.071, 29.10.075, 29.10.200, 29.10.210, 29.04.150, 29.04.240, 29.10.125, 29.10.130, 29.10.140, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.340, 29.33.360, 29.04.055, 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.045, 29.24.055, 29.24.060, 29.15.130, 29.15.140, 29.15.044, 29.15.020, 29.15.040, 29.15.050, 29.15.070, 29.15.125, 29.15.120, 29.15.160, 29.15.210, 29.15.170, 29.15.180, 29.15.200, 29.15.230, 29.04.190, 29.68.070, 29.81.210, 29.81.220, 29.81.230, 29.81.240, 29.81.250, 29.81.260, 29.81.280, 29.81.290, 29.81.300, 29.81A.030, 29.81A.050, 29.81A.060, 29.81A.070, 29.81A.080, 29.27.020, 29.27.057, 29.27.061, 29.27.065, 29.27.0653, 29.27.0655, 29.27.066, 29.27.0665, 29.27.067, 29.30.010, 29.30.020, 29.30.025, 29.30.040, 29.30.060, 29.30.085, 29.30.086, 29.30.086, 29.30.095, 29.30.101, 29.30.111, 29.30.130, 29.36.210, 29.36.230, 29.36.240, 29.36.270, 29.36.280, 29.36.290, 29.36.300, 29.36.310, 29.36.320, 29.36.340, 29.36.350, 29.51.010, 29.51.180, 29.51.190, 29.54.037, 29.48.010, 29.13.080, 29.51.240, 29.48.030, 29.07.170, 29.57.130, 29.48.020, 29.48.070, 29.48.090, 29.48.100, 29.51.150, 29.51.070, 29.51.250, 29.07.180, 29.48.080, 29.48.045, 29.54.093, 29.51.115, 29.51.155, 29.45.040, 29.45.060, 29.45.065, 29.45.080, 29.45.090, 29.45.100, 29.45.110, 29.38.010, 29.38.020, 29.38.030, 29.38.050, 29.15.150, 29.18.010, 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.27.050, 29.27.072, 29.27.074, 29.19.020, 29.19.030, 29.19.045, 29.19.055, 29.19.080, 29.82.015, 29.82.023, 29.82.060, 29.82.090, 29.82.100, 29.82.105, 29.82.130, 29.82.160, 29.71.020, 29.27.140, 29.74.020, 29.74.040, 29.74.050, 29.74.080, 29.74.120, 29.74.140, 29.74.150, 29.62.180, 29.54.042, 29.54.050, 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175, 29.27.120, 29.36.330, 29.64.015, 29.64.020, 29.64.030, 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.04.030, 29.65.050, 29.65.055, 29.65.070, 29.65.120, 29.79.035, 29.79.040, 29.79.050, 29.79.060, 29.79.070, 29.79.140, 29.79.180, 29.79.190, 29.79.200, 29.79.210, 29.79.270, 29.79.280, 29.79.290, 29.70.100, 29.15.026, 29.42.040, 29.85.275, 29.07.400, 29.07.405, 29.07.410,

29.85.249, 29.15.080, 29.79.500, 29.85.040, 29.85.020, 29.51.020, 29.51.221, 29.85.010, 29.85.051, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.030, 29.91.040, 29.91.050, 29.91.023, and 29.13.024; adding new sections to chapter 35.22 RCW; adding a new title to the Revised Code of Washington to be codified as Title 29A RCW; creating new sections; recodifying RCW 29.01.005, 29.01.006, 29.01.008, 29.01.042, 29.01.043, 29.01.045, 29.01.047, 29.01.050, 29.01.055, 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110, 29.01.113, 29.01.117, 29.01.119, 29.01.120, 29.01.130, 29.01.135, 29.01.136, 29.01.137, 29.01.140, 29.01.155, 29.01.160, 29.01.170, 29.01.180, 29.01.200, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.025, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.091, 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.047, 29.13.048, 29.60.010, 29.60.030, 29.60.040, 29.60.050, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.020, 29.98.030, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.10.011, 29.08.010, 29.07.010, 29.08.060, 29.07.110, 29.08.030, 29.07.220, 29.10.081, 29.07.092, 29.07.160, 29.07.152, 29.07.030, 29.07.230, 29.07.070, 29.07.140, 29.07.080, 29.07.090, 29.08.080, 29.08.040, 29.07.025, 29.07.430, 29.07.440, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.170, 29.10.051, 29.10.090, 29.10.097, 29.10.100, 29.10.110, 29.10.180, 29.10.185, 29.10.015, 29.10.071, 29.10.220, 29.10.075, 29.10.200, 29.10.210, 29.10.230, 29.04.250, 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.150, 29.04.160, 29.04.240, 29.10.125, 29.10.127, 29.10.130, 29.10.140, 29.10.150, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.081, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.330, 29.33.340, 29.33.350, 29.33.360, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.04.055, 29.48.005, 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150, 29.27.090, 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.045, 29.24.055, 29.24.060, 29.24.070, 29.15.130, 29.15.140, 29.15.010, 29.15.044, 29.15.020, 29.15.090, 29.15.030, 29.15.040, 29.15.050, 29.15.060, 29.15.070, 29.15.125, 29.15.120, 29.15.160, 29.15.210, 29.15.220, 29.15.170, 29.15.180, 29.15.190, 29.15.200, 29.15.230, 29.04.180, 29.04.190, 29.18.150, 29.18.160, 29.68.070, 29.68.080, 29.68.100, 29.68.130, 29.81.210, 29.81.210, 29.81.210, 29.81.210, 29.81.220, 29.81.230, 29.07.076, 29.81.240, 29.81.250, 29.81.260, 29.81.280, 29.81.290, 29.81.300, 29.81.310, 29.81A.010, 29.81A.020, 29.81A.030, 29.81A.040, 29.81A.050, 29.81A.060, 29.81A.070, 29.81A.080, 29.27.020, 29.27.057, 29.27.061, 29.27.065, 29.27.0653, 29.27.0655, 29.27.066, 29.27.0665, 29.27.067, 29.30.005, 29.30.010, 29.30.020, 29.30.025, 29.30.040, 29.30.060, 29.30.081, 29.30.085, 29.30.086, 29.30.095, 29.30.101, 29.30.111, 29.30.130, 29.36.210, 29.36.220, 29.36.230, 29.36.240, 29.36.250, 29.36.260, 29.36.270, 29.36.280, 29.36.290, 29.36.300, 29.36.310, 29.36.320, 29.36.340, 29.36.350, 29.36.360, 29.51.010, 29.51.125, 29.51.180, 29.51.190, 29.54.037, 29.48.010, 29.13.080, 29.51.240, 29.51.185, 29.48.030, 29.07.170, 29.48.035, 29.57.130, 29.48.020, 29.48.070, 29.48.090, 29.48.100, 29.51.150, 29.51.050, 29.51.060, 29.51.100, 29.51.070, 29.51.200, 29.54.018, 29.51.250, 29.54.010, 29.54.015, 29.07.180, 29.48.080, 29.48.045, 29.54.093, 29.51.115, 29.51.155, 29.45.010, 29.45.020, 29.45.030, 29.45.040, 29.45.050, 29.45.060, 29.45.065, 29.45.070, 29.45.080, 29.45.090, 29.45.100, 29.45.110, 29.45.120, 29.38.010, 29.38.020, 29.38.030, 29.38.040, 29.38.050, 29.38.060, 29.15.150, 29.18.010, 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.21.410, 29.27.030, 29.27.050, 29.27.072, 29.27.074, 29.27.080, 29.27.100, 29.27.110, 29.19.010, 29.19.020, 29.19.030, 29.19.045, 29.19.055, 29.19.080, 29.82.010, 29.82.015, 29.82.021, 29.82.023, 29.82.025, 29.82.030, 29.82.040, 29.82.060, 29.82.080, 29.82.090, 29.82.100, 29.82.105, 29.82.110, 29.82.120, 29.82.130, 29.82.140, 29.82.160, 29.71.010, 29.71.020, 29.71.030, 29.71.040, 29.71.050, 29.27.140, 29.74.010, 29.74.020, 29.74.030, 29.74.040, 29.74.050, 29.74.060, 29.74.070, 29.74.080, 29.74.100, 29.74.110, 29.74.120, 29.74.130, 29.74.140, 29.74.150, 29.74.160, 29.13.040, 29.62.180, 29.54.042, 29.54.050, 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175, 29.54.075, 29.54.085, 29.27.120, 29.62.030, 29.62.020, 29.54.025, 29.36.330, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.015, 29.64.020, 29.64.030, 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.64.090, 29.04.030, 29.04.030, 29.65.010, 29.65.040, 29.65.050, 29.65.055, 29.65.060, 29.65.070, 29.65.080, 29.65.090, 29.65.100, 29.65.120, 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.035, 29.79.040, 29.79.050, 29.79.060, 29.79.070, 29.79.080, 29.79.090, 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.140, 29.79.150, 29.79.160, 29.79.170, 29.79.180, 29.79.190, 29.79.200, 29.79.210, 29.79.230, 29.79.270, 29.79.280, 29.79.290, 29.79.300, 29.70.100, 29.15.026, 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.040, 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.080, 29.15.110, 29.79.500, 29.15.100, 29.85.040, 29.85.249, 29.51.020, 29.51.030, 29.51.221, 29.85.010, 29.85.110, 29.85.260, 29.85.051, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.020, 29.91.030, 29.91.040, 29.91.050, 29.91.060, 29.13.023, and 29.13.024; repealing RCW 9.81.100, 29.01.010, 29.01.020, 29.01.030, 29.01.040, 29.01.087, 29.01.150, 29.04.210, 29.04.235, 29.07.100, 29.07.115, 29.07.120, 29.07.240, 29.07.280, 29.07.290, 29.07.300, 29.07.310, 29.07.320, 29.07.420, 29.07.450, 29.08.020, 29.08.050, 29.08.070, 29.08.090, 29.08.900, 29.13.021, 29.13.060, 29.15.046, 29.15.240, 29.15.800, 29.19.900, 29.36.900, 29.51.173, 29.57.170, 29.62.010, 29.62.015, 29.64.070, 29.64.900, 29.68.015, 29.68.120, 29.68.120, 29.74.090, 29.79.250, 29.81.270, 29.81.270, 29.81.320, 29.81A.900, 29.81A.901, 29.91.900, 29.91.901, 29.98.050, and 43.01.150; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations and Elections.

SB 5222 by Senators Roach, Kastama, Fairley, Stevens and Horn (by request of Secretary of State Reed)

AN ACT Relating to election crimes and penalties; amending RCW 29.85.170, 29.85.245, 29.85.275, 29.07.400, 29.07.410, 29.79.440, 29.79.490, 29.85.040, 29.85.020, 29.51.020, 29.51.221, 29.85.110, 29.85.260, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.215, 29.36.370, 29.85.100, and 29.85.225; reenacting RCW 29.79.500; adding a new chapter to Title 29 RCW; recodifying RCW 29.85.170, 29.85.245, 29.85.275, 29.07.400, 29.07.410, 29.79.440, 29.79.490, 29.79.500, 29.85.040, 29.85.020, 29.51.020, 29.51.221, 29.85.110, 29.85.260, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.215, 29.36.370, 29.85.100, and 29.85.225; repealing RCW 29.07.405, 29.15.080, 29.15.100, 29.15.110, 29.38.070, 29.51.030, 29.51.230, 29.79.170, 29.79.480, 29.82.170, 29.82.210, 29.82.220, 29.85.010, 29.85.051, 29.85.230, and 29.85.249; prescribing penalties; and providing an effective date.

Referred to Committee on Government Operations and Elections.

SB 5223 by Senators Keiser, Parlette, Hargrove, Deccio and Kline

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

Referred to Committee on Children and Family Services and Corrections.

SB 5224 by Senators Benton, Prentice, Winsley, Zarelli, Johnson, T. Sheldon, Kohl-Welles, Hale, Roach and Esser

AN ACT Relating to the membership of the affordable housing advisory board; and amending RCW 43.185B.020.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5225 by Senators Benton, Prentice, Zarelli and Esser

AN ACT Relating to providing rent vouchers for low-income persons to pay for rent and security deposits; amending RCW 36.22.178; and creating a new section.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5226 by Senators Hale, Deccio, Thibaudeau, Keiser, Oke and Franklin

AN ACT Relating to authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry; and amending RCW 18.53.010, 18.53.140, 69.41.030, and 69.50.101.

Referred to Committee on Health and Long-Term Care.

SB 5227 by Senators Swecker and Rasmussen (by request of Department of Agriculture)

AN ACT Relating to regulating structural pest inspectors; amending RCW 15.58.030, 15.58.040, 15.58.150, 15.58.210, 15.58.233, 15.58.460, 15.58.465, and 15.58.470; adding new sections to chapter 15.58 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5228 by Senators Regala, Winsley, Rasmussen, Schmidt, Haugen, Kastama and Franklin

AN ACT Relating to selling or leasing contaminated property; amending RCW 64.44.010 and 64.44.050; and prescribing penalties.

Referred to Committee on Commerce and Trade.

SB 5229 by Senators Haugen, Horn, B. Sheldon, Zarelli, Poulsen, Jacobsen, Mulliken, Hargrove, Roach, Rossi, Stevens, T. Sheldon and West

AN ACT Relating to a motorcycle skills education program for three-wheeled motorcycles; and amending RCW 46.20.500, 46.20.505, 46.20.515, 46.81A.010, and 46.81A.020.

Referred to Committee on Highways and Transportation.

SB 5230 by Senators T. Sheldon, Zarelli, Roach, Hargrove, Poulsen, Benton, Stevens and Mulliken

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

Referred to Committee on Highways and Transportation.

SB 5231 by Senators Prentice, Keiser and B. Sheldon

AN ACT Relating to credit card-based checks; adding a new section to chapter 19.200 RCW; and creating a new section.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5232 by Senator Morton

AN ACT Relating to authorizing multiyear excess property tax levies for cemetery districts; amending RCW 68.52.310; reenacting and amending RCW 84.52.052; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Government Operations and Elections.

SB 5233 by Senators Shin, Swecker, Reardon, Schmidt, Carlson, Roach, Benton, T. Sheldon, Rasmussen and Eide

AN ACT Relating to classroom remembrances of the September 11, 2001, terrorist attacks; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

SB 5234 by Senators Shin, Rasmussen, Keiser, Reardon, Kohl-Welles and Fairley

AN ACT Relating to skate parks; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Parks, Fish and Wildlife.

SB 5235 by Senators Hargrove, Morton and Doumit

AN ACT Relating to environmental impact statements for class I, II, and III forest practices on state trust lands; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5236 by Senators Parlette, Thibaudeau, Winsley, Keiser, Carlson, Honeyford, McAuliffe, Mulliken, Kohl-Welles, Hale, Roach, Esser, Brandland and Eide

AN ACT Relating to offering health care benefit plans to school district employees; amending RCW 41.05.065; and reenacting and amending RCW 41.05.050.

Referred to Committee on Health and Long-Term Care.

SB 5237 by Senators Deccio, Thibaudeau, Parlette, Keiser, Mulliken, Kohl-Welles, Stevens, Hale and Eide

AN ACT Relating to regulating the catheterization of students; and amending RCW 28A.210.280.

Referred to Committee on Education.

SB 5238 by Senators Schmidt, McAuliffe, Carlson, Roach, Esser and Eide

AN ACT Relating to classified staff in alternative certification programs; amending RCW 28A.660.040; and providing an expiration date.

Referred to Committee on Education.

SB 5239 by Senators Shin, Benton, B. Sheldon, Kohl-Welles and Winsley

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

Referred to Committee on Highways and Transportation.

SB 5240 by Senators Zarelli, McAuliffe, Schmidt, Eide, Benton, Carlson, Keiser, Mulliken, Kohl-Welles, Stevens, Winsley, Hale, Roach and Poulsen

AN ACT Relating to including a classified employee on the Washington professional educator standards board; and amending RCW 28A.410.200.

Referred to Committee on Education.

SB 5241 by Senators Kohl-Welles, Carlson, Shin, Schmidt, B. Sheldon, Horn and Winsley

AN ACT Relating to state funding for the enrollments of the state's institutions of higher education; amending RCW 28B.10.776, 28B.10.778, 28B.10.784, and 28B.10.786; creating a new section; and repealing RCW 28B.10.780 and 28B.10.782.

Referred to Committee on Higher Education.

SB 5242 by Senators Swecker, Zarelli, Haugen, Oke, Stevens, Benton, Doumit, Roach, Hargrove, Schmidt, Mulliken and Rasmussen

AN ACT Relating to internet access for patrons of public libraries; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Judiciary.

SB 5243 by Senators Swecker, Rasmussen, Mulliken, Benton, Stevens, T. Sheldon and Schmidt

AN ACT Relating to the safety and well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.015, 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, 9.68A.140, 9.68A.150, and 9.68A.160; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5244 by Senator Hewitt

AN ACT Relating to powers of unclassified cities; and adding new sections to chapter 35.30 RCW.

Referred to Committee on Government Operations and Elections.

SB 5245 by Senators Horn, Haugen, Mulliken, Finkbeiner, Oke, Swecker, Esser, Prentice, Benton and Kohl-Welles

AN ACT Relating to involving legislators in transportation planning; and amending RCW 47.80.040.

Referred to Committee on Highways and Transportation.

SB 5246 by Senators Esser, Mulliken, Horn, Swecker, Prentice and Oke

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

Referred to Committee on Highways and Transportation.

SB 5247 by Senators Horn, Haugen, Esser, Jacobsen, Kastama, Prentice, Oke, Swecker and Schmidt

AN ACT Relating to an alternative local option fuel tax; amending RCW 82.80.010; and adding a new section to chapter 82.80 RCW.

Referred to Committee on Highways and Transportation.

SB 5248 by Senators Horn, Haugen, Prentice, Oke and Stevens

AN ACT Relating to transportation; amending RCW 41.06.380, 39.12.070, 39.12.080, and 35.84.060; adding new sections to chapter 47.28 RCW; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; adding a new section to chapter 39.12 RCW; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; creating new sections; and making an appropriation.

Referred to Committee on Highways and Transportation.

SB 5249 by Senators Kohl-Welles, Shin, Carlson and Schmidt

AN ACT Relating to the higher education for lifelong progress program; amending RCW 74.08A.250; adding new sections to chapter 74.08A RCW; and creating new sections.

Referred to Committee on Higher Education.

SB 5250 by Senators Regala, Jacobsen, Fraser, Kohl-Welles and Kline

AN ACT Relating to instream flows; amending RCW 90.22.060, 90.22.010, 90.54.020, 90.03.345, 77.55.050, and 90.03.290; reenacting and amending RCW 90.54.050; and adding a new section to chapter 90.22 RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5251 by Senators Brandland, Thibaudeau, Shin and Kline

AN ACT Relating to foreign judgments; and amending RCW 4.64.030 and 6.36.035.

Referred to Committee on Judiciary.

SB 5252 by Senators Roach, Benton and Swecker

AN ACT Relating to requiring library staff to report child abuse; amending RCW 26.44.020; and reenacting and amending RCW 26.44.030.

Referred to Committee on Children and Family Services and Corrections.

SB 5253 by Senators Kohl-Welles, Benton, Jacobsen, McAuliffe, Rossi, Prentice, Johnson, Rasmussen and Esser

AN ACT Relating to special license plates; amending RCW 46.16.313 and 46.16.316; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Highways and Transportation.

SB 5254 by Senators Roach, Hale, Stevens, T. Sheldon, Mulliken, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

AN ACT Relating to the burden of proof in actions asserting invalidity of agency rules; and amending RCW 34.05.570.

Referred to Committee on Government Operations and Elections.

SB 5255 by Senators Roach, Hale, Stevens, Mulliken, T. Sheldon, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

AN ACT Relating to the rule-making authority of various governmental entities; amending RCW 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.150, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, and 80.01.040; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Government Operations and Elections.

SB 5256 by Senators Roach, Doumit, Hale, Kastama, Mulliken, T. Sheldon, Haugen, Hewitt, Stevens, Zarelli, Parlette, Horn, Rossi and Johnson

AN ACT Relating to rule-making procedures; and amending RCW 34.05.320.

Referred to Committee on Government Operations and Elections.

SB 5257 by Senators Roach, Doumit, Hale, Mulliken, T. Sheldon, Hewitt, Stevens, Parlette, Horn, Rossi, Benton, Johnson, Rasmussen and Esser

AN ACT Relating to administrative rule adoption procedures; and amending RCW 34.05.360.

Referred to Committee on Government Operations and Elections.

SB 5258 by Senators Haugen and Oke

AN ACT Relating to commercial bottom trawling; and amending RCW 77.50.090.

Referred to Committee on Parks, Fish and Wildlife.

SB 5259 by Senators Haugen, Oke, Spanel and Kohl-Welles

AN ACT Relating to vehicles boarding ferries; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Highways and Transportation.

SB 5260 by Senators Fraser, T. Sheldon, Oke, Regala, Prentice and Winsley

AN ACT Relating to private owners of public water systems not regulated as public utilities; amending RCW 90.03.040; and adding a new chapter to Title 19 RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5261 by Senator Jacobsen

AN ACT Relating to establishing the future of Washington forests review commission; and creating new sections.

Referred to Committee on Natural Resources, Energy and Water.

SB 5262 by Senator Jacobsen

AN ACT Relating to the relationship between metropolitan municipal corporations and component cities providing public transportation; amending RCW 35.58.260 and 82.14.045; and adding a new section to chapter 36.56 RCW.

Referred to Committee on Highways and Transportation.

SB 5263 by Senators Honeyford and McAuliffe

AN ACT Relating to the catering of alcoholic beverages at special events by nonprofit organizations; and amending RCW 66.24.320, 66.24.420, 66.24.570, and 66.24.375.

Referred to Committee on Commerce and Trade.

SJR 8207 by Senators Deccio, Rasmussen, Winsley, Hewitt, T. Sheldon, Morton, Hale, Stevens, Parlette, Brandland, Mulliken, McCaslin, Oke and Schmidt

Allowing the legislature to limit noneconomic damages.

Referred to Committee on Health and Long-Term Care.

SJR 8208 by Senator Morton

Amending the Constitution to allow multiyear excess property tax levies for cemetery districts.

Referred to Committee on Government Operations and Elections.

MOTION

On motion of Senator Sheahan, Senate Rule 20 was suspended for the remainder of the day.

EDITOR'S NOTE: Rule 20 states: 'The Senate shall consider no more than one floor resolution per day in session.'

MOTION

Having served prior notice January 17 by e-mail and pursuant to Rule 35 regarding a rule change to Senate Resolution 8601, on motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 8603

By Senator West

WHEREAS, the Senate adopted permanent rules for the 2003-05 biennium under Senate Floor Resolution 8601;

WHEREAS, pursuant to Senate Rule 35, the Senate has received one day's notice from Senator West of his intent to move adoption of an amendment to the Senate Rule 41 in the manner set forth below; and

WHEREAS, the Senate desires to add two (2) additional members to the Committee on Economic Development, bringing its total membership up to nine (9) members;

NOW THEREFORE, BE IT RESOLVED, that Rule 41 as set forth in Senate Floor Resolution 8601 is stricken in its entirety and Rule 41 of the Permanent Rules of the Senate for the 2003-05 is set forth and adopted as follows:

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

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

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

- 1. Agriculture 5**
- 2. Children and Family Services and Corrections 7**
- 3. Commerce and Trade 5**
- 4. Economic Development ((7))9**
- 5. Education 8**
- 6. Financial Services, Insurance and Housing 7**
- 7. Government Operations and Elections 7**
- 8. Health and Long-Term Care 7**
- 9. Higher Education 7**
- 10. Highways and Transportation 12**
- 11. Judiciary 9**
- 12. Land Use and Planning 5**
- 13. Natural Resources, Energy and Water 9**
- 14. Parks, Fish and Wildlife ((9))8**
- 15. Rules 18**
- 16. Technology and Communications 7**
- 17. Ways and Means 17"**

EDITOR'S NOTE: Appointments reflecting these changes were made on the Seventeenth Day, January 29, 2003.

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 8604

By Senators Franklin, Sheahan, Winsley, Haugen, Kohl-Welles, Fairley, Johnson, B. Sheldon, Eide, Fraser, Shin, Parlette, Thibaudeau, Hale, Brandland, Kline, Deccio, McAuliffe, Rasmussen, Jacobsen, Brown, Doumit, Kastama, Keiser, Spanel, Carlson, Honeyford, Horn, Schmidt, Mulliken, Stevens, Regala, West, Finkbeiner and Esser

**WHEREAS, Today is dedicated to celebrating the birth and life of Dr. Martin Luther King, Jr.; and
WHEREAS, His life was dedicated to serving his fellow man; and
WHEREAS, Service is a powerful way to commemorate his teachings with action and, in that action, makes our nation better; and**

WHEREAS, In serving others, we strengthen the bonds of humanity while breaking the chains of injustice; and

WHEREAS, Dr. King believed that a person's worth should not be measured by his or her color, culture, or class but rather by his or her commitment to making life better for all through service rendered to each other; and

WHEREAS, A day of service reflecting the values and teachings of Dr. King brings people together and helps to break down social, economic, and cultural barriers that divide our nation; and

WHEREAS, A commitment to bringing all people together--regardless of race, creed, religion, or station in life--to face the challenges of this new century would honor Dr. King; and

WHEREAS, Since 1994, Americans have kept Dr. King's legacy alive on this holiday by serving in their communities, because serving is "the great equalizer"; and

WHEREAS, Residents of Washington can help make service the common duty of all Americans on this holiday by making it a day of action, not apathy;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, on behalf of the people of our state, do, in recognition of the outstanding leadership and courage demonstrated by Dr. Martin Luther King, Jr., honor his memory by urging all citizens of our state to make Martin Luther King, Jr. Day a day of service.

Senators Franklin, Sheahan, Shin, Kohl-Welles, Carlson, Prentice and Hale spoke to Senate Resolution 8604.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Gabriel Franklin, grandson of Senator Franklin, who was seated on the rostrum.

MOTION

On motion of Senator Shin, the following resolution was adopted:

SENATE RESOLUTION 8605

By Senators Shin, Jacobsen, Rasmussen, Keiser, Fairley, Prentice, Reardon, Stevens, Eide, T. Sheldon, Fraser, Spanel, Thibaudeau, Kastama, Franklin, Regala, B. Sheldon, Benton, Brandland, Carlson, Hewitt, Honeyford, Horn, McAuliffe, Haugen, Sheahan, West, Rossi, Schmidt, Johnson, Mulliken, Kohl-Welles, Winsley, Roach and Esser

WHEREAS, 2003 is the One Hundredth Anniversary of Korean Immigration to the United States; and

WHEREAS, In December 1902, fifty-six men, twenty-one women, and twenty-five children left Korea and traveled across the Pacific Ocean on the S.S. Gaelic and landed in Honolulu, Hawaii on January 13, 1903; and

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

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

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

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

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

WHEREAS, Korea is Washington's fourth largest trading partner and our state exported over 3.6 billion dollars in goods to Korea in 2001; and

WHEREAS, Korean-Americans own and operate approximately 3500 businesses in Washington that have gross sales and receipts of 1,500,000,000 dollars annually, pay 180 million dollars in taxes per year, and employ approximately 10,000 Washingtonians; and

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

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

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

WHEREAS, Beginning in 2003, communities throughout the state of Washington will celebrate the One Hundredth Anniversary of Korean Immigration to the United States;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and express its appreciation for the numerous outstanding achievements and contributions Korean-Americans have made which have enriched communities throughout Washington State and the country. Citizens and organizations are encouraged, throughout Washington, to join the celebration of the One Hundredth Anniversary of Korean Immigration to the United States with appropriate programs, ceremonies, and activities.

Senators Shin, Winsley, Rasmussen, Franklin, Eide, Fairley, Eide, Jacobsen and Roach spoke to Senate Resolution 8605.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Honorable Byung-rok Moon, Consul General of the Republic of Korea; Dr. Chang Mook Sohn, Executive Director of the Revenue Forecast Council; and The Honorable Michael Park, a member of the Federal Way City Council, who were seated in the back of the chamber.

MOTION

At 11:15 a.m., on motion of Senator Sheahan, the Senate adjourned until 12 noon, Tuesday, January 21, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 20, 2003

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

NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 21, 2003

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

MOTION

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

REPORT OF STANDING COMMITTEE

January 20, 2003

SB 5085 Prime Sponsor, Senator Honeyford: Repealing regulation of water recreation facilities. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That the bill be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Referred to Committee on Health and Long Term Care.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5085 was referred to the Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING

SB 5264 by Senators West, Swecker, Jacobsen, Sheahan, Hargrove and Hale

AN ACT Relating to the lieutenant governor; and amending RCW 43.43.035.
Referred to Committee on Government Operations and Elections.

SB 5265 by Senators Thibaudeau, Honeyford, Jacobsen, Kohl-Welles, Johnson, Kline, McAuliffe, Rasmussen, Regala, B. Sheldon, Spanel, Winsley and Kastama

AN ACT Relating to the marketing of bottled wine at farmers markets; and amending RCW 66.24.170.
Referred to Committee on Commerce and Trade.

SB 5266 by Senators Oke, T. Sheldon, Swecker, B. Sheldon, Doumit, Sheahan and Esser

AN ACT Relating to the commercial harvest of geoduck clams; amending RCW 77.60.070.
Referred to Committee on Natural Resources, Energy and Water.

SB 5267 by Senators Swecker, Oke, B. Sheldon, T. Sheldon, Doumit and Sheahan

AN ACT Relating to geoduck harvesting; amending RCW 77.65.410; and declaring an emergency.
Referred to Committee on Natural Resources, Energy and Water.

SB 5268 by Senators Oke and Morton

AN ACT Relating to fish protection costs; and adding a new section to chapter 80.28 RCW.
Referred to Committee on Natural Resources, Energy and Water.

SB 5269 by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Schmidt and Winsley

AN ACT Relating to the creation of a statewide first responder building mapping information system; adding new sections to chapter 36.28A RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 5270 by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Kohl-Welles and Winsley

AN ACT Relating to law enforcement mobilization; and adding a new chapter to Title 38 RCW.
Referred to Committee on Judiciary.

SB 5271 by Senators Honeyford, Hewitt and Parlette (by request of Department of Labor and Industries)

AN ACT Relating to claims for hearing loss due to occupational noise exposure; and amending RCW 51.28.055.
Referred to Committee on Commerce and Trade.

SB 5272 by Senators Benton, Haugen, Horn, T. Sheldon, Swecker, Shin, Fraser, Kohl-Welles, Rasmussen and Winsley

AN ACT Relating to a special "Help Kids Speak" license plate; amending RCW 46.16.313 and 46.16.316; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.
Referred to Committee on Highways and Transportation.

SB 5273 by Senators Roach, Winsley, Kastama, Shin, Franklin, Rasmussen, Oke, Swecker, Schmidt, Reardon, West and McCaslin

AN ACT Relating to the veterans' scoring criteria in employment examinations; and amending RCW 41.04.010.
Referred to Committee on Government Operations and Elections.

SB 5274 by Senators Roach, Hale, Horn, Stevens and Haugen (by request of Secretary of State Reed)

AN ACT Relating to funding of the archives division; amending RCW 40.14.025, 40.14.027, and 36.22.175; and adding new sections to chapter 40.14 RCW.
Referred to Committee on Government Operations and Elections.

SB 5275 by Senators Roach, Fairley, Horn, Stevens and Hale (by request of Secretary of State Reed)

AN ACT Relating to the confidential nature of public records transferred to the state archives; and amending RCW 40.14.030.
Referred to Committee on Government Operations and Elections.

SB 5276 by Senators Roach, Kastama, Fairley, Stevens, Horn, Hale, Franklin, Kohl-Welles, Parlette, Shin and Winsley (by request of Secretary of State Reed)

AN ACT Relating to funding and expenditures of the secretary of state; amending RCW 42.17.710; adding new sections to chapter 43.07 RCW; and adding a new section to chapter 42.52 RCW.
Referred to Committee on Government Operations and Elections.

SB 5277 by Senators Swecker, Jacobsen and Oke

AN ACT Relating to certification of entities regulated by the utilities and transportation commission under Title 81 RCW; amending RCW 81.66.060, 81.68.030, 81.68.040, 81.77.030, 81.77.040, and 81.84.020; adding a new section to chapter 81.70 RCW; adding a new section to chapter 81.68 RCW; and recodifying RCW 81.68.045.
Referred to Committee on Highways and Transportation.

SB 5278 by Senators Swecker, Haugen and Oke

AN ACT Relating to inspections of hazardous materials offered by private shippers for transportation by rail; amending RCW 81.44.065; and creating a new section.
Referred to Committee on Highways and Transportation.

SB 5279 by Senators Prentice, Swecker, Horn, Haugen, Doumit, Finkbeiner, Benton, Esser, Morton, Johnson, T. Sheldon, Hargrove, Brandland, Honeyford, Jacobsen, Oke and Rasmussen

AN ACT Relating to extending the expiration date of the transportation permit efficiency and accountability committee; amending RCW 47.06C.901; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 5280 by Senators Haugen, Oke, Prentice, Honeyford, Doumit, Morton, Hale, McAuliffe and Rasmussen

AN ACT Relating to the hydraulic project approval program; amending RCW 76.09.350, 77.55.080, 77.55.130, 77.55.160, 77.55.270, 77.55.290, 77.55.300, 89.08.470, and 90.58.147; creating new sections; repealing RCW 77.15.300, 77.55.020, 77.55.030, 77.55.090, 77.55.100, 77.55.110, 77.55.120, 77.55.140, 77.55.150, 77.55.170, 77.55.180, 77.55.190, 77.55.200, 77.55.210, 77.55.220, 77.55.230, 77.55.250, 77.55.260, 77.55.280, 77.55.330, 77.55.340, 77.55.350, and 77.55.360; providing an effective date; and declaring an emergency.
Referred to Committee on Parks, Fish and Wildlife.

SB 5281 by Senators Roach, Kastama, Fairley, Rasmussen, Horn, Eide, Oke, Regala, Franklin, McCaslin, Brandland, Esser, McAuliffe and Shin

AN ACT Relating to jail booking fees; and amending RCW 70.48.390.
Referred to Committee on Government Operations and Elections.

SB 5282 by Senators Hargrove, Mulliken, T. Sheldon, Doumit, Benton and Zarelli

AN ACT Relating to growth management hearings; amending RCW 36.70A.030, 36.70A.110, 36.70A.130, 36.70A.172, 36.70A.210, 36.70A.250, 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.302, 36.70A.310, 36.70A.320, 36.70A.330, 36.70A.340, 36.70A.345, 36.70C.030, 34.05.518, 34.12.020, 34.12.020, 35.81.060, and 90.58.190; repealing RCW 36.70A.260, 36.70A.270, 36.70A.295, and 36.70A.305; providing an effective date; and providing an expiration date.
Referred to Committee on Land Use and Planning.

SB 5283 by Senators T. Sheldon, Honeyford, Hargrove, Mulliken, Doumit, Carlson, Sheahan, Rasmussen, Hale, Oke, Shin and Stevens

AN ACT Relating to the training and minor wage rate; and amending RCW 49.46.020.
Referred to Committee on Commerce and Trade.

SB 5284 by Senators Stevens, Horn, Benton, Haugen, Oke, Swecker, Esser and Mulliken

AN ACT Relating to failure to use required traction equipment; amending RCW 47.36.250; and prescribing penalties.
Referred to Committee on Highways and Transportation.

SB 5285 by Senator Fraser

AN ACT Relating to water resources management; amending RCW 90.03.600 and 43.21B.300; adding new sections to chapter 90.03 RCW; adding a new section to chapter 43.27A RCW; adding a new section to chapter 90.42 RCW; and prescribing penalties.
Referred to Committee on Natural Resources, Energy and Water.

SB 5286 by Senators Fraser and Jacobsen

AN ACT Relating to the collection of the real estate excise tax upon transfers of water rights; amending RCW 90.03.280, 82.45.010, and 82.45.090; adding a new section to chapter 90.03 RCW; adding a new section to chapter 90.44 RCW; creating a new section; prescribing penalties; and providing an effective date.
Referred to Committee on Natural Resources, Energy and Water.

SB 5287 by Senators Fraser, Jacobsen, Kline and Kohl-Welles

AN ACT Relating to recognizing interests based upon federal laws in the management of state waters; and amending RCW 90.54.020.
Referred to Committee on Natural Resources, Energy and Water.

SB 5288 by Senators Fraser, Jacobsen, Kline and Kohl-Welles

AN ACT Relating to water rights for instream beneficial uses; reenacting and amending RCW 90.14.140; and adding a new section to chapter 90.03 RCW.
Referred to Committee on Natural Resources, Energy and Water.

SB 5289 by Senators Jacobsen, Oke and Fraser

AN ACT Relating to watershed health monitoring; adding a new section to chapter 77.85 RCW; and creating a new section .
Referred to Committee on Natural Resources, Energy and Water.

SB 5290 by Senators West, Rasmussen, Hale and Winsley (by request of Horse Racing Commission)

AN ACT Relating to authorizing continued receipt of criminal history information by the horse racing commission; and repealing 2000 c 204 s 2 (uncodified).
Referred to Committee on Commerce and Trade.

SJM 8003 by Senators Fraser, Rossi, Kohl-Welles, Fairley, Jacobsen, Benton, Eide, Esser, Franklin, Hale, Haugen, Johnson, Kline, McAuliffe, Oke, Parlette, Rasmussen, Regala, Roach, Schmidt, B. Sheldon, Spanel, Stevens, Thibaudeau, Winsley and Zarelli

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

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5277 was referred to the Committee on Highways and Transportation.

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Wednesday, January 22, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

NINTH DAY, JANUARY 21, 2003

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TENTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, January 22, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5038 Prime Sponsor, Senator Kastama: Adding a factor a court is to consider in determining residential time between parents. Reported by Committee on Judiciary January 22, 2003

MAJORITY Recommendation: That the bill be referred to the Committee on Children and Family Services and Corrections without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandlund, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Children, Family Service and Corrections.

SB 5132 Prime Sponsor, Senator Swecker: Requiring libraries to offer filtering software for child access to the internet. Reported by Committee on Judiciary January 22, 2003

MAJORITY Recommendation: That the bill be referred to the Committee on Government Operations and Elections without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandlund, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Government Operations and Elections.

SB 5242 Prime Sponsor, Senator Swecker: Requiring libraries to offer filtering software for minor access to the internet. Reported by Committee on Judiciary January 22, 2003

MAJORITY Recommendation: That the bill be referred to the Committee on Government Operations and Elections without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandlund, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Government Operations and Elections.

MESSAGES FROM STATE OFFICES

The Washington State Auditor's Office has submitted the following reports, all for the Audit Period July 1, 2001 through June 30, 2002:

AUDIT SUMMARY University of Washington July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent audit of the University of Washington for the period July 1, 2001, through June 30, 2002.

Our work focused on determining whether the University complied with state laws and regulations and federal grant requirements. We evaluated internal controls established by management. We also performed audit procedures on specific areas that have potential for abuse and misuse of public resources.

RESULTS

University officials have designed internal controls to achieve objectives in three categories: effectiveness of operations, including performance goals and safeguarding of resources; reliability of financial report; and compliance with applicable laws and regulations.

In general, the University's internal controls allow officials to effectively operate the University and safeguard its resources. In most areas we examined, the University of Washington complied with state and federal laws and regulations and its own policies and procedures. We did not identify any conditions significant enough to report as a finding. However, we noted some issues that we communicated to University management.

RELATED REPORTS

A report on the University's compliance with federal assistance program requirements is included in the *State of Washington Single Audit Report*.

A report on the University's compliance with laws and regulations and the adequacy of its internal controls is included in the *State of Washington Accountability Report*.

The University's financial information is also included in the *State of Washington Comprehensive Annual Financial Report* issued by the Office of Financial Management.

CLOSING REMARKS

We thank University officials and personnel for their assistance and cooperation during the audit.

The State Auditor's Summary of Washington University is on file in the Office of the Secretary of the Senate.

AUDIT SUMMARY

Peninsula College

July 1, 2000 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent accountability audit of Peninsula College for the period July 1, 2000, through June 30, 2002.

We performed audit procedures to determine whether the College complied with state laws and regulations and its own policies and procedures. We also evaluated internal controls established by College management.

Our work focused on specific areas with the potential for abuse and misuse of public resources.

RESULTS

The College complied with state laws and regulations and its own policies and procedures in the areas examined.

RELATED REPORTS

The College is part of Washington State's community and technical college system. The College's financial information is included in the *State of Washington Comprehensive Annual Financial Report*.

In addition, the report on compliance with federal requirements is provided within the *State of Washington Single Audit Report*.

CLOSING REMARKS

We thank College officials and personnel for their assistance and cooperation during the audit.

The State Auditor's Summary of Peninsula College is on file in the Office of the Secretary of the Senate.

AUDIT SUMMARY

Centralia College

July 1, 2000 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent accountability audit of Centralia College for the period July 1, 2000, through June 30, 2002.

We performed audit procedures to determine whether the College complied with state laws and regulations and its own policies and procedures. We also evaluated internal controls established by College management.

Our work focused on specific areas that have potential for abuse or misuse of public resources.

RESULTS

The College complied with state laws and regulations and its own policies and procedures in the areas we examined. Internal controls were adequate to safeguard public assets.

CLOSING REMARKS

We thank College officials and staff for their assistance and cooperation during the audit.

The State Auditor's Summary of Centralia College is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

Washington State Auditor

Brian Sonntag

January 17, 2003

Board of Commissions
Washington State Dry Pea and Lentil Commission
Moscow, Idaho

REPORT ON FINANCIAL STATEMENTS

Please find attached our report on the Washington State Dry Pea and Lentil Commission's financial statements.

We are issuing this report now in order to provide information on the Commission's financial condition.

In addition to this work, we look at other areas of our audit clients' operations for compliance with state laws and regulations. The results of that review will be included in our accountability audit report which will be issued separately.

Sincerely,

Brian Sonntag, CGFM

AUDIT REPORT
Washington State Dry Pea and Lentil Commission
July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our audit of the Washington State Dry Pea and Lentil Commission for the period July 1, 2001, through June 30, 2002.

The audit was performed by a certified public accounting firm through a contract with our Office. Our office reviewed the work done by the firm to determine whether the Commission complied with state laws and regulations and established adequate internal controls. In keeping with general auditing practices, the firm did not examine every portion of the Commission's financial activities during the audit. The audit focused on the Commission's compliance with the Open Public Meetings Act, budget requirements and the overall legality of the Commission's expenditures. Also audited were the financial statements and internal controls over cash and investments as established by Commission management.

ABOUT THE COMMISSION

The Commission was created by the Washington Agricultural Enabling Act of 1961. The Commission was formed to enable producers of dry peas and/or lentils to establish orderly, fair, sound, efficient and unhampered marketing, grading and standardization of dry peas and/or lentils and in promoting and increasing the sale of these commodities.

A nine-member Board governs the Commission. Seven members are producers elected from their respective Districts. The dealer processors elect one member, and one member is appointed by the Director of the Washington Department of Agriculture to represent the Department and public.

The Commission is funded by assessments that are levied upon dry peas and lentils sold in Washington. The Commission operates on an annual budget of approximately \$250,000.

RELATED REPORTS

Our opinion on the Commission's financial statements for fiscal year 2002 is provided in a separate report, which includes the Commission's financial statements.

RESULTS

The Commission generally complied with states laws in the areas examined and established adequate internal controls over cash and investments. The Commission's financial statements were complete and accurate.

We thank Commission officials and personnel for their assistance and cooperation throughout the audit.

The State Auditor's Summary of The Washington State Dry Pea and Lentil Commission is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5291 by Senator Kastama

AN ACT Relating to the Washington clean elections act; amending RCW 42.17.095; and adding a new chapter to Title 42 RCW.

Referred to Committee on Government Operations and Elections.

SB 5292 by Senators Eide, B. Sheldon, Shin, Poulsen and Kohl-Welles

AN ACT Relating to frequent user coupons for the state ferry system; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Highways and Transportation.

SB 5293 by Senators Keiser, Deccio, Kohl-Welles, B. Sheldon and Winsley

AN ACT Relating to initiative and referendum petitions; and amending RCW 29.79.080.

Referred to Committee on Government Operations and Elections.

SB 5294 by Senators Kohl-Welles, Regala, Carlson, B. Sheldon and Shin

AN ACT Relating to "work activity" for purposes of the temporary assistance for needy families program; and amending RCW 74.08A.250.

Referred to Committee on Children and Family Services and Corrections.

SB 5295 by Senators Horn, Haugen, Kline and Schmidt

AN ACT Relating to a fee on studded tires; amending RCW 46.37.4216; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 5296 by Senators Horn, Haugen, Kline and Esser

AN ACT Relating to removing barriers to transportation services; and amending RCW 36.57A.100, 47.60.120, 81.84.020, and 47.64.090.
Referred to Committee on Highways and Transportation.

SB 5297 by Senators Horn and Haugen

AN ACT Relating to driver's license examinations; amending RCW 46.20.120 and 46.20.181; adding new sections to chapter 46.20 RCW; and creating a new section.
Referred to Committee on Highways and Transportation.

SB 5298 by Senators Morton and Doumit (by request of Commissioner of Public Lands Sutherland)

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

SB 5299 by Senators Stevens, Reardon, Esser, Finkbeiner, Johnson and T. Sheldon

AN ACT Relating to promotional service offerings; and amending RCW 80.04.130, 80.36.110, 80.36.320, and 80.36.330.
Referred to Committee on Technology and Communications.

SB 5300 by Senators Zarelli, Poulsen and Fairley

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

SB 5301 by Senators Winsley, Fraser, Kline, Keiser, B. Sheldon, Prentice, Thibaudeau, Haugen, Regala, Kohl-Welles, Franklin and Rasmussen

AN ACT Relating to retiring early in the public employees' retirement system, plan 2; and amending RCW 41.40.630.
Referred to Committee on Ways and Means.

SB 5302 by Senators Honeyford and Keiser (by request of Liquor Control Board)

AN ACT Relating to the summary suspension of a liquor license pending revocation proceedings; and amending RCW 66.08.150.
Referred to Committee on Commerce and Trade.

SB 5303 by Senators West, Brown, Horn, Carlson, Schmidt, Shin, Esser and Kohl-Welles (by request of University of Washington)

AN ACT Relating to financing contracts for research facilities or equipment of state universities; and amending RCW 28B.10.022 and 39.94.040.
Referred to Committee on Ways and Means.

SB 5304 by Senators Kohl-Welles, Carlson, Brown, Horn, Rossi, B. Sheldon, Mulliken, Schmidt, Johnson, Shin and Franklin

AN ACT Relating to higher education in high-demand fields and programs; and adding a new section to chapter 28B.80 RCW.
Referred to Committee on Higher Education.

SB 5305 by Senators Mulliken, T. Sheldon, Sheahan, Reardon and Esser

AN ACT Relating to the availability of construction aggregates used in transportation and construction projects; and creating a new section.
Referred to Committee on Land Use and Planning.

SB 5306 by Senators Roach, Kastama, Horn, Fairley and McCaslin (by request of Public Disclosure Commission)

AN ACT Relating to campaign finance reporting by out-of-state political committees; amending RCW 42.17.090; and adding a new section to chapter 42.17 RCW.
Referred to Committee on Government Operations and Elections.

SB 5307 by Senators Mulliken, Finkbeiner, Stevens, McCaslin, Hale and Esser

AN ACT Relating to permit timelines; and adding a new section to chapter 36.70B RCW.
Referred to Committee on Land Use and Planning.

SB 5308 by Senators Mulliken, T. Sheldon, Morton and McCaslin

AN ACT Relating to growth management hearings board review of plan and regulation compliance; and amending RCW 36.70A.280, 36.70A.290, 36.70A.302, 36.70A.320, and 90.58.190.
Referred to Committee on Land Use and Planning.

SB 5309 by Senators Mulliken, T. Sheldon, Stevens, Honeyford, Morton, McCaslin and Schmidt

AN ACT Relating to appointments to growth management hearings boards; and amending RCW 36.70A.260.
Referred to Committee on Land Use and Planning.

SB 5310 by Senators Morton, Hargrove and Haugen

AN ACT Relating to bond requirements for title insurance agents; and adding a new section to chapter 48.29 RCW.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5311 by Senators Kastama, Eide, Hale, Kline, Rasmussen and Shin

AN ACT Relating to government accountability; adding new sections to chapter 43.41 RCW; adding a new section to chapter 43.09 RCW; and creating a new section.
Referred to Committee on Government Operations and Elections.

SB 5312 by Senator Kastama

AN ACT Relating to quality improvement; adding new sections to chapter 41.04 RCW; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 2.04 RCW.
Referred to Committee on Government Operations and Elections.

SB 5313 by Senators Kastama, Kohl-Welles, Thibaudeau, Rasmussen and Poulsen

AN ACT Relating to the Washington health care recovery act; adding a new section to chapter 70.47 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.47 RCW; and creating new sections.
Referred to Committee on Health and Long-Term Care.

SB 5314 by Senators Thibaudeau, Winsley, Haugen, Horn, Regala, Fairley, Keiser, B. Sheldon, Kohl-Welles, Finkbeiner, Spanel, Eide, Franklin, T. Sheldon, Fraser, Jacobsen, Kline, Poulsen and Prentice

AN ACT Relating to medically accurate information in sex education courses; adding a new section to chapter 70.54 RCW; and creating a new section.
Referred to Committee on Education.

SB 5315 by Senators Kohl-Welles, Kline, Regala and Thibaudeau

AN ACT Relating to ballistics imaging; amending RCW 43.43.500 and 43.43.510; and creating a new section.
Referred to Committee on Judiciary.

SB 5316 by Senators Kohl-Welles, Regala, Kline and Thibaudeau

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5317 by Senators Kohl-Welles, Regala, Kline and Thibaudeau

AN ACT Relating to safe storage of firearms; amending RCW 9A.36.050; adding a new section to chapter 9.41 RCW; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5318 by Senators T. Sheldon, Doumit, Hale and Esser

AN ACT Relating to extending a tax credit for persons engaged in a rural county in the business of providing information technology help desk services to third parties; amending RCW 82.04.4457; and providing an expiration date.
Referred to Committee on Economic Development.

SB 5319 by Senators T. Sheldon, Hale and Esser

AN ACT Relating to sales and use tax exemptions for call centers in distressed areas; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.
Referred to Committee on Economic Development.

SB 5320 by Senators Oke, Doumit, Sheahan, Swecker, Jacobsen and Kline (by request of Parks and Recreation Commission)

AN ACT Relating to the water trail recreation program; amending RCW 79A.05.380, 79A.05.385, and 79A.05.410; creating a new section; and repealing RCW 79A.05.400, 79A.05.405, and 79A.05.420.
Referred to Committee on Parks, Fish and Wildlife.

SB 5321 by Senators Johnson and Prentice

AN ACT Relating to payment agreements; and amending RCW 39.96.020.
Referred to Committee on Government Operations and Elections.

SB 5322 by Senators Swecker, Fraser, Jacobsen, Fairley, Spanel, Oke, Doumit, Kastama, Horn, Kline, Schmidt, Winsley and Kohl-Welles

AN ACT Relating to legislative hearings on initiatives and referendums; amending RCW 43.07.030, 42.17.130, and 42.52.180; adding new sections to chapter 43.07 RCW; and creating new sections.
Referred to Committee on Government Operations and Elections.

SB 5323 by Senator Honeyford (by request of Department of Labor and Industries)

AN ACT Relating to calculating the amount of total disability and death benefits under Title 51 RCW; amending RCW 51.08.178, 51.28.040, 51.32.050, and 51.32.060; and reenacting and amending RCW 51.32.090.
Referred to Committee on Commerce and Trade.

SB 5324 by Senators Kohl-Welles, Roach and Thibaudeau

AN ACT Relating to state employee leave for organ donation; and adding a new section to chapter 41.04 RCW.
Referred to Committee on Commerce and Trade.

SB 5325 by Senators Winsley, Franklin, Kastama, Rasmussen, Oke and Regala

AN ACT Relating to the provision of law enforcement services by a city or town to state hospitals; and amending RCW 72.72.020 and 72.72.030.
Referred to Committee on Children and Family Services and Corrections.

SB 5326 by Senators Winsley, B. Sheldon, Doumit and T. Sheldon

AN ACT Relating to creating regional fire protection service authorities; adding a new section to chapter 82.14 RCW; adding a new chapter to Title 52 RCW; and creating a new section.
Referred to Committee on Government Operations and Elections.

SB 5327 by Senators Deccio, Thibaudeau and Parlette

AN ACT Relating to dental hygienists; and amending RCW 18.29.050.
Referred to Committee on Health and Long-Term Care.

SB 5328 by Senators Benton, Oke, Shin, Rasmussen, Schmidt and Prentice

AN ACT Relating to special military veterans license plates; amending RCW 46.16.290 and 46.16.313; reenacting and amending RCW 46.16.305; adding new sections to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.
Referred to Committee on Highways and Transportation.

SB 5329 by Senators Benton, Shin, Johnson, Oke, Rasmussen, Schmidt and Prentice

AN ACT Relating to a special "United We Stand" license plate; amending RCW 46.16.313 and 46.16.316; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.
Referred to Committee on Highways and Transportation.

SB 5330 by Senators Benton, Prentice, Winsley, Reardon, Zarelli, McCaslin, Oke and Rasmussen

AN ACT Relating to license plate replacement; and amending RCW 46.16.233.
Referred to Committee on Highways and Transportation.

SB 5331 by Senators Honeyford, B. Sheldon, Parlette, Regala, Hewitt, Hale and T. Sheldon (by request of Governor Locke)

AN ACT Relating to certainty and flexibility of municipal water rights and efficient use of water; amending RCW 90.03.015, 90.14.031, 90.03.330, 90.03.260, 90.03.386, 43.20.250, 90.48.495, 90.48.112, and 90.46.120; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.14 RCW; adding a new section to chapter 43.20 RCW; adding a new section to chapter 70.116 RCW; adding a new section to chapter 70.119A RCW; adding new sections to chapter 90.44 RCW; adding new sections to chapter 90.8 2 RCW; and creating a new section.
Referred to Committee on Natural Resources, Energy and Water.

SB 5332 by Senators Honeyford, Fraser, Parlette, B. Sheldon, Hale, Regala, Hewitt and Doumit (by request of Governor Locke)

AN ACT Relating to watershed planning; amending RCW 90.82.040 and 90.82.130; and adding a new section to chapter 90.82 RCW.
Referred to Committee on Natural Resources, Energy and Water.

SB 5333 by Senators Parlette, Fraser, Honeyford, B. Sheldon, Hale, Doumit, Hewitt and Rasmussen (by request of Governor Locke)

AN ACT Relating to the trust water rights program; amending RCW 90.42.005, 90.42.020, 90.03.380, and 90.44.100; adding new sections to chapter 90.42 RCW; creating a new section; repealing RCW 90.38.005, 90.38.010, 90.38.020, 90.38.030, 90.38.040, 90.38.050, 90.38.900, 90.38.901, 90.38.902, 90.42.010, 90.42.030, 90.42.040, 90.42.050, 90.42.070, and 90.42.080; and declaring an emergency.
Referred to Committee on Natural Resources, Energy and Water.

SB 5334 by Senators Honeyford, Hale, Parlette, B. Sheldon, Hewitt and T. Sheldon (by request of Governor Locke)

AN ACT Relating to the construction of replacement or additional wells; and amending RCW 90.44.100.
Referred to Committee on Natural Resources, Energy and Water.

SB 5335 by Senators Zarelli, Haugen, Prentice, Mulliken, Benton, Oke and Carlson

AN ACT Relating to the definition of a motorcycle helmet; and amending RCW 46.37.530.
Referred to Committee on Highways and Transportation.

SB 5336 by Senators Esser, Kline, Johnson, Thibaudeau, Eide, Brandland and Schmidt

AN ACT Relating to the membership of the commission on judicial conduct; amending RCW 2.64.020; and providing a contingent effective date.
Referred to Committee on Judiciary.

SB 5337 by Senators Horn, Haugen and Rasmussen (by request of Office of Financial Management)

AN ACT Relating to the agency council on coordinated transportation; amending RCW 47.06B.901; and repealing RCW 47.06B.030 and 47.06B.900.
Referred to Committee on Highways and Transportation.

SB 5338 by Senators Horn and Haugen (by request of Governor Locke)

AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 5339 by Senators Horn and Haugen (by request of Governor Locke)

AN ACT Relating to transportation funding and appropriations; amending 2002 c 359 ss 207, 208, 210, 211, 212, 213, 214, 215, 223, 226, 401, 402, 403, and 404 (uncodified); amending 2001 2nd sp.s. c 14 s 303 (uncodified); making appropriations; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 5340 by Senators Horn, Haugen and T. Sheldon (by request of Governor Locke)

AN ACT Relating to modifying the commute trip reduction program; amending RCW 70.94.527, 82.08.0287, 82.12.0282, and 82.44.015; repealing RCW 47.01.900 and 82.67.050; providing an effective date; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 5341 by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles

AN ACT Relating to a quality maintenance fee levied on nursing facilities; amending RCW 74.46.200 and 74.46.421; reenacting and amending RCW 43.84.092; adding new sections to chapter 74.46 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 82 RCW; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5342 by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles

AN ACT Relating to nursing facility medicaid payment method improvements; amending RCW 74.46.020, 74.46.410, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.496, 74.46.501, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; adding a new section to chapter 74.46 RCW; creating a new section; repealing RCW 74.46.421; providing an effective date; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5343 by Senators Parlette, Doumit, Mulliken, Hale and Deccio

AN ACT Relating to watershed planning; and amending RCW 90.82.060.
Referred to Committee on Natural Resources, Energy and Water.

SB 5344 by Senators Haugen, Stevens, Shin and Schmidt

AN ACT Relating to designation of highways of statewide significance; and amending RCW 47.05.022.
Referred to Committee on Highways and Transportation.

SB 5345 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove and Horn

AN ACT Relating to drainage infrastructure; and amending RCW 77.55.060.
Referred to Committee on Parks, Fish and Wildlife.

SB 5346 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Spanel

AN ACT Relating to damage to property; adding a new section to chapter 77.55 RCW; and declaring an emergency.
Referred to Committee on Agriculture.

SB 5347 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen and Horn

AN ACT Relating to enhancement of fish habitat on public lands in Skagit county; adding a new section to chapter 77.85 RCW; and creating a new section.
Referred to Committee on Parks, Fish and Wildlife.

SB 5348 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn, Spanel and Esser

AN ACT Relating to fish barriers at fish hatcheries; and amending RCW 77.55.060.
Referred to Committee on Parks, Fish and Wildlife.

SB 5349 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn, Stevens, Spanel and Franklin

AN ACT Relating to drainage facilities; and amending RCW 85.38.180.
Referred to Committee on Agriculture.

SB 5350 by Senators Haugen, Swecker, Doumit, Rasmussen, Hargrove, Stevens and Spanel

AN ACT Relating to the director of the department of fish and wildlife; and amending RCW 43.17.020 and 77.04.013.
Referred to Committee on Parks, Fish and Wildlife.

SB 5351 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn, Stevens, Spanel and Esser

AN ACT Relating to state agency land use mandates; and amending RCW 36.70A.103.
Referred to Committee on Land Use and Planning.

SB 5352 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Shin

AN ACT Relating to agricultural conservation programs; amending RCW 90.58.065, 36.70A.060, and 36.70A.170; and adding a new section to chapter 15.04 RCW.
Referred to Committee on Agriculture.

SB 5353 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Stevens

AN ACT Relating to agriculture; and amending RCW 36.70A.480 and 90.58.065.
Referred to Committee on Land Use and Planning.

SB 5354 by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Mulliken, Hargrove, Horn and Stevens

AN ACT Relating to the deference due cities and counties in growth management planning matters before hearings boards, and superior and appellate courts; amending RCW 36.70A.020, 36.70A.060, 36.70A.172, and 36.70A.320; and adding a new section to chapter 36.70A RCW.
Referred to Committee on Land Use and Planning.

SJM 8004 by Senators Morton, Haugen, Hargrove and T. Sheldon

Requesting that British Columbia refrain from releasing grizzly bears near our common border.

Referred to Committee on Parks, Fish and Wildlife.

SJR 8209 by Senators Esser, Kline, Johnson, Thibaudeau, Eide, Brandland and Schmidt

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, January 23, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 22, 2003

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

ELEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 23, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORT OF STANDING COMMITTEE

January 22, 2003

SB 5043 Prime Sponsor, Senator Morton: Making technical, nonsubstantive, corrections to and recodifying various department of natural resources' public land statutes. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5355 by Senators Brandland, Jacobsen, Esser, Rasmussen, Parlette, Swecker, Sheahan, McCaslin and Mulliken

AN ACT Relating to eliminating voluntary intoxication as a consideration for mental state; and amending RCW 9A.16.090 .
Referred to Committee on Judiciary.

SB 5356 by Senators Carlson, Doumit and Fraser

AN ACT Relating to maintenance and repair of electrical appliances by a public utility district that provides electrical service; and adding a new section to chapter 54.16 RCW.
Referred to Committee on Natural Resources, Energy and Water.

SB 5357 by Senators West, Sheahan, Kohl-Welles, Hale, Honeyford, Winsley, Mulliken, Rasmussen and Shin

AN ACT Relating to tuition waivers for children of faculty at institutions of higher education; and adding a new section to chapter 28B.15 RCW.
Referred to Committee on Higher Education.

SB 5358 by Senators West, Shin, Sheahan, Honeyford, Hewitt, Roach, Finkbeiner, Hale, Kline, McAuliffe, Winsley, Mulliken, Rasmussen and Schmidt

AN ACT Relating to high school diplomas for veterans of the Korean conflict; and amending RCW 28A.230.120.
Referred to Committee on Education.

SB 5359 by Senators West, Sheahan, Honeyford, Hewitt, Hale, Winsley, Esser and Schmidt

AN ACT Relating to establishing the Washington state economic development commission to replace the governor's small business improvement council; adding a new section to chapter 43.175 RCW; and repealing RCW 43.175.010, 43.175.020, and 43.175.901.
Referred to Committee on Economic Development.

SB 5360 by Senators West, Sheahan, Honeyford, Hewitt, Roach, Hale, Esser and Mulliken

AN ACT Relating to false industrial insurance claims; amending RCW 51.48.020 and 51.48.270; and prescribing penalties .

Referred to Committee on Commerce and Trade.

SB 5361 by Senators Reardon, Doumit, Schmidt and Kohl-Welles

AN ACT Relating to family development accounts for low-income wage earners; adding a new section to chapter 43.31 RCW ; and making an appropriation.

Referred to Committee on Economic Development.

SB 5362 by Senators Reardon, Schmidt, Doumit, Winsley, Eide and Rasmussen

AN ACT Relating to a property tax exemption for widows or widowers of honorably discharged veterans; amending RCW 84.36.379, 84.36.383, 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5363 by Senators Hale, T. Sheldon, Fairley, Prentice, Doumit, West, Winsley, Rasmussen and Schmidt (by request of Governor Locke)

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

Referred to Committee on Economic Development.

SB 5364 by Senators Zarelli, T. Sheldon, Regala, B. Sheldon, Winsley, McAuliffe, Hale and Rasmussen (by request of Governor Locke)

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Economic Development.

SB 5365 by Senators Benton, Prentice, Doumit, Keiser and Winsley (by request of Governor Locke)

AN ACT Relating to violations connected with the offer, sale, or purchase of securities; amending RCW 43.320.110, 21.20.400, 21.20.410, 21.20.110, 21.20.390, and 21.20.395; adding a new section to chapter 43.320 RCW; and prescribing penalties.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5366 by Senators Reardon, Schmidt, McAuliffe and Winsley

AN ACT Relating to infrastructure financing; amending RCW 35.87A.010, 82.14.050, and 35.80.030; adding a new section to chapter 82.14 RCW; adding a new section to chapter 35.80 RCW; adding a new chapter to Title 82 RCW; and creating a new section.

Referred to Committee on Economic Development.

SB 5367 by Senators Haugen, Swecker, Jacobsen, Oke and Esser (by request of Utilities and Transportation Commission)

AN ACT Relating to apportionment of the cost of installing and maintaining signals or warning devices at railroad-highway grade crossings; amending RCW 81.53.271 and 81.53.281; and creating a new section.

Referred to Committee on Highways and Transportation.

SB 5368 by Senator Sheahan

AN ACT Relating to making endangerment with a controlled substance a most serious offense; and reenacting and amending RCW 9.94A.030.

Referred to Committee on Judiciary.

SB 5369 by Senators Winsley, Haugen, Hale, Oke and McCaslin

AN ACT Relating to regulating the use of automated traffic safety cameras; amending RCW 3.50.100, 46.63.030, and 46.63.140; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5370 by Senators Swecker, T. Sheldon and Winsley

AN ACT Relating to zoning exclusively for manufactured housing communities; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.
Referred to Committee on Land Use and Planning.

SB 5371 by Senators Swecker and T. Sheldon

AN ACT Relating to imposing impact fees on manufactured housing communities; and creating a new section.
Referred to Committee on Land Use and Planning.

SB 5372 by Senators Swecker and T. Sheldon

AN ACT Relating to payment responsibility for utility service; and amending RCW 35.21.290, 35.67.200, 36.94.150, 57.08.081, and 80.28.010.
Referred to Committee on Natural Resources, Energy and Water.

SB 5373 by Senators Roach, Fairley, Horn, Stevens and Winsley (by request of Secretary of State Reed)

AN ACT Relating to actions on the validity of ballot measures; and adding a new section to chapter 4.24 RCW.
Referred to Committee on Government Operations and Elections.

SB 5374 by Senators Roach, Fairley, Horn, Stevens, McAuliffe and Winsley (by request of Secretary of State Reed)

AN ACT Relating to the election account; and adding a new section to chapter 29.04 RCW.
Referred to Committee on Government Operations and Elections.

SB 5375 by Senators Doumit, Oke, Haugen, Swecker, Prentice, Hale, Reardon and Rasmussen

AN ACT Relating to regulatory reform of the hydraulic project approval program; amending RCW 77.55.100; adding new sections to chapter 77.55 RCW; and creating a new section.
Referred to Committee on Parks, Fish and Wildlife.

SB 5376 by Senator Prentice

AN ACT Relating to the alignment of state route number 99; and amending RCW 47.17.160.
Referred to Committee on Highways and Transportation.

SB 5377 by Senators Keiser, Prentice, Thibaudeau and Kohl-Welles

AN ACT Relating to requiring minimum paid time off from employment; amending RCW 49.12.005, 49.12.280, 49.12.285, 49.12.287, and 49.12.290; adding new sections to chapter 49.12 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Commerce and Trade.

SB 5378 by Senators Honeyford, Hewitt, T. Sheldon, Mulliken, Rasmussen and Hale

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178, 51.28.040, 51.32.050, 51.32.060, 51.32.072, 51.32.075, 51.32.080, 51.32.095, and 51.36.020; reenacting and amending RCW 51.32.090; adding new sections to chapter 51.08 RCW; adding a new section to chapter 51.32 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Commerce and Trade.

SB 5379 by Senators Stevens, Hargrove, Carlson, Regala, Parlette, McAuliffe and Winsley

AN ACT Relating to dependency petition hearings; and amending RCW 13.34.115.
Referred to Committee on Children and Family Services and Corrections.

SB 5380 by Senators Stevens, Honeyford and Schmidt

AN ACT Relating to clarifying the definition of ordinary high water mark; amending RCW 90.58.030; creating a new section; and declaring an emergency.
Referred to Committee on Land Use and Planning.

SB 5381 by Senators Sheahan, Fraser, Honeyford, Franklin, Swecker, McCaslin and Hale

AN ACT Relating to hydrogeology; amending RCW 18.220.010; providing an effective date; and declaring an emergency. Referred to Committee on Commerce and Trade.

SB 5382 by Senators Kohl-Welles, Kastama, Deccio, Keiser, McAuliffe, Winsley and Schmidt

AN ACT Relating to legislative hearings on initiatives and referendums; amending RCW 43.07.030, 42.17.130, and 42.52.180; adding a new section to chapter 43.07 RCW; and creating a new section.
Referred to Committee on Government Operations and Elections.

SB 5383 by Senators Winsley, Thibaudeau, Deccio, Franklin, Keiser, Kline, Eide and Kohl-Welles

AN ACT Relating to the establishment of a pharmacy connection program; and adding a new section to chapter 74.09 RCW.
Referred to Committee on Health and Long-Term Care.

SB 5384 by Senators West and Winsley

AN ACT Relating to utility services and connection charges for certain mobile home parks; and amending RCW 35.67.370.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5385 by Senators Shin, B. Sheldon, Reardon, T. Sheldon, Benton and Winsley

AN ACT Relating to studying the community and technical college funding system; and creating a new section.
Referred to Committee on Higher Education.

SB 5386 by Senators Shin, Benton, T. Sheldon, Kline, Esser and Kohl-Welles

AN ACT Relating to use of high-occupancy vehicle lanes by vehicles with low emissions; amending RCW 46.61.165, 47.52.025, and 81.100.020; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 47.52 RCW; providing contingent effective dates; and providing an expiration date.
Referred to Committee on Highways and Transportation.

SB 5387 by Senators Benton, Swecker and West

AN ACT Relating to membership of regional transportation policy boards; and amending RCW 47.80.040.
Referred to Committee on Highways and Transportation.

SB 5388 by Senators Johnson, T. Sheldon, Sheahan, Reardon, Hale, Parlette, Benton, Winsley, Schmidt, Haugen, Hewitt, Brandland and Esser

AN ACT Relating to information provided by former or current employers to prospective employers; adding a new section to chapter 4.24 RCW; and creating a new section.
Referred to Committee on Commerce and Trade.

SB 5389 by Senators Benton, Prentice, Winsley, Reardon, Roach, Shin, Zarelli, Regala and T. Sheldon

AN ACT Relating to clean and sober housing; amending RCW 59.18.290; adding a new section to chapter 59.18 RCW; and prescribing penalties.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5390 by Senators Haugen, Horn, Jacobsen and Schmidt

AN ACT Relating to permissible uses of state resources by elected officials with regard to ballot propositions; and amending RCW 42.52.180.
Referred to Committee on Government Operations and Elections.

SB 5391 by Senators Haugen, Horn, Jacobsen, Swecker and Regala

AN ACT Relating to eliminating the handling loss deduction for the motor vehicle fuel tax; and repealing RCW 82.36.029.
Referred to Committee on Highways and Transportation.

SB 5392 by Senators Haugen, Horn, Jacobsen and Swecker

AN ACT Relating to increasing fees for pilots and aircraft; amending RCW 47.68.233, 47.68.234, 47.68.250, 82.42.020, 82.48.030, and 82.48.080; repealing RCW 82.42.025 ; providing an effective date; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 5393 by Senators Benton and Prentice (by request of Insurance Commissioner Kreidler)

AN ACT Relating to insurable interests and employer-owned life and disability insurance; amending RCW 48.18.010, 48.18.030, and 48.18.060; and adding new sections to chapter 48.18 RCW.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5394 by Senators Stevens, Benton, Johnson, Deccio, Rossi, Sheahan, Schmidt and Esser

AN ACT Relating to tipped employees; amending RCW 49.46.010, 49.46.010, and 49.46.020; providing an effective date; and providing an expiration date.
Referred to Committee on Commerce and Trade.

SB 5395 by Senators Prentice and Winsley (by request of Insurance Commissioner Kreidler)

AN ACT Relating to forming market assistance plans and joint underwriting associations; amending RCW 48.22.050; adding a new chapter to Title 48 RCW; and repealing RCW 48.88.010, 48.88.020, 48.88.030, 48.88.040, 48.88.050, and 48.88.070.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5396 by Senators McCaslin, Deccio, Thibaudeau, Eide and Brandland

AN ACT Relating to court-imposed conditions of deferred prosecutions; and amending RCW 10.05.120 and 10.05.140.
Referred to Committee on Judiciary.

SB 5397 by Senator Schmidt

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

SB 5398 by Senator Schmidt

AN ACT Relating to precinct committee officers; and amending RCW 29.42.050 and 29.36.260.
Referred to Committee on Government Operations and Elections.

SB 5399 by Senator Schmidt

AN ACT Relating to election procedures; amending RCW 29.36.290, 29.36.310, 29.38.050, and 29.62.020; and adding a new section to chapter 29.36 RCW.
Referred to Committee on Government Operations and Elections.

SB 5400 by Senator Swecker

AN ACT Relating to geoducks; amending RCW 79.96.085; and adding new sections to chapter 79.96 RCW.
Referred to Committee on Natural Resources, Energy and Water.

SB 5401 by Senators Zarelli, Poulsen, Rossi, Fairley and Winsley (by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending 2001 2nd sp.s. c 8 s 158 (uncodified); amending 2002 c 238 ss 109 and 202 (uncodified); adding new sections to 2001 2nd sp.s. c 8 (uncodified); creating new sections; repealing 2002 c 238 s 204 (uncodified); and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5402 by Senators Zarelli, Poulsen and Fairley (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5403 by Senators Rossi and Fairley (by request of Governor Locke)

AN ACT Relating to fiscal matters; amending 2002 c 371 ss 108, 109, 110, 112, 113, 117, 122, 123, 125, 127, 128, 133, 137, 143, 145, 147, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 215, 218, 219, 220, 221, 224, 302, 303, 307, 308, 309, 401, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 701, 703, 704, 712, 730, 726, and 802 (uncodified); amending 2001 2nd sp.s. c 7 s 506 (uncodified); adding new sections to 2001 2nd sp.s. c 7 (uncodified); making appropriations; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5404 by Senator Rossi (by request of Governor Locke)

AN ACT Relating to fiscal matters; amending RCW 9.46.100, 19.28.351, 41.50.110, 43.08.190, 43.23.230, 43.200.080, 48.02.190, 49.26.130, 51.44.170, 67.40.040, 70.79.350, 70.146.030, 76.04.630, 76.12.170, 80.01.080, 82.14.200, 82.14.210, and 86.26.007; creating new sections; making appropriations; and declaring an emergency.
Referred to Committee on Ways and Means.

SB 5405 by Senators Jacobsen and Kline

AN ACT Relating to financial aid portability; amending RCW 28B.10.790 and 28B.10.802; adding new sections to chapter 28B.80 RCW; creating a new section; and providing expiration dates.
Referred to Committee on Higher Education.

SJM 8005 by Senators Benton, Swecker, Winsley, Mulliken, Honeyford, West, Hale, Esser and Schmidt

Requesting Congress to permanently repeal the estate tax.

Referred to Committee on Ways and Means.

SJM 8006 by Senators Benton, Swecker, Honeyford, Mulliken, West, Hale, Esser and Schmidt

Requesting Congress to pass President Bush's economic growth and tax relief plan.

Referred to Committee on Ways and Means.

SJR 8210 by Senators Schmidt, Roach and Carlson

Guaranteeing blanket primaries in the Constitution.

Referred to Committee on Government Operations and Elections.

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Friday, January 24, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 23, 2003

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

TWELFTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 24, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5001 Prime Sponsor, Senator Zarelli: Revising the felony-murder statute. Reported by Committee on Judiciary January 23, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5044 Prime Sponsor, Senator Rasmussen: Giving notice of the termination of a tenancy. Reported by Committee on Government Operations and Elections January 22, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

SB 5254 Prime Sponsor, Senator Roach: Shifting the burden of proof in actions against rules. Reported by Committee on Government Operations and Elections January 22, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Kastama and Reardon.

Referred to Committee on Ways and Means.

SB 5255 Prime Sponsor, Senator Roach: Limiting the rule-making authority of certain entities to those instances where there is a specific grant of legislative authority. Reported by Committee on Government Operations and Elections January 22, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, McCaslin and Reardon.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kastama.

Passed to Committee on Rules for second reading.

SB 5256 Prime Sponsor, Senator Roach: Revising rule-making procedures. Reported by Committee on Government Operations and Elections January 22, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Kastama and Reardon.

Passed to Committee on Rules for second reading.

January 22, 2003

SB 5257 Prime Sponsor, Senator Roach: Requiring gubernatorial approval of all agency rules. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Kastama and Reardon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5254 was referred to the Committee on Ways and Means.

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

January 23, 2003

GA 9079 ANTHONY MOLICA, appointed June 10, 2002, for a term ending at the Governor's pleasure, as Director of the Washington State Lottery Commission.
Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

December 10, 2001

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

I have the honor to submit the following reappointment, subject to your confirmation.
Fran Lewis, reappointed December 10, 2001, for a term ending December 5, 2003, as a member of the Western State Hospital Advisory Board.

GARY LOCKE, Governor

Referred to Committee on Children and Family Services and Corrections.

December 11, 2002

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

I have the honor to submit the following appointment, subject to your confirmation.
Rhona Sen Hoss, appointed December 11, 2002, for a term ending September 30, 2007 as a member of at the Board of Trustees for Clark Community College District No. 14.

GARY LOCKE, Governor

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING

SB 5406 by Senators Deccio, Thibaudeau, Kline, Kohl-Welles, Winsley, Eide and McAuliffe (by request of Governor Locke)

AN ACT Relating to prescription drugs; adding a new section to chapter 74.09 RCW; adding new sections to chapter 41.05 RCW; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5407 by Senators Horn, Prentice, Honeyford and Benton

AN ACT Relating to franchise agreements between motorsports vehicle dealers and manufacturers; adding a new chapter to Title 46 RCW; and repealing RCW 46.94.001, 46.94.005, 46.94.010, 46.94.020, 46.94.030, 46.94.040, 46.94.050, 46.94.060, and 46.94.900.
Referred to Committee on Commerce and Trade.

SB 5408 by Senators Swecker and Fraser

AN ACT Relating to continuing education for land surveyors; and amending RCW 18.43.080.
Referred to Committee on Commerce and Trade.

SB 5409 by Senators Mulliken, T. Sheldon, Roach, Fairley, Schmidt, Kline, Swecker, Reardon, Deccio, Doumit, McCaslin, Parlette, Esser, Rasmussen and Shin

AN ACT Relating to providing a new direct petition annexation method; amending RCW 35.21.005 and 35A.01.040; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; creating new sections; and declaring an emergency.
Referred to Committee on Land Use and Planning.

SB 5410 by Senators Stevens, Eide, Keiser, Brandland, Reardon, Roach, Prentice, Regala, Rasmussen, McCaslin, Benton, Winsley, T. Sheldon, Schmidt, Esser, Oke and Shin

AN ACT Relating to public information about registered sex offenders; and amending RCW 4.24.550.
Referred to Committee on Children and Family Services and Corrections.

SB 5411 by Senators Rasmussen, Hale, Brandland, Haugen, Reardon, Kline, Prentice, Regala, McCaslin, Carlson, Winsley and Schmidt

AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010, 29.21.010, 29.21.015, 29.21.070, and 29.30.025; and adding a new section to chapter 36.28 RCW.
Referred to Committee on Government Operations and Elections.

SB 5412 by Senators Brandland, Kline, Winsley, Haugen, Prentice, Reardon, Rasmussen, Eide and McCaslin

AN ACT Relating to identity theft penalties and prevention; amending RCW 9.35.020 and 46.20.035; adding a new section to chapter 46.20 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5413 by Senators Benton, Prentice, Reardon, Doumit, Honeyford, Mulliken, Rossi, Zarelli, Finkbeiner, Shin, Esser and Kohl-Welles

AN ACT Relating to allowing out-of-state licensees to practice commercial real estate; amending RCW 18.85.010; and adding a new section to chapter 18.85 RCW.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5414 by Senators Deccio, Thibaudeau, Winsley, McCaslin, Keiser, Swecker, T. Sheldon, Morton, Stevens, Brandland, Mulliken, Franklin, B. Sheldon, Regala, Fraser, Carlson, Kline, Parlette, Schmidt, McAuliffe, Oke, Rasmussen and Shin

AN ACT Relating to information on the fiscal and policy impact of state ballot measures; amending RCW 29.79.075 and 29.81.250; adding a new section to chapter 29.79 RCW; and creating a new section.
Referred to Committee on Government Operations and Elections.

SB 5415 by Senators Carlson, Spanel, Kohl-Welles and Shin (by request of State Board for Community and Technical Colleges)

AN ACT Relating to exceptional faculty award grants; and amending RCW 28B.50.839.
Referred to Committee on Higher Education.

SB 5416 by Senators McAuliffe, Eide, Kohl-Welles and Rasmussen

AN ACT Relating to the disposition of funds received from the rental or lease of school district real property; amending RCW 28A.335.060; and providing an effective date.
Referred to Committee on Education.

SB 5417 by Senators Reardon, Kastama, Schmidt, Eide, Esser, Benton and Shin

AN ACT Relating to performance audits; amending RCW 43.88.160; creating new sections; making an appropriation; and providing expiration dates.
Referred to Committee on Government Operations and Elections.

SB 5418 by Senators Sheahan, Johnson, T. Sheldon, Rossi, Reardon, Parlette, Schmidt, Shin, Horn, Haugen, Mulliken, Prentice, Stevens, Swecker, McCaslin, Benton, Roach, Winsley, Esser and Oke

AN ACT Relating to updating state law to conform to changes in federal estate tax; amending RCW 83.100.020; and creating a new section.
Referred to Committee on Ways and Means.

SB 5419 by Senators Deccio, Thibaudeau, Roach, Keiser, Kohl-Welles and McAuliffe

AN ACT Relating to hours of health care facility employees of the state; and amending RCW 49.28.130.
Referred to Committee on Health and Long-Term Care.

SB 5420 by Senators McAuliffe, Regala, Eide, Prentice, Franklin, B. Sheldon, Rasmussen, Kohl-Welles, Fairley, Fraser, Doumit, Shin, Jacobsen and Schmidt

AN ACT Relating to a special education teachers' conditional scholarship; and adding a new chapter to Title 28B RCW.
Referred to Committee on Higher Education.

SB 5421 by Senators B. Sheldon, Fraser, Thibaudeau, Kline, Kohl-Welles and Rasmussen

AN ACT Relating to newborn hearing screening; adding a new section to chapter 70.83 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5422 by Senators Benton, Prentice and Keiser (by request of Insurance Commissioner Kreidler)

AN ACT Relating to the sale of single premium credit insurance; and adding a new section to chapter 48.18 RCW.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5423 by Senators Swecker, Kohl-Welles, Roach, Rasmussen, Mulliken, T. Sheldon and Oke

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050; creating a new section; and providing an effective date.
Referred to Committee on Ways and Means.

SB 5424 by Senators Rossi and Fairley (by request of Department of Revenue)

AN ACT Relating to modifying excise tax interest provisions; amending RCW 82.32.050 and 82.32.060; and providing an effective date.
Referred to Committee on Ways and Means.

SB 5425 by Senators Winsley, Prentice, Benton, Kohl-Welles, Carlson, B. Sheldon, Brown, Schmidt, Rossi, West and Sheahan (by request of Lieutenant Governor Owen)

AN ACT Relating to the total outstanding indebtedness of the higher education facilities authority; and amending RCW 28B.07.050.
Referred to Committee on Ways and Means.

SB 5426 by Senators Oke and Doumit

AN ACT Relating to the selling of commercially harvested fish; and amending RCW 77.65.510, 77.65.515, 77.65.520, and 36.71.090.
Referred to Committee on Parks, Fish and Wildlife.

SB 5427 by Senators Rossi, Benton, Hewitt, Zarelli, Johnson, Stevens, McCaslin, Morton, Hale, Mulliken, Parlette, Roach, Schmidt, Brandland, Sheahan, Esser and Oke

AN ACT Relating to the state expenditure limit; amending RCW 43.135.025; reenacting and amending RCW 43.135.035, 43.135.045, and 43.84.092; and repealing RCW 43.33A.220 and 43.135.051.
Referred to Committee on Ways and Means.

SB 5428 by Senators Finkbeiner, Haugen, Horn and Shin (by request of Department of Licensing)

AN ACT Relating to renewal of driver's licenses and identicards by alternative means; amending RCW 46.20.035, 46.20.117, 46.20.120, 46.20.155, and 46.25.080; reenacting and amending RCW 46.20.055 and 46.20.070; and adding a new section to chapter 46.04 RCW.
Referred to Committee on Highways and Transportation.

SB 5429 by Senators Mulliken, Prentice and Horn (by request of Department of Licensing)

AN ACT Relating to the Performance Registration Information Systems Management Program (PRISM); amending RCW 46.87.020 and 46.87.140; and adding new sections to chapter 46.87 RCW.
Referred to Committee on Highways and Transportation.

SB 5430 by Senators Swecker, Haugen, Horn, Schmidt and Esser (by request of Department of Licensing)

AN ACT Relating to verification that applicants for driver's licenses, permits, and identicards are lawfully within the United States; amending RCW 46.20.031, 46.20.117, 46.20.181, and 46.20.207; reenacting and amending RCW 46.20.055 and 46.20.070; adding new sections to chapter 46.20 RCW; and providing an effective date.
Referred to Committee on Highways and Transportation.

SB 5431 by Senators Oke, Prentice, Horn, Haugen and Rasmussen (by request of Department of Licensing)

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.010, 46.25.123, and 46.25.125; and reenacting and amending RCW 46.25.090.
Referred to Committee on Highways and Transportation.

SB 5432 by Senators Roach, Kastama, Stevens and Fairley

AN ACT Relating to the sale of property by water-sewer districts; and amending RCW 57.08.016.
Referred to Committee on Government Operations and Elections.

SB 5433 by Senators Roach, Kastama, Stevens and Fairley

AN ACT Relating to water-sewer district bidding provisions; and amending RCW 57.08.050.
Referred to Committee on Government Operations and Elections.

SB 5434 by Senator Swecker

AN ACT Relating to electricians; and amending RCW 19.28.091.
Referred to Committee on Commerce and Trade.

SB 5435 by Senators Haugen, Horn and Benton

AN ACT Relating to special license plates; amending RCW 46.16.233 and 46.16.314; adding new sections to chapter 46.16 RCW; and creating new sections.
Referred to Committee on Highways and Transportation.

SB 5436 by Senators Kohl-Welles, Rasmussen, Jacobsen, Winsley, Thibaudeau, McAuliffe, Prentice and Kline

AN ACT Relating to the sales of competitive foods and beverages sold and served on public school campuses; adding a new section to chapter 28A.235 RCW; creating new sections; and providing an expiration date.
Referred to Committee on Education.

SB 5437 by Senators Benton, Schmidt, Zarelli, Shin, Carlson, Stevens and West

AN ACT Relating to appeals from decisions by the school district regional committee; amending RCW 28A.315.205; and creating a new section.
Referred to Committee on Education.

SB 5438 by Senators Benton, Carlson, West, Mulliken, Schmidt, Esser and Oke

AN ACT Relating to sales and use tax exemptions for new employment positions; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.
Referred to Committee on Economic Development.

SB 5439 by Senator Jacobsen

AN ACT Relating to the taxation of nonresident athletes or entertainers; and adding a new section to chapter 82.02 RCW.
Referred to Committee on Ways and Means.

SB 5440 by Senators Jacobsen and Kline

AN ACT Relating to the state poet laureate; adding a new section to chapter 43.46 RCW; and creating a new section.
Referred to Committee on Government Operations and Elections.

SB 5441 by Senators Roach and Esser

AN ACT Relating to paper size of initiative and referendum petitions; and amending RCW 29.79.080.
Referred to Committee on Government Operations and Elections.

SB 5442 by Senators Roach, Oke and Rasmussen

AN ACT Relating to increasing penalties for manufacturing methamphetamine; amending RCW 69.50.406, 69.50.415, 9.94A.533, 9.94A.518, and 9.94A.610; reenacting and amending RCW 69.50.401, 9.94A.510, 9.94A.515, and 13.40.0357; prescribing penalties; providing an effective date; and providing an expiration date.
Referred to Committee on Judiciary.

SB 5443 by Senators Roach, Kastama and Schmidt

AN ACT Relating to absentee ballots; and amending RCW 29.36.220, 29.36.290, 29.36.310, and 29.36.350.
Referred to Committee on Government Operations and Elections.

SJM 8007 by Senators Fraser, Kohl-Welles, McCaslin, Franklin, Regala, Fairley, B. Sheldon, Kline, Winsley, Rasmussen, Haugen, Spanel, McAuliffe, Prentice, Brown, Thibaudeau, Jacobsen, Keiser and Eide

Urging adoption of a treaty fighting discrimination against women.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5414 was referred to the Committee on Government Operations and Elections.

MOTION

At 12:03 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Monday, January 27, 2003.

BRAD OWEN, President of the Senate

TWELFTH DAY, JANUARY 24, 2003

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

FIFTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 27, 2003
The Senate was called to order at 12:00 noon by President Pro Tempore Winsley. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 24, 2003
SB 5075 Prime Sponsor, Senator Morton: Authorizing the department of natural resources to accept gifts of aquatic land.
Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 24, 2003
SB 5076 Prime Sponsor, Senator Morton: Determining a "highest responsible bidder" for valuable materials from state-owned aquatic lands. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 24, 2003
SJM 8001 Prime Sponsor, Senator Fraser: Requesting increased borrowing authority for the Bonneville Power Administration. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

MESSAGE FROM STATE OFFICE

STATUS OF AUTOMATED TRAFFIC SAFETY CAMERA PILOT PROJECTS

Washington Traffic Safety Commission
Report to the Legislature
Executive Summary
January 13, 2003

The 2001 Transportation Budget Bill contained a proviso authorizing the Washington Traffic Safety Commission to oversee pilot projects implementing the use of automated traffic safety camera (cameras). Limitations were placed on use of cameras, requiring, for example, the cameras to photograph only the vehicle and vehicle license. The owner of the vehicle was responsible for the infraction. Traffic infractions captured by the cameras were not to become part of the owner's driving record. Law enforcement was also required to notify its citizens of the locations where the cameras were used.

The cities of Spokane, Tacoma, Vancouver, Seattle and Lakewood applied to become part of these pilot projects. Because of budget problems and the costs associated with starting the projects, the city of Lakewood was the only jurisdiction that actually got a pilot project up-and-running. Lakewood installed four cameras to detect red light running at two high-violation intersections. Between July 2001 and June 2002, violations at those intersections decreased by 54.1%, 45.4%, 74.2% and 85.5%. Lakewood also used cameras for speed enforcement in many of its twenty-seven school zones, with emphasis on those school zones on high-volume, high-speed arterials. The cameras record 16.29 violations per hour in those locations. In July 2002, Lakewood began residential speed control, recording an average of 6.94 violations per hour of enforcement.

Although the enforcement numbers were excellent, the city of Lakewood sustained substantial costs from use of the cameras. Besides the costs of adjudicating the tickets, which required hiring four additional clerks in the municipal court, and the on-going costs to the vendor for use of the equipment, the city found that the revenue generated by the tickets was statutorily required to be split with the state. Under this distribution, the city did not generate sufficient revenue to cover its costs.

Despite this drawback, local jurisdictions are interested in pursuing this technology to promote safety, prevent collisions, and to provide an affordable response to an issue that is very important to its citizens.

The Washington Traffic Safety Commission's Report to the Legislature entitled "Status of Automated Traffic Safety Camera Pilot Projects" is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5444 by Senators Finkbeiner, Kline, Swecker, Kohl-Welles, Carlson and Poulsen

AN ACT Relating to the process for election to Washington state and federal elective office; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; and creating a new section.
Referred to Committee on Government Operations and Elections.

SB 5445 by Senators Reardon, Thibaudeau and Kohl-Welles

AN ACT Relating to insurance coverage for neurodevelopmental therapies; and amending RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520.
Referred to Committee on Health and Long-Term Care.

SB 5446 by Senators Haugen, Swecker, Jacobsen and Prentice

AN ACT Relating to household goods carriers operating without a permit; adding new sections to chapter 81.80 RCW; and creating a new section.
Referred to Committee on Technology and Communications.

SB 5447 by Senators Roach, T. Sheldon, Stevens, Mulliken, Kastama, McCaslin and Schmidt

AN ACT Relating to city assumption of water-sewer districts; and adding a new section to chapter 35.13A RCW.
Referred to Committee on Government Operations and Elections.

SB 5448 by Senators Carlson, Kohl-Welles, Mulliken, Horn, Brown and Schmidt (by request of Governor Locke)

AN ACT Relating to tuition-setting authority at institutions of higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, and 28B.15.100; and creating a new section.
Referred to Committee on Higher Education.

SB 5449 by Senators Thibaudeau, Jacobsen and Kohl-Welles

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, 43.43.310, and 82.08.020; reenacting and amending RCW 6.15.020, 41.32.052, and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; repealing RCW 6.15.025; prescribing penalties; and providing an effective date.
Referred to Committee on Ways and Means.

SB 5450 by Senators Horn, Jacobsen, Finkbeiner, Eide, Swecker, Reardon, Regala, Fairley, Kline, Fraser, Haugen, Keiser and Kohl-Welles

AN ACT Relating to providing incentives to reduce air pollution through the licensing and use of neighborhood electric vehicles; amending RCW 46.04.320; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.
Referred to Committee on Highways and Transportation.

SB 5451 by Senators Benton, Prentice, Winsley, Keiser and Reardon (by request of Department of Financial Institutions)

AN ACT Relating to escrow agents and officers; amending RCW 18.44.011, 18.44.031, 18.44.041, 18.44.051, 18.44.071, 18.44.081, 18.44.091, 18.44.101, 18.44.111, 18.44.121, 18.44.127, 18.44.195, 18.44.201, 18.44.410, 18.44.430, and 18.44.450; adding new sections to chapter 18.44 RCW; and repealing RCW 18.44.131.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5452 by Senators Winsley, Benton, Prentice, Keiser and Reardon (by request of Governor Locke)

AN ACT Relating to check cashers and sellers; amending RCW 31.45.010, 31.45.020, 31.45.030, 31.45.040, 31.45.050, 31.45.060, 31.45.070, 31.45.073, 31.45.077, 31.45.090, 31.45.100, 31.45.110, and 31.45.120; adding new sections to chapter 31.45 RCW; repealing RCW 31.45.170; and providing an effective date.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5453 by Senators Oke, Prentice, Fairley and Winsley

AN ACT Relating to seller disclosure of the presence of uncertified wood stoves or uncertified fireplace inserts; and amending RCW 64.06.020.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5454 by Senators Fraser, Carlson and Spanel

AN ACT Relating to procedures for rehiring retirees of the public employees' retirement system plan 1; amending RCW 41.40.037 and 43.09.050; adding a new section to chapter 41.04 RCW; adding new sections to chapter 43.09 RCW; and providing expiration dates.
Referred to Committee on Ways and Means.

SB 5455 by Senators Horn, Eide, Swecker, Kastama, Roach, B. Sheldon, Mulliken, Prentice, Johnson, Spanel, Oke, Benton, Esser, T. Sheldon, Winsley and Rasmussen

AN ACT Relating to vehicle licensing subagents; adding a new section to chapter 46.01 RCW; creating a new section; providing an effective date; and providing an expiration date.
Referred to Committee on Highways and Transportation.

SB 5456 by Senators Keiser, Roach, Prentice, Benton and Kohl-Welles

AN ACT Relating to financial literacy; amending RCW 28A.230.020; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.630 RCW; creating a new section; and providing effective dates.
Referred to Committee on Education.

SB 5457 by Senators Horn, Haugen, Oke, Johnson, Hargrove, B. Sheldon, Roach, Zarelli, Sheahan, Jacobsen, Stevens, Schmidt, Rossi, Eide, Kline, T. Sheldon, West, Shin and Rasmussen

AN ACT Relating to posting of hazards to motorcycles; and amending RCW 47.36.200.
Referred to Committee on Highways and Transportation.

SB 5458 by Senator Morton

AN ACT Relating to exemptions to certificate of need requirements for conversions of boarding home beds to nursing home beds; and amending RCW 70.38.111.
Referred to Committee on Health and Long-Term Care.

SB 5459 by Senators Honeyford, Prentice, Roach, Winsley, Hewitt, Reardon and Franklin

AN ACT Relating to the relationship between motor vehicle manufacturers and dealers; amending RCW 46.96.020, 46.96.105, and 46.96.185; adding new sections to chapter 46.96 RCW; and creating a new section.
Referred to Committee on Commerce and Trade.

SB 5460 by Senators Mulliken, Haugen, Horn and Kohl-Welles

AN ACT Relating to determination of disability for special parking privileges by advanced registered nurse practitioners; and amending RCW 46.16.381.
Referred to Committee on Health and Long-Term Care.

SB 5461 by Senators Thibaudeau, Eide, Sheahan, Brandland, Parlette, Kohl-Welles and Winsley

AN ACT Relating to disclosure of client information by mental health counselors, marriage and family therapists, and social workers; and adding a new section to chapter 18.225 RCW.
Referred to Committee on Health and Long-Term Care.

SB 5462 by Senators Mulliken, Honeyford, Hale, Hewitt, T. Sheldon, Swecker and McCaslin

AN ACT Relating to the provision of greater predictability and consistency in the state wage and hour laws; amending RCW 49.46.005; and adding new sections to chapter 49.46 RCW.
Referred to Committee on Commerce and Trade.

SB 5463 by Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin (by request of Secretary of State Reed)

AN ACT Relating to a pilot project for military and overseas voters to vote over the Internet; and creating a new section.
Referred to Committee on Government Operations and Elections.

SB 5464 by Senators Finkbeiner, Fairley, Esser, Reardon, Schmidt, Doumit, West, Rossi and T. Sheldon

AN ACT Relating to local government business and occupation tax on intellectual property; and adding a new section to chapter 35.21 RCW.
Referred to Committee on Technology and Communications.

SB 5465 by Senators Benton, Prentice, Winsley, Jacobsen, Eide, Kohl-Welles, Hale, Fairley, Kline, Poulsen, Finkbeiner, Keiser, Kastama, Shin, Schmidt, Thibaudeau, Parlette, Haugen, Horn, Reardon, McAuliffe, Esser, Mulliken, Honeyford, Sheahan, Zarelli and T. Sheldon (by request of Department of Financial Institutions)

AN ACT Relating to licensing and regulating money transmission and currency exchange; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5466 by Senators Kohl-Welles, Reardon and Finkbeiner

AN ACT Relating to stem cell research and human cloning; adding a new chapter to Title 70 RCW; and prescribing penalties.
Referred to Committee on Health and Long-Term Care.

SB 5467 by Senators Finkbeiner, Eide, Schmidt, Poulsen, Esser, Reardon and Haugen

AN ACT Relating to providing sales and use tax incentives for alternative vehicles, fuel, and equipment; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.
Referred to Committee on Highways and Transportation.

SB 5468 by Senators Finkbeiner, Schmidt, Poulsen, Esser, Reardon, Haugen and Kohl-Welles

AN ACT Relating to use of high-occupancy vehicle lanes by vehicles with low emissions; amending RCW 46.61.165, 47.52.025, and 81.100.020; adding new sections to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and creating a new section.
Referred to Committee on Highways and Transportation.

SB 5469 by Senators Finkbeiner, Eide, Haugen, McAuliffe, Schmidt, Poulsen, Esser, Reardon and Kohl-Welles

AN ACT Relating to providing incentives to use clean alternative fuel vehicles; amending RCW 70.94.030; adding new sections to chapter 70.94 RCW; adding new sections to chapter 82.04 RCW; providing effective dates; and providing expiration dates.
Referred to Committee on Highways and Transportation.

SB 5470 by Senators Brandland, Kastama, Esser, Schmidt and Rasmussen

AN ACT Relating to investigation of potential acts of terrorism; adding a new section to chapter 9.73 RCW; and creating a new section.
Referred to Committee on Judiciary.

SB 5471 by Senators Esser and Kastama

AN ACT Relating to appeals by the state or local governments in criminal cases; and adding a new section to chapter 10.73 RCW.
Referred to Committee on Judiciary.

SB 5472 by Senators Mulliken, Hewitt, Morton, McCaslin, T. Sheldon and Rasmussen

AN ACT Relating to a tax exemption for property that has declined in value due to shoreline regulation; adding a new section to chapter 84.36 RCW; and creating a new section.
Referred to Committee on Land Use and Planning.

SB 5473 by Senators Regala, B. Sheldon, Johnson, Kohl-Welles, Winsley and Rasmussen

AN ACT Relating to providing law enforcement officers with training in interaction with developmentally disabled and mentally ill persons; and adding a new section to chapter 43.101 RCW.
Referred to Committee on Judiciary.

SB 5474 by Senators Regala, Stevens, McAuliffe, Carlson, Kohl-Welles, Winsley and Rasmussen

AN ACT Relating to improving services for kinship caregivers; adding new sections to chapter 74.14C RCW; and creating a new section.
Referred to Committee on Children and Family Services and Corrections.

SB 5475 by Senators Horn, Shin, Sheahan, Kohl-Welles, Carlson and Winsley

AN ACT Relating to limiting courses of instruction that are exclusive to research institutions of higher education; and amending RCW 28B.10.115.
Referred to Committee on Higher Education.

SB 5476 by Senators Haugen, Hale, Oke, Benton, McCaslin, Winsley and Rasmussen

AN ACT Relating to exempting the surviving spouse and children of certain law enforcement officers or fire fighters from paying tuition and fees; and amending RCW 28B.15.380.
Referred to Committee on Higher Education.

SB 5477 by Senators Shin, Winsley and Schmidt

AN ACT Relating to delivery of endorsements by recording officers; and amending RCW 65.04.090.
Referred to Committee on Government Operations and Elections.

SB 5478 by Senators Shin, Winsley and Schmidt

AN ACT Relating to the surcharge for preservation of historical documents; and amending RCW 36.22.170.
Referred to Committee on Government Operations and Elections.

SB 5479 by Senators Schmidt, Winsley, Shin and Roach

AN ACT Relating to chief financial officers in charter counties; amending RCW 36.22.140 and 36.40.030; and reenacting and amending RCW 36.40.040.
Referred to Committee on Government Operations and Elections.

SB 5480 by Senators McAuliffe, Eide, Keiser, Kohl-Welles, Franklin, B. Sheldon, Doumit, Regala, Reardon, Rasmussen, Shin and Kastama

AN ACT Relating to school district employees' cost-of-living increases; amending RCW 28A.400.205; and creating a new section.
Referred to Committee on Ways and Means.

SB 5481 by Senators Honeyford, Hewitt, Jacobsen, Swecker, Rasmussen and Shin

AN ACT Relating to agricultural use of water; and amending RCW 90.03.380 and 90.44.100.
Referred to Committee on Natural Resources, Energy and Water.

SB 5482 by Senators Benton, West, Rossi, Hale, Schmidt, Winsley, Hewitt, Johnson, Oke, Sheahan, Honeyford, Swecker, Esser and Rasmussen

AN ACT Relating to establishing the Washington state economic development commission to replace the governor's small business improvement council; adding a new section to chapter 43.175 RCW; and repealing RCW 43.175.010, 43.175.020, and 43.175.901.
Referred to Committee on Economic Development.

SB 5483 by Senators Johnson, McAuliffe, Eide, Kohl-Welles, Winsley and Rasmussen (by request of Governor Locke)

AN ACT Relating to salary bonuses for certificated instructional staff attaining certification by the national board for professional teaching standards; adding a new section to chapter 28A.405 RCW; and creating a new section.
Referred to Committee on Education.

SB 5484 by Senators Haugen, Jacobsen and Spanel

AN ACT Relating to applying a one cent aircraft fuel tax to commercial carriers; amending RCW 82.42.010, 82.42.020, 82.42.030, 82.42.090, and 82.42.110; repealing RCW 82.42.025; providing an effective date; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 5485 by Senators Haugen, Horn, Jacobsen, Benton, Rasmussen and Kohl-Welles

AN ACT Relating to special law enforcement memorial license plates; amending RCW 46.16.313 and 46.16.316; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.
Referred to Committee on Highways and Transportation.

SB 5486 by Senators Eide, Rasmussen, Franklin and Winsley

AN ACT Relating to making appropriations to assist fire departments that have purchased thermal imaging cameras; making an appropriation; and declaring an emergency.
Referred to Committee on Government Operations and Elections.

SB 5487 by Senators Eide, Swecker, Jacobsen, Kohl-Welles, Franklin and Winsley

AN ACT Relating to the use of a wireless communications device while operating a motor vehicle; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.
Referred to Committee on Highways and Transportation.

SB 5488 by Senators Eide, Swecker, Jacobsen, Kohl-Welles and Winsley

AN ACT Relating to accident reports; and amending RCW 46.52.030.
Referred to Committee on Highways and Transportation.

SB 5489 by Senators Franklin, Thibaudeau, Keiser and Kohl-Welles

AN ACT Relating to the aggregate purchasing prescription drug discount program; amending RCW 41.05.011; adding new sections to chapter 41.05 RCW; and creating new sections.
Referred to Committee on Health and Long-Term Care.

SB 5490 by Senators Franklin, Winsley, Keiser, Kline, Thibaudeau and Kohl-Welles

AN ACT Relating to the legal presumption from certification of medical records; and amending RCW 70.02.070.
Referred to Committee on Health and Long-Term Care.

SB 5491 by Senators Finkbeiner, Prentice, Jacobsen, Oke and Kohl-Welles

AN ACT Relating to signs on bus shelters; amending RCW 47.12.120 and 47.36.030; and adding a new section to chapter 47.36 RCW.
Referred to Committee on Highways and Transportation.

SJM 8008 by Senators Rasmussen, Swecker, Roach, Shin, Kastama, Franklin, Winsley, Schmidt, Oke, Eide and Kohl-Welles
(by request of Joint Select Committee on Veterans' and Military Affairs)

Requesting that veterans receive concurrent retirement and disability payments.

Referred to Committee on Government Operations and Elections.

SJM 8009 by Senators Schmidt, Fairley, Horn, Kohl-Welles and Winsley (by request of Secretary of State Reed)

Proposing a regional presidential primary.

Referred to Committee on Government Operations and Elections.

SJM 8010 by Senators McAuliffe, Stevens, Regala, Franklin, Keiser, Eide, Kohl-Welles, Winsley, Shin and Rasmussen

Petitioning the Department of Social and Health Services and the Superintendent of Public Instruction to improve access to information regarding organizations dedicated to improving child protection.

Referred to Committee on Children and Family Services and Corrections.

MOTION

On motion of Senator of Senator Sheahan, Senate Bill No. 5460 was referred to the Committee on Health and Long-Term Care.

MOTION

At 12:03 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Tuesday, January 28, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 27, 2003

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

SIXTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, January 28, 2003

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

MOTION

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

REPORT OF STANDING COMMITTEE

January 27, 2003

SB 5134 Prime Sponsor, Senator Carlson: Changing border county higher education opportunities. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

January 27, 2003

GA 9094 KENNET PHILLIPSON, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Trustees for Eastern Washington University.
Reported by Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

January 27, 2003

GA 9143 LEONOR FULLER, appointed October 1, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for South Puget Sound Community College District No 24.
Reported by Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

MESSAGES FROM STATE AGENCIES

STATE OF WASHINGTON

DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Division of Developmental Disabilities
PO Box 45310 - Olympia, WA 98504-5310

January 21, 2003

Dear Interested Party,

The Developmental Disabilities Strategies for the Future Stakeholder Workgroup (SWG), established in 1997, completed their work with the delivery to the Legislature of the *Strategies for the Future Long-Range Plan Report Phase 3: Final Report*. The SWG worked with the Division of Developmental Disabilities (DDD) for almost six years developing recommendations on future directions and strategies for service delivery improvement for people with developmental disabilities and their families.

The SWG was a group of twenty people representing the varying interests of self-advocates, service providers, counties, labor, community advocates and RHC advocates. Each member participated with a desire to offer assistance to the division in improving and monitoring the supports and delivery of services needed by people with developmental disabilities. The effort resulted in many significant recommendations for a service system where individual choice and self-determination would be the cornerstone for future decisions.

I am pleased to provide you with copies of the three reports.

- * The first report titled *The Strategies for the Future Long-Range Plan Report Phase 1: 1999-2000* was delivered to the Legislature on December 1, 1998. It describes the approach that the SWG and DDD recommended to restructure the system around individual/family choice and self-determination.
- * *Strategies for the Future Long-Range Plan Report Phase II: 2001-2003* was sent to the Legislature on December 1, 2000. This report represented the efforts of four workgroups (consisting of more than one hundred-twenty stakeholders) who met for fourteen months to give their perspective, skills and passions to a plan for building a better system. Their work resulted in seventy-four recommendations to the SWG and DDD for system change.
- * The third report, *Strategies for the Future Long-Range Plan Report Phase 3: Final Report* was completed on December 1, 2002. It makes recommendations on the implementation of self-directed services and on the respective roles of RHCs and community support services.

The three reports taken together provide important information for future budget and policy decisions regarding developmental disabilities services in Washington State. The department will continue to build upon the work accomplished by the Strategies for the Future Stakeholder Workgroup, as represented in these three reports.

If you would like additional copies or require an alternate format, please contact Linda Johnson, by phone, 306-902-0200 or by email, johnsls@dshs.wa.gov.

All three reports are available on the DDD website under Stakeholder Workgroup, <http://www1.dshs.wa.gov/ddd/stakehold.shtml>.

Yours sincerely,
Linda Rolfe,
Director, Division of Developmental Disabilities

The Report on Developmental Disabilities Strategies for the Future Stakeholder Workgroup (SWG) from the Department of Social and Health Services is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

WASHINGTON STATE AUDITOR
Brian Sonntag
Legislative Building
PO Box 40021
Olympia, Washington 98504-0021

January 24, 2003

Board of Commissioners
Washington State Barley Commission
Spokane, Washington

REPORT ON FINANCIAL STATEMENTS

Please find attached our Report on the Washington State Barley Commission's financial statements.

We are issuing this report now in order to provide information on the Commission's financial condition.

In addition to this work, we look at other areas of our audit clients' operations for compliance with state laws and regulations. The results of that review will be included in our accountability audit report, which will be issued separately.

Sincerely,
BRIAN SONNTAG, CGFM
State Auditor

AUDIT REPORT

Washington State Barley Commission
July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent audit of the Washington State Barley Commission for the period July 1, 2001, through June 30, 2002.

The audit was performed by a certified public accounting firm through a contract with our office. Our office reviewed the work done by the firm to determine whether the Commission complied with state laws and regulations and established adequate internal controls. In keeping with general auditing practices, the firm did not examine every portion of the Commission's financial activities during the audit. The audit focused on the Commission's compliance with the Open Public Meetings Act, conflict of interest requirements, budget requirements and the overall legality of the Commission's expenditure. Also audited were the financial statements and internal controls over cash and investments as established by Commission management.

ABOUT THE COMMISSION

The Commission was created by the Washington Agricultural Enabling Act of 1955. The purpose of the Commission is to:

- * Establish plans and conduct programs for advertising and sales promotion of barley.
- * Maintain present and create new or larger markets for barley growers.
- * Carry on research studies to find more efficient methods of production, processing, handling and marketing of barley.
- * Provide for improving standards and grades of barley by defining, establishing and providing labeling requirements.

The Commission is governed by an elected seven-member Board of Commissioners and funded by assessments levied on barley sold in Washington. The Commission employs two people and operates on an annual budget of approximately \$580,000.

RELATED REPORTS

Our opinion on the Commission's financial statements for fiscal year 2002 is provided in a separate report, which includes the Commission's financial statements.

RESULTS

The Commission complied with state laws in the areas examined and established adequate internal controls over cash and investments. In addition, the Commission's financial statements were complete and accurate.

We thank Commission officials and personnel for their assistance and cooperation throughout the audit.

The State Auditor's Independent Audit of the State Barley Commission is on file in the Office of the Secretary of the Senate.

AUDIT SUMMARY

Puget Sound Salmon Commission
January 1, 1999 through December 31, 2001

ABOUT THE AUDIT

This report contains the results of our independent audit of the Puget Sound Salmon Commission for the period January 1, 1999, through December 31, 2001.

We performed audit procedures to determine whether the Commission complied with state laws and regulations. We also reviewed the Commission's accountability for public assets. Our work focused on specific areas that have potential for abuse or misuse of public resources.

RESULTS

In areas examined, we found the Commission complied with state laws and regulations.

CLOSING REMARKS

We thank Commission officials and personnel for their assistance and cooperation during the audit.

The State Auditor's Audit Summary of the Puget Sound Salmon Commission is on file in the Office of the Secretary of the Senate.

AUDIT SUMMARY

Washington State University
July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our accountability audit of Washington State University for the period July 1, 2001, through June 30, 2002.

We performed audit procedures to determine whether the University complied with state laws and regulations, its own policies and procedures, and federal grant requirements. Our work focused on specific areas that have potential for abuse and misuse of public resources. Audit procedures performed included an evaluation of internal controls established by management.

RESULTS

In most areas we examined, the University complied with state laws and regulations and its own policies and procedures. In general, the University's internal controls allow officials to effectively operate the University and safeguard its assets. These internal controls are designed to safeguard University assets; check the accuracy and reliability of accounting data; promote operations efficiency; and encourage adherence to applicable policies.

We noted certain issues we communicated to University management. We appreciate the University's commitment to resolving these issues.

RELATED REPORTS

Our opinion on the state's general purpose financial statements is expressed in the *Washington State Comprehensive Annual Financial Report* issued by the Office of Financial Management. In providing that opinion, we reviewed certain University account balances considered material to the state.

In addition, the report on compliance with federal requirements is provided within the *State of Washington Single Audit Report*.

We also provide an opinion of the University's financial statements, which will be provided in a separate report. This report is issued by the University on an annual basis and includes the University's financial statements and other required financial information.

CLOSING REMARKS

The Office of Administration, Business Affairs, Provost and Academic Vice President, Internal Audit, and Controller are committed to establishing strong internal controls and ensuring compliance with legal requirements in this

highly complex organization. Safeguarding assets was a major focus of our audit. We reviewed how various colleges, units and departments established internal controls related to cash receipting, payroll, purchasing cards, and property and merchandise inventory. During the current audit, University management continued to strengthen policies and guidelines related to internal controls. These guidelines were formalized in the *Business Policies and Procedures Manual*. In addition, the importance of these guidelines was communicated in meetings to deans, administrative managers of all University colleges and administrative units. We believe this should increase awareness of the need for sufficient internal controls to reduce the potential for fraud and abuse.

We appreciate the University's commitment to establishing strong internal controls and ensuring compliance in a highly decentralized organization. We thank University management and personnel for their assistance and cooperation during the audit.

The State Auditor's Summary for Washington State University is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5492 by Senators Mulliken, Keiser and Winsley

AN ACT Relating to timeshares; amending RCW 64.36.020; and adding new sections to chapter 64.36 RCW. Referred to Committee on Financial Services, Insurance and Housing.

SB 5493 by Senators Regala, Fairley, Eide, B. Sheldon, Fraser, Doumit, Kohl-Welles and Kline

AN ACT Relating to environmental quality benchmarks; amending RCW 43.21A.510 and 49.70.175; and creating new sections. Referred to Committee on Natural Resources, Energy and Water.

SB 5494 by Senators Brandland, Sheahan, Winsley, Schmidt, Oke and Swecker

AN ACT Relating to an electronic reporting system for pawnbrokers and second-hand dealers; amending RCW 19.60.060; adding a new section to chapter 19.60 RCW; creating a new section; and providing an effective date. Referred to Committee on Commerce and Trade.

SB 5495 by Senators Keiser, Fraser and Kline

AN ACT Relating to creating the environmental health tracking system; and adding a new chapter to Title 70 RCW. Referred to Committee on Health and Long-Term Care.

SB 5496 by Senator Eide

AN ACT Relating to appeals from school official or board decisions or orders; and amending RCW 28A.645.010. Referred to Committee on Education.

SB 5497 by Senators Esser, Haugen and Oke (by request of Department of Transportation)

AN ACT Relating to moving and relocation expenses; and amending RCW 8.26.035. Referred to Committee on Highways and Transportation.

SB 5498 by Senators Oke, T. Sheldon and Haugen (by request of Department of Transportation)

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

SB 5499 by Senators Oke, Haugen, Horn and Winsley (by request of Department of Transportation)

AN ACT Relating to transferring accident data processing to the department of transportation; amending RCW 46.52.030, 46.52.050, 46.52.060, 46.52.065, 46.52.080, 46.52.085, and 46.29.060; reenacting and amending RCW 46.52.120; providing an effective date; and declaring an emergency. Referred to Committee on Highways and Transportation.

SB 5500 by Senators Johnson, Haugen, Esser, Thibaudeau, McCaslin and Horn

AN ACT Relating to interlocal agreements for court services among municipalities; and amending RCW 3.50.020 and 3.50.805.
Referred to Committee on Judiciary.

SB 5501 by Senators Roach, Kastama, Brandland and Keiser

AN ACT Relating to auto theft; amending RCW 9A.56.070; reenacting and amending RCW 9.94A.505, 9.94A.505, 9.94A.515, and 9.94A.515; adding new sections to chapter 36.28A RCW; adding a new section to chapter 46.37 RCW; prescribing penalties; providing an effective date; and providing an expiration date.
Referred to Committee on Judiciary.

SB 5502 by Senators Carlson, Keiser, McAuliffe, Finkbeiner, Rasmussen and Schmidt

AN ACT Relating to educational staff associate positions; and amending RCW 28A.150.410.
Referred to Committee on Education.

SB 5503 by Senators Prentice, Winsley, Keiser, Franklin, Fraser, B. Sheldon, Kohl-Welles and Kline (by request of Department of Labor and Industries)

AN ACT Relating to authorizing the director of labor and industries to issue and enforce civil penalties for violations of the minimum wage act and chapter 49.48 RCW; amending RCW 49.46.100, 49.48.020, 49.48.040, 49.48.060, and 49.48.070; adding new sections to chapter 49.48 RCW; adding new sections to chapter 49.46 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Commerce and Trade.

SB 5504 by Senators Fraser, Prentice, Winsley, Franklin, Keiser, Deccio, Horn and Kohl-Welles (by request of Department of Labor and Industries)

AN ACT Relating to limiting lien authority against a residential homeowner; and amending RCW 60.04.031.
Referred to Committee on Commerce and Trade.

SB 5505 by Senators Carlson, Rasmussen, Honeyford, Doumit and Eide

AN ACT Relating to courses of study options offered by public high schools; and amending RCW 28A.230.010 and 28A.230.130.
Referred to Committee on Education.

SB 5506 by Senators T. Sheldon and Mulliken

AN ACT Relating to final orders of growth management hearings boards; and amending RCW 36.70A.300.
Referred to Committee on Land Use and Planning.

SB 5507 by Senators T. Sheldon and Mulliken

AN ACT Relating to standing before growth management hearings boards; and amending RCW 36.70A.280.
Referred to Committee on Land Use and Planning.

SB 5508 by Senators Eide, Keiser and Roach

AN ACT Relating to supervision of level III offenders for offenses committed on or after July 1, 2003; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9.95 RCW; providing an effective date; and declaring an emergency.
Referred to Committee on Children and Family Services and Corrections.

SB 5509 by Senators B. Sheldon, Kohl-Welles, Deccio and Winsley

AN ACT Relating to the organ donor registry; amending RCW 68.50.540; adding new sections to chapter 68.50 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 46.12 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5510 by Senators Deccio, Keiser, Fairley, Thibaudeau, Parlette, Kohl-Welles and Winsley

AN ACT Relating to creating a license for assisted living facilities; adding a new chapter to Title 18 RCW; and prescribing penalties.
Referred to Committee on Health and Long-Term Care.

SB 5511 by Senators Deccio, Keiser, Parlette, Eide, West, Brandland, Carlson, Hale, Mulliken, Rasmussen and Winsley

AN ACT Relating to preventing increase in the regulatory costs on long-term care providers; amending RCW 18.20.090, 18.51.070, 70.128.040, and 74.08.090; creating a new section; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5512 by Senators Honeyford, Kastama, West, Keiser, Winsley and Rasmussen

AN ACT Relating to small business economic impact statements; and amending RCW 19.85.020.
Referred to Committee on Commerce and Trade.

SB 5513 by Senators Swecker, Kastama, Zarelli, T. Sheldon, Reardon and Roach

AN ACT Relating to taxation of taxidermy; amending RCW 82.04.050; and providing an effective date.
Referred to Committee on Ways and Means.

SB 5514 by Senators Roach, Kastama, Reardon, Sheahan and West

AN ACT Relating to the definition of manager in state civil service law; and amending RCW 41.06.022.
Referred to Committee on Commerce and Trade.

SB 5515 by Senators Johnson, Kline and Sheahan

AN ACT Relating to the board of industrial insurance appeals; and amending RCW 51.52.010 and 51.52.104.
Referred to Committee on Commerce and Trade.

SB 5516 by Senators Carlson, Fraser and Winsley

AN ACT Relating to extraordinary investment gain sharing for plans 1 and 3; and amending RCW 41.31.010, 41.31.030, and 41.31A.020; and providing an effective date.
Referred to Committee on Ways and Means.

SB 5517 by Senators B. Sheldon, Schmidt, Kohl-Welles, Oke, Poulsen, West and Rasmussen

AN ACT Relating to clarifying the apportionment of business and occupation taxes on certain businesses conducted both within and outside the state; and amending RCW 82.04.460.
Referred to Committee on Ways and Means.

SB 5518 by Senators Hargrove, Morton, Doumit, Honeyford, Hale and Mulliken

AN ACT Relating to limiting the purchase of land by state agencies and departments for habitat or ecosystem preservation; and adding a new section to chapter 43.17 RCW.
Referred to Committee on Natural Resources, Energy and Water.

SB 5519 by Senators Oke, Haugen and Horn (by request of Department of Transportation)

AN ACT Relating to sharing of appraisal information in condemnation proceedings; and amending RCW 8.25.120.
Referred to Committee on Judiciary.

SB 5520 by Senators Haugen, Horn and Oke (by request of Department of Transportation)

AN ACT Relating to authorizing the ferry system to use alternative public works contracting procedures; and amending RCW 39.10.020.
Referred to Committee on Highways and Transportation.

SB 5521 by Senators Deccio, Rasmussen, Swecker, Haugen, Parlette, T. Sheldon, Finkbeiner, Doumit, Hale, Schmidt, Honeyford, Rossi, Morton, Sheahan, Johnson, Hewitt, Mulliken, McCaslin, Stevens, West, Shin, Zarelli, Winsley, Carlson, Eide, Esser and Oke

AN ACT Relating to access to health insurance for employers and their employees; amending RCW 48.21.045, 48.43.038, 48.43.045, 48.44.023, and 48.46.066; reenacting and amending RCW 48.43.005; and repealing RCW 48.43.035.

Referred to Committee on Health and Long-Term Care.

SB 5522 by Senators T. Sheldon, Brandland, Carlson and Hale

AN ACT Relating to the privatization of liquor sales; amending RCW 66.08.150; and adding a new chapter to Title 66 RCW.

Referred to Committee on Commerce and Trade.

SB 5523 by Senators Oke and Kline

AN ACT Relating to operation of vehicles or vessels after taking a controlled substance; amending RCW 46.61.502, 46.61.504, 79A.60.040, and 90.56.540; reenacting and amending RCW 46.20.308 and 46.25.090; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5524 by Senators Benton, Kline, Prentice, Regala, Roach, Keiser, Esser, Zarelli, Winsley, Reardon, Rasmussen, Kohl-Welles, Schmidt and Shin

AN ACT Relating to protection of victims of domestic violence, sexual assault, or stalking in the rental of housing; adding new sections to chapter 59.18 RCW; creating a new section; repealing RCW 59.18.356; and declaring an emergency.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5525 by Senators Winsley, Swecker, West, Kline, Fraser, Eide, Rasmussen and Thibaudeau

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; and amending RCW 41.05.011.

Referred to Committee on Ways and Means.

SB 5526 by Senators Swecker, Oke, Kline, Hewitt, West, Jacobsen, Eide, Johnson, Regala, Rasmussen and Esser

AN ACT Relating to state parks and recreation commission law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service; amending RCW 41.26.030; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 5527 by Senators Horn and Haugen (by request of Governor Locke)

AN ACT Relating to the creation of the local transportation grant board; amending RCW 36.78.010, 36.78.070, 36.78.110, 36.79.010, 36.79.110, 43.99M.080, 46.68.120, 46.68.124, 47.06A.010, 47.26.044, 47.26.170, 47.26.185, 47.26.260, 47.26.270, 47.26.282, 47.26.320, 47.26.325, 47.26.426, 47.26.427, 47.26.440, 47.26.506, 47.26.507, and 82.44.150; reenacting and amending RCW 43.84.092 and 82.44.180; adding a new chapter to Title 47 RCW; creating new sections; repealing RCW 36.78.030, 36.78.090, 36.78.100, 36.79.030, 36.79.040, 36.79.050, 36.79.060, 36.79.070, 36.79.080, 47.26.121, 47.26.130, 47.26.140, 47.26.150, 47.26.160, 47.26.167, 47.06A.001, 47.06A.030, 47.06A.040, 47.06A.070, and 47.06A.900; providing an effective date; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5528 by Senators Benton, Prentice, Hale, Haugen, Rossi, Schmidt, Shin, T. Sheldon, Oke, Brandland, Zarelli, Esser, Hewitt, Morton, Stevens, Sheahan, Mulliken, Johnson, Parlette, West, Roach, Horn, Honeyford, Rasmussen and Kline

AN ACT Relating to requiring senate confirmation of certain commission and department appointments; amending RCW 18.44.500, 18.85.071, 21.20.550, 43.17.020, and 43.180.040; and declaring an emergency.

Referred to Committee on Government Operations and Elections.

SB 5529 by Senators Esser, Reardon, Finkbeiner, Schmidt, Sheahan, T. Sheldon, Doumit, Rasmussen, Roach, Rossi, Stevens, West and Eide

AN ACT Relating to removing the expiration date on the research and development business and occupation tax credit; and amending RCW 82.04.4452.

Referred to Committee on Technology and Communications.

SB 5530 by Senators Finkbeiner, Reardon, Sheahan, Schmidt, Esser, T. Sheldon, Doumit, Hale, Rasmussen, Roach, Rossi, West and Eide

AN ACT Relating to business and occupation tax credits and deferrals for research and development and high technology job creation; and amending RCW 82.04.4452 and 82.63.030.
Referred to Committee on Technology and Communications.

SB 5531 by Senators Finkbeiner, Reardon, Esser, T. Sheldon, Sheahan, Schmidt, Doumit, Hale, Rasmussen, Roach, Rossi, Stevens, West and Eide

AN ACT Relating to removing the expiration date for the high-technology research and development sales and use tax deferral program; and amending RCW 82.63.030.
Referred to Committee on Technology and Communications.

SB 5532 by Senators Kohl-Welles, Benton, Fraser, Prentice, Carlson, Keiser, Winsley and Schmidt

AN ACT Relating to international matchmaking organizations; and amending RCW 19.220.010.
Referred to Committee on Children and Family Services and Corrections.

SB 5533 by Senators Kohl-Welles, Johnson, McAuliffe, Carlson, Keiser, Rasmussen and Kline

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

SJM 8011 by Senators Kohl-Welles, Benton, Fraser, Prentice, Carlson, Keiser, Winsley and Schmidt

Petitioning Congress to improve federal law regulating international matchmaking organizations.

Referred to Committee on Children and Family Services and Corrections.

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:30 a.m., Wednesday, January 29, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 28, 2003

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

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 29, 2003

The Senate was called to order at 10:30 a.m. by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The National Guard Color Guard, consisting of Sergeant First Class Marie Moynihan, Sergeant First Class Gina Haffner, Staff Sergeant Diana Reefe, Staff Sergeant Charles Warloe and Staff Sergeant Mark Morgan, presented the Colors. Chaplain Lieutenant Colonel Kenneth Hegvedt, Chaplain of the 66th Aviation Brigade for the Washington National Guard, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 2003

SB 5146 Prime Sponsor, Senator Winsley: Making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2003

SB 5147 Prime Sponsor, Senator Winsley: Regulating automobile insurance. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2003

SB 5211 Prime Sponsor, Senator Kohl-Welles: Clarifying that certain entities are not collection agencies. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2003

SB 5403 Prime Sponsor, Senator Rossi: Making 2001-03 supplemental operating appropriations. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fairley, Fraser, Kohl-Welles, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2003

SB 5427 Prime Sponsor, Senator Rossi: Controlling state expenditures. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5427 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fairley, Fraser, Kohl-Welles, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2003

SJM 8003 Prime Sponsor, Senator Fraser: Requesting Congress to restore the sales tax deduction for federal income taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Fairley, Fraser, Hale, Honeyford, Johnson, Kohl-Welles, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

January 28, 2003

SJR 8204 Prime Sponsor, Senator Rossi: Amending the Constitution to provide for a revenue stabilization fund. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8204 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Fairley, Hale, Honeyford, Johnson, Parlette, Poulsen, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Kohl-Welles, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SB 5534 by Senators Keiser, Fraser, Kline and Kohl-Welles

AN ACT Relating to visible smoke from motor vehicles; amending RCW 46.37.390, 46.04.521, and 46.37.539; adding a new section to chapter 46.37 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Natural Resources, Energy and Water.

SB 5535 by Senators West, Winsley, Fraser, Jacobsen, Haugen, Brown, Fairley, Roach, Hale, Eide, Schmidt, Stevens, Rasmussen and Kohl-Welles

AN ACT Relating to death benefits for members of the teachers' retirement system, school employees' retirement system, and public employees' retirement system; amending RCW 41.32.520, 41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.40.270, 41.40.700, and 41.40.835; and creating a new section.

Referred to Committee on Ways and Means.

SB 5536 by Senators Finkbeiner, Reardon, Roach, Hale, Horn, Benton, Morton, Hewitt, Schmidt, Kastama, Sheahan, Mulliken, Johnson, Parlette, Stevens, West and Esser

AN ACT Relating to condominiums; amending RCW 64.34.100, 64.34.216, 64.34.410, 64.34.425, 64.34.443, 64.34.445, 64.34.450, and 64.34.452; and creating a new section.

Referred to Committee on Judiciary.

SB 5537 by Senators Benton, Prentice, Esser, Rossi, Finkbeiner, Johnson, T. Sheldon, Roach and Stevens

AN ACT Relating to transportation alternatives in central Puget Sound; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Highways and Transportation.

SB 5538 by Senators Esser, Prentice, Rossi, Benton, Finkbeiner, Johnson, T. Sheldon, Roach, Schmidt and Oke

AN ACT Relating to election and authority of Sound Transit board members; and amending RCW 81.112.040, 81.112.010, and 81.112.030.

Referred to Committee on Highways and Transportation.

SB 5539 by Senators Esser, Kastama and Winsley (by request of Department of Licensing)

AN ACT Relating to reports by vehicle wreckers and scrap processors; adding a new section to chapter 46.79 RCW; and adding a new section to chapter 46.80 RCW.

Referred to Committee on Highways and Transportation.

SB 5540 by Senators Sheahan and Rasmussen

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

SB 5541 by Senators Keiser, Prentice and Winsley

AN ACT Relating to prepayment of unpaid time balance; and amending RCW 63.14.080.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5542 by Senators Hargrove, Brandland, Schmidt and Winsley

AN ACT Relating to the exercise of reasonable care by state employees and its agents at the department of social and health services and the department of corrections; adding new sections to chapter 43.20A RCW; adding new sections to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Children and Family Services and Corrections.

SB 5543 by Senators Brandland, Hale and Schmidt

AN ACT Relating to the tortious conduct of the state and its municipalities and liability for its governmental functions; and amending RCW 4.92.090 and 4.96.010.

Referred to Committee on Judiciary.

SB 5544 by Senators Winsley, Fraser, Prentice and Kohl-Welles

AN ACT Relating to bereavement leave for state employees; amending RCW 41.06.133; reenacting and amending RCW 41.06.150; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce and Trade.

SB 5545 by Senators Esser, Reardon, Poulsen, Sheahan and Winsley (by request of Department of Health)

AN ACT Relating to fees for certified copies of vital records; and amending RCW 70.58.107.

Referred to Committee on Judiciary.

SB 5546 by Senators McAuliffe, Franklin, Eide, Prentice and Rasmussen

AN ACT Relating to early learning; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

SB 5547 by Senators McAuliffe, Eide, Regala, Franklin and Kohl-Welles

AN ACT Relating to membership on the state board of education; and amending RCW 28A.305.010 and 28A.305.080.

Referred to Committee on Education.

SB 5548 by Senators McAuliffe, Franklin, Eide, Prentice, Kohl-Welles and Winsley

AN ACT Relating to prekindergarten; and adding new sections to chapter 28A.215 RCW.

Referred to Committee on Education.

SB 5549 by Senators Prentice, Fraser, Schmidt, T. Sheldon, Kohl-Welles and Shin

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

Referred to Committee on Commerce and Trade.

SB 5550 by Senators West, Stevens, Kastama, Roach, Kline, Johnson, Fairley, T. Sheldon, Thibaudeau, Benton, Keiser, Eide, Prentice, Kohl-Welles, Esser, Shin, Oke and Winsley

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

Referred to Committee on Children and Family Services and Corrections.

SB 5551 by Senators Mulliken and T. Sheldon (by request of Governor Locke)

AN ACT Relating to timelines and funding for implementation of guidelines for shoreline master programs; and amending RCW 90.58.080 and 90.58.250.

Referred to Committee on Land Use and Planning.

SB 5552 by Senators Sheahan, Rasmussen, Swecker, Hale and Shin

AN ACT Relating to the state agricultural commodity commissions; and amending RCW 15.66.030, 15.66.140, and 15.66.185.

Referred to Committee on Agriculture.

SB 5553 by Senators Mulliken, Oke, T. Sheldon and Stevens

AN ACT Relating to providing for the option for immediate eviction of tenants who are involved in criminal actions or unlawful civil disruptions; adding a new section to chapter 59.18 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5554 by Senators Roach, Rasmussen, Benton, Kastama, Schmidt, Shin, Oke and Winsley

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

Referred to Committee on Government Operations and Elections.

SB 5555 by Senators Kohl-Welles, Jacobsen, Fairley, McAuliffe, Regala, Fraser, Thibaudeau, Kline, B. Sheldon, Spanel and Prentice

AN ACT Relating to recovery of orca whales in Washington waters; and creating new sections.

Referred to Committee on Parks, Fish and Wildlife.

CHANGES IN STANDING COMMITTEE ASSIGNMENTS

The President announced the following changes to the Standing Committee assignments:

Senator Betti Sheldon is removed from the Committee on Rules.
Senator Deccio is removed from the Committee on Rules.
Senator Kohl-Welles is removed from the Committee on Ways and Means.
Senator Kohl-Welles is appointed to the Committee on Economic Development and Rules.
Senator Hale is appointed to the Committee on Economic Development.
Senator Schmidt is appointed to the Committee on Rules.
Senator Doumit is appointed to the Committee on Ways and Means.

MOTION

On motion of Senator Sheahan, the Standing Committee changes in assignments were confirmed.

MOTION

At 10:43 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 10:59 a.m. by President Pro Tempore Winsley.

SECOND READING

SENATE BILL NO. 5403, by Senators Rossi and Fairley (by request of Governor Locke)

Making 2001-03 supplemental operating appropriations.

MOTION

On motion of Senator Sheahan, Substitute Senate Bill No. 5403 was substituted for Senate Bill No. 5403 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Betti Sheldon moved that the following amendments by Senators Betti Sheldon and Fraser be considered simultaneously and be adopted:

On page 6, line 17, increase the FY 2003 General Fund appropriation by \$560,000 and adjust the total appropriation accordingly.

On page 174, after line 24, insert the following:

"**NEW SECTION. Sec. 707.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

The office of financial management shall uniformly reduce allotments for all agencies for goods and services expenditures by \$560,000 from 2001-03 biennial general fund--state appropriations. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Debate ensued.

Senator Regala demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Betti Sheldon and Fraser on page 6, line 17, and page 174, line 24, to Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

Senator Jacobsen moved that the following amendment be adopted:

On page 9, after line 6, insert the following:

"(9) By January 1, 2004, the secretary of state shall submit a report to the senate committee on ways and means and the house of representatives committee on capital budget that evaluates options to provide a permanent site for the facilities of the state library."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 9, after line 6, to Substitute Senate Bill No. 5403.

The motion by Senator Jacobsen failed and the amendment was not adopted.

MOTION

Senator Fairley moved that the following amendments be considered simultaneously and be adopted:

On page 72, after line 15, insert the following and adjust the total appropriation accordingly:

General Fund--State Appropriation (FY 2003).....\$15,351,000"

On page 75, beginning on line 4, strike all material down to and including "act." on line 6 and insert the following:

"(9) The health care authority shall admit new enrollees to the subsidized basic health plan sufficient to maintain an average monthly enrollment of 140,575 persons after the effective date of this 2003 act."

On page 174, after line 24, insert the following:

"**NEW SECTION. Sec. 707.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

The office of financial management shall uniformly reduce allotments for all agencies for salaries, wages, benefits, and other costs associated with general fund--state expenditures for members of the Washington management service by \$15,351,000 from 2001-03 biennial general fund--state appropriations. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Regala demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Fairley on page 72, line 15; page 75, line 4; and page 174, line 24; to Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 22.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

MOTION

Senator Poulsen moved that the following amendment be adopted:

On page 174, after line 24, insert the following:

"**NEW SECTION. Sec. 707.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

The following amounts are appropriated from the general fund to the specified state agencies for the 2003-05 fiscal biennium for the purposes of implementing the collective bargaining agreement with home care workers:

Home Care Quality Authority

General Fund--State Appropriation (FY 2004) \$67,000

General Fund--State Appropriation (FY 2005) \$175,000

General Fund--Federal Appropriation \$235,000

Department of Social and Health Services

General Fund--State Appropriation (FY 2004) \$31,820,000

General Fund--State Appropriation (FY 2005) \$65,638,000

General Fund--Federal Appropriation \$94,709,000

Health Care Authority

General Fund--State Appropriation (FY 2004) \$39,000

General Fund--State Appropriation (FY 2005) \$37,000

General Fund--Federal Appropriation \$74,000

TOTAL APPROPRIATION \$192,794,000"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Regala demanded a roll call and the demand was sustained.

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Poulsen on page 174, line 24, to Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

Senator Kline moved that the following amendments by Senators Kline and Franklin be considered simultaneously and be adopted:

On page 11, line 17, increase the FY 2003 General Fund appropriation by \$207,000 and adjust the total appropriation accordingly.

On page 174, after line 24, insert the following:

"**NEW SECTION. Sec. 707.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

The office of financial management shall uniformly reduce allotments for all agencies for goods and services expenditures by \$207,000 from 2001-03 biennial general fund--state appropriations. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Debate ensued.

Senator Franklin demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Kline and Franklin on page 11, line 17, and page 174, line 24, to Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 22.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove, McAuliffe, Fairley and Shin be considered simultaneously and be adopted:

On page 35, line 32, increase the FY 2003 General Fund appropriation by \$1,500,000 and adjust the total appropriation accordingly.

On page 174, after line 24, insert the following:

NEW SECTION. Sec. 707. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

The office of financial management shall uniformly reduce allotments for all agencies for goods and services expenditures by \$1,500,000 from 2001-03 biennial general fund--state appropriations. The general fund allotment reduction shall be placed in unallotted status and remain unexpended."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Hargrove, McAuliffe, Shin and Fairley on page 35, line 32, and page 174, line 24, to Substitute Senate Bill No. 5403.

The motion by Senator Hargrove failed and the amendments were not adopted.

MOTION

Senator Keiser moved that the following amendments be considered simultaneously and be adopted:

On page 75, on line 25, strike "~~(\$18,292,000)~~" and insert "\$18,292,000"

On page 75, on line 26, strike "\$17,192,000"

On page 76, on line 5, increase the Accident Account appropriation amount by \$4,470,000

On page 76, on line 8, increase the Medical Aid Account appropriation amount by \$12,643,000

Adjust the total appropriation accordingly

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Keiser on page 75, lines 25 and 26, and page 76, lines 5 and 8, to Substitute Senate Bill No. 5403.

The motion by Senator Keiser failed and the amendments were not adopted.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5403 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5403.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5403 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 29.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 20.

SUBSTITUTE SENATE BILL NO. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Madam President. Well, I want to welcome Senator Doumit, who passed out--pardon the expression--fish. I wanted a whole one. Now, we know that he is a cheap skate. Obviously, you have heard about our long-standing rule about a freshman's first speech. That is what he called it. It is a speech and you have to pass out a gift. I just want to warn the Democratic Caucus to be very careful. I understand that he is one of eleven children, so if you are not nice to him, you could lose ten votes to the Republicans. But, I doubt it seriously.

"As one of the shorter members in the Senate, I want to congratulate you, because we have three caucuses--Republican, Democrat and the short member's caucus. In fact, I haven't seen you stand too much, but you might make President. People have been telling me about your endeavors. You were a farmer; you were or are a commercial fisherman. Then you were a County Commissioner; then you were in the House of Representatives; and now you are in the Senate. Can't you hold a steady job? I just want to tell the Republicans--they want me to sit down and shut up--but I just want to tell the Republicans that we would have lunch if they hadn't had so many amendments. Then, of course, you guys had to respond to each one of their amendments. So, don't blame me for missing lunch. Senator Doumit, we welcome you with open arms and we look forward to working with you. We know you will be an excellent member, so congratulations on being a Senator."

PERSONAL PRIVILEGE

Senator Doumit: "A point of personal privilege, Madam President. Thank you, Madam President, and thank you, Senator McCaslin. My only recommendation is to eat the fish right away or freeze it or put it in the refrigerator."

SECOND READING

SENATE BILL NO. 5001, by Senators Zarelli, McCaslin, Kastama, T. Sheldon, Carlson, Esser and Sheahan

Revising the felon-murder statute.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Zarelli, what is the 'merger doctrine' and has the Washington State Supreme Court ever considered adoption of the merger doctrine in relation to second degree felony murder?"

Senator Zarelli: "The merger doctrine is a rule of statutory construction for determining if the Legislature intended to impose only one punishment for multiple crimes. The doctrine only applies when there is clear Legislature intent to do so. There was no such legislative intent in this case and there is none now.

"In 1978, Justice Horowitz stated that the adoption of the merger doctrine by the court in the case of second degree felony murder would be, and I am quoting the court here: 'An unwarranted and insupportable invasion of the legislative function in defining crimes.' This is exactly what the present Supreme Court decision has now done."

Senator McCaslin: "Is this amendment to the second degree murder statute meant to be retroactive?"

Senator Zarelli: "Yes, absolutely. The Washington Supreme Court has indicated in the past that in order for a statute to be applied retroactively, the amendment must be remedial, curative in nature, and the Legislature must clearly indicate its intention to apply the statute retroactively. Today's amendment is clearly intended only to cure the court's misinterpretation of legislative intent and reemphasize that assault is and always has been a predicate offense for second degree felony murder.

"Today, we are also urging the court to retroactively apply the Legislature's original and continuing intent to include assault as a predicate offense for second degree felony murder."

Senator McCaslin: "Thank you, Senator Zarelli."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5001.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5001 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Schmidt, the following resolution was adopted:

SENATE RESOLUTION 8606

By Senators Schmidt, Roach, Rasmussen, Hale, Johnson, Carlson, Honeyford, B. Sheldon, Regala, Fraser, Brown, Zarelli, Benton, Shin, T. Sheldon, Eide, McAuliffe, Mulliken, Spanel, Stevens and Kohl-Welles

WHEREAS, Over eight thousand men and women of the Washington National Guard comprised of Air National Guard and Army National Guard continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and personal efforts to serve the needs of the people of Washington State; and

WHEREAS, The Washington National Guard continues to be prepared to answer the state's call in response to floods, fires, civil disturbances, and all other natural or manmade emergencies and disasters; and

WHEREAS, The Washington National Guard has provided additional security at our state's airports, at our international borders, during the 2002 Winter Olympic Games, and at numerous locations across the globe, in protection of our state and nation in answer to the war on terrorism and response to the horrific terrorist attacks on our nation September 11, 2001; and

WHEREAS, The Washington National Guard continues its promoting of positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Washington National Guard continues an active participation in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment in support of many local, state, and federal law enforcement agencies. The dedication of these men and women last year contributed to hundreds of drug-related arrests and seizures and the destruction of millions of dollars of illegal drugs; and

WHEREAS, The Washington National Guard adds value to communities by opening armories for public use, assistance to food banks, and other community and youth activities. The Washington National Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, Select members and units of the Washington National Guard are now serving throughout the world in critical missions, supporting the nation in the war on terrorism with dedication, valor, and courage, and at great personal risk and sacrifice;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without which the Washington National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate specifically and particularly recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state. This is accomplished through the outstanding performance of its state emergency and disaster relief missions and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Adjutant General of the Washington National Guard, the Governor of the state of Washington, the Secretaries of the Army and Air Force, and the President of the United States.

Senators Schmidt, Poulsen and Betti Sheldon spoke to Senate Resolution 8606.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege Madam President. I know, just relax everyone, we will get to lunch. I am a little ashamed. Everyone got a gift from the vote of Senator Mark Doumit and I got one from your friendly new Senator Dave Schmidt. I sent out an e-mail to all the Senators informing them of your maiden speech. Here are some of the replies: 'Don't worry, it won't be his last; It is only the beginning. There will be more.' Twenty-two said, 'Who is Schmidt?' One of them said, 'Is he the guy on Seinfeld, who calls himself George Constanza?' They must not watch the program. Otherwise, they would be laughing more than you folks. But, welcome to the Senate, Senator Schmidt. Get together with Mark. Is it Mark? I shouldn't say that. I should say, 'Senator Doumit-not Dooumit.' Anyway, welcome."

PERSONAL PRIVILEGE

Senator Schmidt: "Thank you, Madam President. A point of personal privilege. To the fine Senator Hargrove, you may not be able to eat it, but if you win what is in there, the question is, 'Are you going to give it back to the State General Fund?' We are scratching lotto tickets for a few extra dollars this year, folks. Good luck."

PERSONAL PRIVILEGE

Senator Sheahan: "Madam President, a point of personal privilege. Before we adjourn and go to lunch, very, very quickly. We have one of our Senate family that is going to retire. Sue LaVack, who has worked in the Senate for many,

many years and is leaving us very soon. I know that we have all enjoyed working with her, because she is the one that makes sure that we get our pay check--which is very important. She has done a wonderful job for us; she has worked in the Senate for twenty-three years and a total of twenty-nine for the state of Washington. She has been an excellent servant of the people of the state and an excellent servant to the people of the Senate. I just wanted to rise to wish her well and to pass along our best wishes.”

The President Pro Tempore introduced and thanked Sue LaVack, who was seated in the back of the chamber.

PERSONAL PRIVILEGE

Senator Spanel: “A point of personal privilege. I, too, want to say ‘thank you’ to Sue for her long years of service. As time goes on, there is a rotation of Senators and other employees and some of the old leave and that. I think a lot of us always rely on staff to have a lot of the knowledge that we have to learn over the years. With her leaving, she is the last of the long-termers in that accounting office. That is a great loss to the Senate--that you are now going to go off to Spring Training, instead of writing our checks. I hope you have trained your successors well. I know the ones that I have dealt with are doing a good job. You leave a lot of that institutional memory; you are taking it with you. Pass it on. Do you have one more day or two more days? Two more days--make sure you pass it on.

“I just thank you for always being helpful and being loyal to the Senate--trustworthy and all those good things that you have done to help us out. Thank you.”

PERSONAL PRIVILEGE

Senator Sheahan: “A point of personal privilege, Madam President. Before we adjourn, I just want to thank and congratulate you, Madam President, for the wonderful job that you have done today. I would ask the whole Senate to give her a round of applause. I know you have been here many years, but it is different being up there on the podium. I just really commend you for your great job.”

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: “Well, thank you. I didn’t realize this was that difficult on the feet.”

MOTION

At 12:43 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, January 30, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 29, 2003

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

EIGHTEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, January 30, 2003

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

MOTION

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

MESSAGE FROM THE HOUSE

January 29, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053, and the same is herewith transmitted.

INTRODUCTION AND FIRST READING

SB 5556 by Senators Swecker, Kohl-Welles, Carlson, Kline, Finkbeiner, Brown and Keiser

AN ACT Relating to the process for election to local nonpartisan offices; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; creating a new section; and repealing RCW 29.30.085.

Referred to Committee on Government Operations and Elections.

SB 5557 by Senators Kastama, Carlson, Poulsen, Winsley and Deccio

AN ACT Relating to voter-approved increases in excess of the property tax revenue limit; and amending RCW 84.55.050.

Referred to Committee on Government Operations and Elections.

SB 5558 by Senators Mulliken, Swecker, Johnson and Stevens

AN ACT Relating to real estate excise tax revenues related to construction of capital improvements to public schools; adding a new section to chapter 82.46 RCW; and creating new sections.

Referred to Committee on Education.

SB 5559 by Senators Finkbeiner, Kohl-Welles, Swecker, Jacobsen, Kastama, Haugen, Poulsen, Benton and Esser

AN ACT Relating to the collection of voter-approved taxes by a city transportation authority; amending RCW 35.95A.120; adding a new section to chapter 35.95A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5560 by Senators Honeyford, Keiser, Horn and Kohl-Welles (by request of University of Washington)

AN ACT Relating to the prohibition of sales of alcohol on university grounds; and repealing RCW 66.44.190.

Referred to Committee on Commerce and Trade.

SB 5561 by Senator Prentice

AN ACT Relating to restrictions on assignments under Article 9A of the uniform commercial code; and amending RCW 62A.9A-406 and 62A.9A-408.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5562 by Senators Deccio and Thibaudeau (by request of Department of Social and Health Services)

AN ACT Relating to direct care component rate allocation; and amending RCW 74.46.508.

Referred to Committee on Health and Long-Term Care.

SB 5563 by Senators Deccio, Thibaudeau, Franklin and Shin (by request of Department of Social and Health Services)

AN ACT Relating to the timing of the inspection of boarding homes; and amending RCW 18.20.110.

Referred to Committee on Health and Long-Term Care.

SB 5564 by Senators Deccio, Thibaudeau and Franklin (by request of Department of Social and Health Services)

AN ACT Relating to research in the jurisdiction of a state agency; and amending RCW 42.48.010, 42.48.020, and 42.48.040.

Referred to Committee on Health and Long-Term Care.

SB 5565 by Senators Keiser and Poulsen

AN ACT Relating to property tax limitations for port districts; amending RCW 84.55.092; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5566 by Senators Deccio, Thibaudeau, Franklin and Rasmussen (by request of Department of Social and Health Services)

AN ACT Relating to the prioritization of services to persons with developmental disabilities by the department of social and health services to promote the independence of the individual and other natural and community-based supports; amending RCW 71A.10.020, 71A.10.030, 71A.10.050, 71A.12.020, 71A.12.050, 71A.12.090, 71A.18.010, 71A.18.020, 71A.18.030, 71A.18.050, 35.82.285, 71A.20.010, and 84.36.042; adding new sections to chapter 71A.10 RCW; adding new sections to chapter 71A.18 RCW; repealing RCW 71A.10.010, 71A.10.011, 71A.10.800, 71A.10.805, 71A.10.900, 71A.10.901, 71A.10.902, 71A.16.020, 71A.16.030, 71A.16.040, 71A.16.050, and 71A.16.010; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5567 by Senators Deccio, Thibaudeau and Franklin (by request of Department of Social and Health Services)

AN ACT Relating to modification of the mandatory nurse review of medicaid personal care plans; and amending RCW 74.09.520.

Referred to Committee on Health and Long-Term Care.

SB 5568 by Senators Jacobsen and Kohl-Welles

AN ACT Relating to access to education; amending RCW 49.60.400; and creating a new section.

Referred to Committee on Education.

SB 5569 by Senators Winsley, Reardon and Benton

AN ACT Relating to implied warranties under the condominium act; and amending RCW 64.34.410 and 64.34.450.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5570 by Senators Brown, Brandland, Kohl-Welles and Rasmussen (by request of Attorney General Gregoire)

AN ACT Relating to communication with a minor for immoral purposes; and amending RCW 9.68A.090.

Referred to Committee on Judiciary.

SB 5571 by Senators Franklin, Stevens, Hargrove, Esser, Mulliken and Shin

AN ACT Relating to human cloning; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Children and Family Services and Corrections.

SB 5572 by Senators Swecker, Eide, Kohl-Welles and Rasmussen

AN ACT Relating to funding driver's education for low-income students; amending RCW 28A.220.040; adding a new section to chapter 46.16 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5573 by Senator Swecker

AN ACT Relating to truck traffic at night; and amending RCW 46.61.100 and 46.61.410.

Referred to Committee on Highways and Transportation.

SB 5574 by Senators Finkbeiner, Poulsen and Reardon (by request of Attorney General Gregoire)

AN ACT Relating to district court jurisdiction over actions involving commercial electronic mail; and amending RCW 3.66.020 and 3.66.040.

Referred to Committee on Judiciary.

SB 5575 by Senators Parlette, Morton, Doumit, Honeyford and Hale

AN ACT Relating to small irrigation impoundments; and amending RCW 90.03.370, 90.03.380, and 90.44.055.

Referred to Committee on Natural Resources, Energy and Water.

SB 5576 by Senators Winsley, Franklin, Reardon, Esser and Haugen

AN ACT Relating to payment for state-contracted long-term care services; amending RCW 74.39A.030, 74.46.620, and 74.46.630; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5577 by Senators Winsley, Thibaudeau, Jacobsen, Keiser and Shin

AN ACT Relating to payment for nursing care services; amending RCW 18.52C.040, 74.46.410, and 74.46.431; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5578 by Senators Winsley, T. Sheldon, Brandland, Reardon, Franklin, Esser, Haugen and Hargrove

AN ACT Relating to bed hold for boarding home residents; and adding a new section to chapter 18.20 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5579 by Senators Parlette, Jacobsen, Winsley, Brandland, Rasmussen, Esser, Reardon, Honeyford, T. Sheldon, Hargrove, Haugen, Doumit, Zarelli, Stevens, Deccio, Keiser, Mulliken and Shin

AN ACT Relating to boarding homes; adding a new section to chapter 18.20 RCW; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5580 by Senators Winsley, Jacobsen, Carlson, Kastama, Rasmussen, Esser, Reardon, T. Sheldon, Haugen, Keiser, Doumit, Zarelli, Hargrove, Stevens, Mulliken and Shin

AN ACT Relating to the tax treatment of boarding homes; and creating a new section.

Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1053 by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Haigh, Simpson, Schoesler, Quall, O'Brien, Kirby, Cox, Eickmeyer, Berkey, McCoy, Ruderman, Hatfield, Sullivan, Morris, Linville, Ahern, Voloria, Bush, Conway, Dickerson, Lovick, Fromhold, Dunshee, Gombosky, Kenney, Kagi, Schual-Berke and Campbell)

Enhancing government accountability.

MOTIONS

On motion of Senator Sheahan, Senate Bill No. 5571 was referred to the Committee on Children and Family Services and Corrections.

On motion of Senator Sheahan, Engrossed Substitute House Bill No. 1053 was held at the desk.

MOTION

On motion of Senator Sheahan, Senate Rule 46 was suspended for the remainder of the day, to allow the Senate committees to meet during session.

EDITOR'S NOTE: Senate Rule 46 reads: 'No committee shall sit during the daily session of the senate unless by special leave. No committee shall sit during any scheduled caucus.'

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate recessed until 4:30 p.m. The Senate was called to order at 4:30 p.m. by President Pro Tempore Winsley.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5018 Prime Sponsor, Senator Roach: Revising laws against voyeurism. Reported by Committee on Judiciary January 30, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5018 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5042 Prime Sponsor, Senator T. Sheldon: Authorizing the department of natural resources to enter contracts that indemnify another party against loss or damage. Reported by Committee on Natural Resources, Energy and Water January 29, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

SB 5074 Prime Sponsor, Senator Morton: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Natural Resources, Energy and Water January 29, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5074 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Referred to Committee on Ways and Means.

SB 5088 Prime Sponsor, Senator Regala: Recognizing that the use of certain land in Tacoma for school purposes is valid and meets the requirements of section 2, chapter 123, Laws of 1907. Reported by Committee on Natural Resources, Energy and Water January 30, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5088 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

SB 5110 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Commerce and Trade January 30, 2003

MAJORITY Recommendation: That it be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Referred to Committee on Health and Long-Term Care.

January 29, 2003

SB 5122 Prime Sponsor, Senator Johnson: Revising provisions of the state trademark law. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 28, 2003

SB 5156 Prime Sponsor, Senator Winsley: Describing the duties of the combined fund drive. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5161 Prime Sponsor, Senator Hewitt: Repealing ergonomics rules. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5170 Prime Sponsor, Senator Esser: Correcting outdated internal references. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5171 Prime Sponsor, Senator Esser: Making technical corrections. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5172 Prime Sponsor, Senator Esser: Correcting obsolete references to fish and wildlife statutes. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5173 Prime Sponsor, Senator Esser: Repealing RCW 42.44.040. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

January 28, 2003

SB 5176 Prime Sponsor, Senator Roach: Providing wildland fire fighting training. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5178 Prime Sponsor, Senator Hewitt: Creating the legislative international trade account. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5178 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5180 Prime Sponsor, Senator Hewitt: Renaming the legislative committee on economic development the legislative committee on economic development and international relations. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5181 Prime Sponsor, Senator Benton: Extending the expiration date on the tax credit for software companies in rural counties. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Schmidt, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

January 29, 2003

SB 5182 Prime Sponsor, Senator Benton: Extending the expiration date for the rural county information technology tax credit. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Schmidt, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

January 28, 2003

SB 5194 Prime Sponsor, Senator Roach: Increasing options in ethics investigations. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

January 30, 2003

SB 5198 Prime Sponsor, Senator Parlette: Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5198 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

January 28, 2003

SB 5232 Prime Sponsor, Senator Morton: Authorizing multiyear excess property tax levies for cemetery districts. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

January 30, 2003

SB 5236 Prime Sponsor, Senator Parlette: Offering health care benefit plans to school district employees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5236 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

January 29, 2003

SB 5244 Prime Sponsor, Senator Hewitt: Authorizing additional powers for unclassified cities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

January 30, 2003

SB 5324 Prime Sponsor, Senator Kohl-Welles: Authorizing leave for organ donation. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That it be referred to Committee on Government Operations and Elections without recommendation. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Referred to Committee on Government Operations and Elections.

January 30, 2003

SB 5514 Prime Sponsor, Senator Roach: Revising the definition of manager in state civil service law. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That it be referred to Committee on Government Operations and Elections without recommendation. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Referred to Committee on Government Operations and Elections.

January 30, 2003

SJM 8000 Prime Sponsor, Senator Fraser: Requesting the federal energy regulatory commission to withdraw a proposal affecting electricity. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

January 29, 2003

SJM 8002 Prime Sponsor, Senator Morton: Requesting forest health-related management activities on all state and national forests in Washington state. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8002 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

January 28, 2003

SJR 8208 Prime Sponsor, Senator Morton: Amending the Constitution to allow multiyear excess property tax levies for cemetery districts. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

MOTION

At 4:31 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Friday, January 31, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 30, 2003

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

NINETEENTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, January 31, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5282 Prime Sponsor, Senator Hargrove: Eliminating growth management hearings boards. Reported by Committee on Land Use and Planning January 30, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Referred to Committee on Ways and Means.

SB 5308 Prime Sponsor, Senator Mulliken: Restricting growth management hearings board review of plan and regulation compliance to adoption actions only. Reported by Committee on Land Use and Planning January 30, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

SB 5354 Prime Sponsor, Senator Haugen: Granting additional deference to local planning decisions. Reported by Committee on Land Use and Planning January 30, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5282 was referred to the Committee on Ways and Means.

INTRODUCTION AND FIRST READING

SB 5581 by Senators Haugen, Mulliken, Schmidt and Kastama

AN ACT Relating to assumption of water-sewer district functions by an association; and adding a new section to chapter 57.04 RCW.

Referred to Committee on Land Use and Planning.

SB 5582 by Senators Haugen, Mulliken and Winsley

AN ACT Relating to defining terms used in the growth management act; and amending RCW 36.70A.030.

Referred to Committee on Land Use and Planning.

SB 5583 by Senators Haugen, Shin, T. Sheldon, Hale and Rasmussen

AN ACT Relating to economic development; and amending RCW 82.04.4456, 82.04.4457, 82.16.0491, and 82.60.020.

Referred to Committee on Economic Development.

SB 5584 by Senators Swecker, Jacobsen, T. Sheldon, Morton, Deccio, Rossi and Sheahan

AN ACT Relating to dissolution of regional transportation authorities; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Highways and Transportation.

SB 5585 by Senators Swecker, Jacobsen, Oke, Spanel, Prentice, Haugen, Rasmussen, Parlette, Mulliken, Zarelli, Hale, Finkbeiner, Deccio and Horn

AN ACT Relating to transportation benefit districts; amending RCW 36.73.020, 36.73.040, 36.73.050, 36.73.060, 36.73.070, 36.73.080, 36.73.100, 36.73.110, 36.73.120, 36.73.130, 36.73.140, and 36.73.150; adding new sections to chapter 36.73 RCW; adding a new section to chapter 82.14 RCW; and adding new sections to chapter 82.80 RCW.

Referred to Committee on Highways and Transportation.

SB 5586 by Senators Hargrove, Hewitt, Carlson, Oke, Fraser, Regala, Keiser and Kline

AN ACT Relating to granting authority to the department of ecology to address concerns with lead-based paint activities; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Energy and Water.

SB 5587 by Senators Fairley, Keiser, Kline, Winsley, Kohl-Welles and Rasmussen

AN ACT Relating to voter accessibility; and adding a new section to chapter 29.33 RCW.

Referred to Committee on Government Operations and Elections.

SB 5588 by Senators Kline, Esser, Roach and Kohl-Welles (by request of Sentencing Guidelines Commission)

AN ACT Relating to pilot regional correctional facilities; and creating new sections.

Referred to Committee on Children and Family Services and Corrections.

SB 5589 by Senator Morton

AN ACT Relating to design and construction standards for a nursing home license sought for a building licensed as a boarding home in a county with fewer than forty thousand people; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5590 by Senators Morton, Fraser, Honeyford, Hewitt, Doumit and Regala (by request of Environmental Hearings Office)

AN ACT Relating to determining the appeals period for certain environmental appeals; amending RCW 43.21B.001, 43.21B.190, 43.21B.230, and 43.21B.300; reenacting and amending RCW 43.21B.310; and adding a new section to chapter 43.21B RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5591 by Senators Schmidt, Poulsen, Reardon, Esser, B. Sheldon and Kohl-Welles (by request of Department of Social and Health Services)

AN ACT Relating to the Washington telephone assistance program; amending RCW 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; repealing 1998 c 159 s 1, 1993 c 249 s 3, 1990 c 170 s 8, and 1987 c 229 s 12 (uncodified); and repealing 2002 c 104 s 4 (uncodified).

Referred to Committee on Technology and Communications.

SB 5592 by Senators Mulliken, Eide, Johnson, Haugen, Sheahan and McCaslin

AN ACT Relating to garnishments; amending RCW 6.27.020, 6.27.070, 6.27.100, 6.27.130, 6.27.140, 6.27.160, 6.27.190, 6.27.200, 6.27.250, 6.27.265, 6.27.320, 6.27.340, and 6.27.350; and reenacting and amending RCW 6.27.040.

Referred to Committee on Judiciary.

SB 5593 by Senators Shin, Haugen, Fairley and Regala

AN ACT Relating to funding for transportation; amending RCW 82.36.025; reenacting and amending RCW 82.36.025 and 46.68.090; creating a new section; providing for submission of part of this act to a vote of the people; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5594 by Senators Morton, Fraser, Regala, Hewitt and Rasmussen (by request of Department of Ecology)

AN ACT Relating to hazardous waste; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5595 by Senators Morton, Fraser, Regala, Hewitt and Winsley (by request of Department of Ecology)

AN ACT Relating to modifying the public notification requirements for wastewater discharge permits; and amending RCW 90.48.170.

Referred to Committee on Natural Resources, Energy and Water.

SB 5596 by Senators Stevens, Hargrove, McAuliffe, Parlette and Winsley

AN ACT Relating to custodial assault at juvenile rehabilitation facilities and institutions; and amending RCW 13.40.460.

Referred to Committee on Children and Family Services and Corrections.

SB 5597 by Senators Oke, T. Sheldon, Swecker, Thibaudeau, Carlson, Shin, Winsley, Spanel, Kline, Regala, Haugen, Jacobsen, Poulsen, B. Sheldon, Stevens, Keiser, Kohl-Welles and Rasmussen

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

Referred to Committee on Health and Long-Term Care.

SB 5598 by Senators Prentice, Thibaudeau and Kohl-Welles

AN ACT Relating to the Washington state patient safety act; adding new sections to chapter 70.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5599 by Senators Schmidt, Kohl-Welles, Horn, Finkbeiner, Esser, Reardon, Rossi, Stevens and Winsley

AN ACT Relating to theft of solid waste or recyclable materials; adding a new section to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Energy and Water.

SB 5600 by Senators Schmidt, Kohl-Welles, Esser, Finkbeiner, Rossi, Horn and Winsley

AN ACT Relating to disposition of returned license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Highways and Transportation.

SB 5601 by Senators McCaslin and Deccio

AN ACT Relating to liability for charity care; and amending RCW 4.24.300 and 4.24.310.

Referred to Committee on Judiciary.

SB 5602 by Senators Kline, Mulliken, Shin, Reardon, T. Sheldon, Esser, Oke, Sheahan, Hewitt, Prentice, Doumit, Keiser and Kohl-Welles

AN ACT Relating to accommodating housing and employment growth for local jurisdictions planning under RCW 36.70A.040; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Land Use and Planning.

SB 5603 by Senators Swecker, Jacobsen, Sheahan, Shin, Oke, Kastama, Hargrove, Stevens, Winsley and Rasmussen

AN ACT Relating to teaching skills to strengthen family communication and relationship skills; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

SB 5604 by Senators Schmidt, Kohl-Welles, Deccio, Keiser, Fairley, Jacobsen and Winsley

AN ACT Relating to requirements for filing an initiative or referendum; and amending RCW 29.79.010.

Referred to Committee on Government Operations and Elections.

SB 5605 by Senators Benton, Oke, Swecker, Rossi, West and Hale

AN ACT Relating to authorized single-occupant vehicles in high-occupancy vehicle lanes; amending RCW 46.01.140, 46.61.165, 47.52.025, and 81.100.020; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 81.100 RCW.

Referred to Committee on Highways and Transportation.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8607

By Senators Reardon, Finkbeiner, Johnson and Sheahan

WHEREAS, Junior Achievement plays a leading role in providing the future of our country with valuable hands-on experience to prepare students to succeed in the free market economy; and

WHEREAS, Job shadowing plays an important role in preparing today's students for tomorrow's work force; and

WHEREAS, Job shadowing enables students to observe the skills that are needed in today's fast-paced work environments; and

WHEREAS, By job shadowing, students see the relevance of their education and understand the importance of lifelong learning in career success; and

WHEREAS, Job shadowing provides students with an up-close look at many possible careers; and

WHEREAS, Job shadowing creates an opportunity for the entire community to easily become involved in the education of our youth; and

WHEREAS, Three national organizations--Junior Achievement, America's Promise, and the United States Department of Labor--have become partners to increase job shadowing opportunities across the country; and

WHEREAS, Locally, Junior Achievement of Greater Puget Sound is partnering with members of the Washington State Senate and House of Representatives to provide job shadowing opportunities for many local area students; and

WHEREAS, The state of Washington supports the involvement of community workplaces in providing job shadowing opportunities for our students;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, on behalf of the people of our state, recognize the valuable contribution made by Junior Achievement and the Groundhog Job Shadow Day to the education and career development of Washington's youth; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to representatives of Junior Achievement of Greater Puget Sound.

Senators Sheahan and Betti Sheldon spoke to Senate Resolution 8607.

MOTION

At 10:08 a.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Monday, February 3, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, JANUARY 31, 2003

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

TWENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 3, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 2003

SB 5017 Prime Sponsor, Senator Hewitt: Excluding minors working in family businesses from industrial insurance provisions. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5017 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

January 31, 2003

SB 5065 Prime Sponsor, Senator Swecker: Modifying when a geologist license may be obtained without a written exam.
Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

SB 5083 Prime Sponsor, Senator Stevens: Recognizing concealed weapon licenses issued by states that recognize Washington's concealed pistol license. Reported by Committee on Judiciary
January 31, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

SB 5263 Prime Sponsor, Senator Honeyford: Concerning the catering of alcoholic beverages at special events by nonprofit organizations. Reported by Committee on Commerce and Trade
January 31, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

SB 5544 Prime Sponsor, Senator Winsley: Providing bereavement leave for state employees. Reported by Committee on Commerce and Trade
January 31, 2003

MAJORITY Recommendation: That the bill be referred to the Committee on Government Operations and Elections without recommendation. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Referred to Committee on Government Operations and Elections.

INTRODUCTION AND FIRST READING

SB 5606 by Senators Kohl-Welles, Horn, Poulsen, Shin, Keiser, Sheahan, Spanel, Franklin, B. Sheldon, Kline, McAuliffe and Winsley

AN ACT Relating to faculty salary increments for community and technical colleges; adding a new section to chapter 28B.50 RCW; and creating a new section.
Referred to Committee on Higher Education.

SB 5607 by Senators Keiser, Franklin, Prentice, Thibaudeau, Shin and Kohl-Welles

AN ACT Relating to priority activities in extended benefit periods; amending RCW 50.20.240; and creating a new section.
Referred to Committee on Commerce and Trade.

SB 5608 by Senators Franklin, Prentice, Thibaudeau, Keiser, Shin and Kohl-Welles

AN ACT Relating to dependent allowances; amending RCW 50.20.120; creating new sections; and declaring an emergency.
Referred to Committee on Commerce and Trade.

SB 5609 by Senators Keiser, Franklin, Prentice, Thibaudeau, Shin, Kohl-Welles and Kline

AN ACT Relating to unemployment insurance claimants who are available for and actively seeking work of at least fifteen hours per week; adding a new section to chapter 50.20 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce and Trade.

SB 5610 by Senators Keiser, Franklin, Kohl-Welles and Kline

AN ACT Relating to enhancing industrial insurance vocational rehabilitation benefits; and amending RCW 51.32.095.

Referred to Committee on Commerce and Trade.

SB 5611 by Senators Keiser, Franklin, Shin, Kohl-Welles and Kline

AN ACT Relating to securing benefits for hearing loss; and amending RCW 51.32.180 and 51.36.020.
Referred to Committee on Commerce and Trade.

SB 5612 by Senators Honeyford, Prentice, Oke, Regala, Schmidt, Franklin, Winsley and Kohl-Welles

AN ACT Relating to the treatment of pathological gambling; and amending RCW 67.70.340.
Referred to Committee on Commerce and Trade.

SB 5613 by Senators Honeyford, Prentice, Oke, Regala, Schmidt, Franklin, Winsley and Keiser

AN ACT Relating to information for compulsive gamblers; and amending RCW 9.46.071.
Referred to Committee on Commerce and Trade.

SB 5614 by Senators T. Sheldon, Hale, Mulliken and Schmidt

AN ACT Relating to extending the expiration date on the rural county sales and use tax deferral program; amending RCW 82.60.040 and 82.60.050; and providing expiration dates.
Referred to Committee on Economic Development.

SB 5615 by Senators Mulliken, Hargrove, Swecker, Stevens, Sheahan, Oke and Schmidt

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.
Referred to Committee on Children and Family Services and Corrections.

SB 5616 by Senators Benton, Prentice, Reardon, Zarelli, Winsley, Keiser and Finkbeiner

AN ACT Relating to insurer foreign investments; and amending RCW 48.13.180.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5617 by Senators Stevens, Hargrove, Carlson, Regala and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to forensic competency examinations; amending RCW 10.77.060; and creating a new section.
Referred to Committee on Children and Family Services and Corrections.

SB 5618 by Senators Stevens, Hargrove, Carlson, Regala and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to the elimination of reports to the legislature required of the department of social and health services; amending RCW 43.20B.030, 74.13.036, and 74.14C.070; reenacting and amending RCW 26.44.030; and repealing RCW 74.09.310, 74.09.320, 13.40.430, and 72.23.450.
Referred to Committee on Children and Family Services and Corrections.

SB 5619 by Senators Stevens, Regala, Carlson and Winsley (by request of Department of Social and Health Services)

AN ACT Relating to income and resources reporting requirements under the public assistance program; and amending RCW 74.04.300.

Referred to Committee on Children and Family Services and Corrections.

SB 5620 by Senators Brandland, Swecker and Rasmussen (by request of Department of Agriculture)

AN ACT Relating to levying an assessment on certain agricultural plants; and amending RCW 15.13.310.
Referred to Committee on Agriculture.

SB 5621 by Senators Franklin, Thibaudeau, Kohl-Welles, Fraser, Regala, Keiser, Kline and Rasmussen

AN ACT Relating to adopting standards under industrial insurance for rating pain-related impairments; and amending RCW 51.32.080.
Referred to Committee on Commerce and Trade.

SB 5622 by Senators Franklin, Thibaudeau, Shin, Regala, Kohl-Welles, Keiser and Kline

AN ACT Relating to medical examinations under the industrial insurance system; amending RCW 51.32.110, 51.36.070, and 51.32.112; adding a new section to chapter 51.36 RCW; creating a new section; recodifying RCW 51.32.112; and repealing RCW 51.32.114.
Referred to Committee on Commerce and Trade.

SB 5623 by Senators Keiser, Swecker, Haugen and Poulsen

AN ACT Relating to planning and siting of commercial aviation facilities; amending RCW 47.68.020 and 36.70A.200; and adding new sections to chapter 47.68 RCW.
Referred to Committee on Land Use and Planning.

SB 5624 by Senators Morton and McCaslin

AN ACT Relating to salaries of district court judges; amending RCW 3.58.010, 3.58.020, and 43.03.310; and providing a contingent effective date.
Referred to Committee on Judiciary.

SB 5625 by Senators Keiser and Prentice

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.
Referred to Committee on Commerce and Trade.

SB 5626 by Senators Keiser, Prentice and B. Sheldon

AN ACT Relating to expanding membership of the electrical board by appointment of one outside line worker; amending RCW 19.28.311; and creating a new section.
Referred to Committee on Commerce and Trade.

SB 5627 by Senators Esser and Kastama

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; and adding a new section to chapter 10.58 RCW.
Referred to Committee on Judiciary.

SB 5628 by Senators Brandland, Esser, Kline and Kohl-Welles (by request of Sentencing Guidelines Commission)

AN ACT Relating to recommendations by the sentencing guidelines commission on threshold property values for crimes involving property; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.
Referred to Committee on Judiciary.

SB 5629 by Senators Roach, Kastama and Winsley (by request of Office of Financial Management)

AN ACT Relating to an employer's indebtedness to a deceased person for unpaid wages, labor, or services performed; and amending RCW 49.48.120.
Referred to Committee on Government Operations and Elections.

SB 5630 by Senator Carlson

AN ACT Relating to delivery of social and health services at the local level; adding a new section to chapter 43.20A RCW; and creating a new section.
Referred to Committee on Children and Family Services and Corrections.

SB 5631 by Senators Thibaudeau, Kohl-Welles, Brandland, Kline, Hargrove, Fraser, McAuliffe, Keiser, B. Sheldon and Winsley

AN ACT Relating to trafficking in persons; amending RCW 9A.82.090, 9A.82.100, and 9A.82.120; reenacting and amending RCW 9.94A.515, 9.94A.515, and 9A.82.010; adding a new section to chapter 9A.40 RCW; prescribing penalties; providing an effective date; and providing an expiration date.
Referred to Committee on Judiciary.

SB 5632 by Senators Esser, Fairley, Schmidt, Prentice, Horn and Rossi

AN ACT Relating to utility relocation costs; and amending RCW 81.112.100.
Referred to Committee on Technology and Communications.

SB 5633 by Senator Kastama

AN ACT Relating to changing how the court determines the allocation of residential time between parents; amending RCW 26.09.187; and creating a new section.
Referred to Committee on Children and Family Services and Corrections.

SB 5634 by Senators Kohl-Welles, Prentice, Kline and Keiser (by request of Insurance Commissioner Kreidler)

AN ACT Relating to prescription drug marketing and disclosure; adding a new section to chapter 18.64 RCW; creating new sections; and prescribing penalties.
Referred to Committee on Health and Long-Term Care.

SB 5635 by Senators Prentice, Fairley, Kline, Kohl-Welles, Shin, Thibaudeau, Regala, Franklin, Keiser and McAuliffe

AN ACT Relating to the death penalty; adding a new section to chapter 10.95 RCW; making an appropriation; and providing an expiration date.
Referred to Committee on Judiciary.

SB 5636 by Senators Hargrove, Winsley, McAuliffe, Regala, Sheahan, Stevens, Kohl-Welles, Rasmussen, Keiser and B. Sheldon

AN ACT Relating to victims of family violence among applicants and recipients of temporary assistance for needy families; and amending RCW 74.08A.010, 74.08A.260, 74.08A.270, 74.08A.275, and 74.08A.280.
Referred to Committee on Children and Family Services and Corrections.

SB 5637 by Senators Kohl-Welles, Schmidt, Kastama, Fairley and Jacobsen

AN ACT Relating to review of proposed initiative measures; and adding new sections to chapter 29.79 RCW.
Referred to Committee on Government Operations and Elections.

SJM 8012 by Senators Fraser, Morton and Kline

Asking the federal energy regulatory commission to withdraw a new pricing policy proposal.

Referred to Committee on Natural Resources, Energy and Water.

SJR 8211 by Senators Hargrove, Swecker, Regala, Doumit and Keiser

Authorizing state officials' compensation to be decreased during their terms of office.

Referred to Committee on Government Operations and Elections.

SJR 8212 by Senators Hargrove, Swecker, Hewitt, Doumit, Oke and Keiser

Allowing the independent commission on state salaries to revoke its filings with the secretary of state.

Referred to Committee on Government Operations and Elections.

SJR 8213 by Senators Morton and McCaslin

Removing district court judges from the jurisdiction of the salary commission.

Referred to Committee on Judiciary.

SCR 8403 by Senators Kohl-Welles, Schmidt, Kastama, Esser, Keiser, Jacobsen and Prentice

Creating the Joint Select Committee on the Evaluation of the Legislature.

Referred to Committee on Government Operations and Elections.

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Tuesday, February 4, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SECOND DAY, FEBRUARY 3, 2003

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

TWENTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 4, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 2003
SB 5012 Prime Sponsor, Senator Johnson: Authorizing charter schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5012 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Finkbeiner and Schmidt.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Eide, McAuliffe and Rasmussen.

Referred to Committee on Ways and Means.

February 3, 2003
SB 5090 Prime Sponsor, Senator Carlson: Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2003
SB 5091 Prime Sponsor, Senator Carlson: Making optional plan 3 member contributions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2003
SB 5093 Prime Sponsor, Senator Spanel: Allowing members of the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system to begin receiving benefits without leaving service at age seventy and one-half. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2003
SB 5094 Prime Sponsor, Senator Carlson: Providing optional service credit for substitute service to members of the school employees' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2003

SB 5095 Prime Sponsor, Senator Spanel: Allowing a member holding state elective office the option during each term of office of membership or retirement and beginning their retirement allowance in the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2003

SB 5096 Prime Sponsor, Senator Regala: Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2003

SB 5100 Prime Sponsor, Senator Fraser: Paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 3, 2003

SB 5345 Prime Sponsor, Senator Haugen: Excluding certain drainage infrastructure from fishway provisions. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That the bill be referred to Committee on Agriculture without recommendation. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Referred to Committee on Agriculture.

MESSAGES FROM STATE AGENCIES AND OTHER STATE OFFICES

GRANT COUNTY
OFFICE OF THE COUNTY AUDITOR
WILLIAM L. VARNEY
P.O. Box 37
Ephrata, Washington 98823

January 24, 2003

Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

RE: Report of the work group created under Substitute Senate Bill No. 6572, passed during the 2002 Legislative Session.

Dear Milt Doumit:

Enclosed is the Report of the findings and recommendations of the work group on conservation district elections that was created under Substitute Senate Bill No. 6572.

Sincerely,
William L. Varney,
Grant County Auditor and Chair of the Work Group

The report on the work group created under Substitute Senate Bill No. 6572, passed during the 2002 Legislative Session, is on file in the Office of the Secretary of the Senate.

The Washington State Auditor's Office has submitted the following reports, all for the Audit Period July 1, 2001 through June 30, 2002:

AUDIT SUMMARY
Columbia River Gorge Commission
July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent audit of the Columbia River Gorge Commission for the period of July 1, 2001, through June 30, 2002.

We performed audit procedures to determine whether the Commission complied with state laws and regulations and its own policies and procedures. We also evaluated internal controls established by Commission management. Our work focused on specific areas that have potential for abuse and misuse of public resources.

RESULTS

In the areas we examined, the Commission complied with state laws and regulations and its own policies and procedures. We identified no conditions, which we consider to be significant enough to report as findings. In addition, the Commission has never had a finding.

We also determined that the Commission's financial statements were complete and accurate.

CLOSING REMARKS

We would like to thank Commission officials and personnel for their assistance and cooperation during the audit.

The State Audit Report on the Columbia River Gorge Commission is on file in the Office of the Secretary of the Senate.

AUDIT SUMMARY
Central Washington University
July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent audit of Central Washington University for the period July 1, 2001, through June 30, 2002.

We performed audit procedures to determine whether the University complied with state laws and regulations and its own policies and procedures. We also evaluated internal controls established by management. Our work focused on specific areas that have potential for abuse and misuse of public resources.

RESULTS

The University complied with state laws and regulations and its own policies and procedures in the areas examined. However, we did make suggestions for improving internal controls to management.

RELATED REPORTS

The University is included in the State of Washington Comprehensive Annual Financial Report issued by the Office of Financial Management. The results of this audit will be issued in a separate report. The University also prepares a separate report under the guidance of the National Association of College and University Business Officers (NACUBO). We provide a separate opinion for the NACUBO financial statements. Additionally, we will be auditing and rendering separate opinions on the financial statements generated by the University's Enterprise Accounting Department for the Housing and Food Services Fund and the Athletic Department.

CLOSING REMARKS

We thank University officials and personnel for their assistance and cooperation during the audit.

The State Audit Report on Central Washington University is on file in the Office of the Secretary of the Senate.

**MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT**

December 10, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Chris Marr, appointed to a partial term beginning January 1, 2003, and ending September 30, 2003, as a member of the Board of Regents for Washington State University. Mr. Marr's full term will begin October 31, 2003, and will continue until September 30, 2009.

Sincerely,

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

February 3, 2003

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1120,
SUBSTITUTE HOUSE BILL NO. 1121,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1122,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5638 by Senators Rasmussen, Sheahan, Haugen, Spanel, Swecker and Doumit

AN ACT Relating to the application of public records laws to state legislative offices; and amending RCW 42.17.020.

Referred to Committee on Government Operations and Elections.

SB 5639 by Senators T. Sheldon, Kastama, Winsley, Doumit, Roach, Hale, Rasmussen and Shin

AN ACT Relating to awarding service credit under the teachers' retirement system plan 1 for military service; and amending RCW 41.32.260.

Referred to Committee on Ways and Means.

SB 5640 by Senators Rasmussen, Swecker and Shin

AN ACT Relating to authorizing a county to exempt certain property used in agriculture from taxation; and amending RCW 84.36.630.

Referred to Committee on Agriculture.

SB 5641 by Senators Benton, Prentice and Winsley (by request of Insurance Commissioner Kreidler)

AN ACT Relating to civil and criminal penalties for the unlawful transaction of insurance or health coverage; amending RCW 48.15.020, 48.17.060, 48.44.015, 48.44.060, 48.46.027, and 48.46.420; adding a new section to chapter 48.15 RCW; adding new sections to chapter 48.17 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; and prescribing penalties.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5642 by Senators Prentice, Roach, Reardon, Fairley, Esser and Winsley

AN ACT Relating to the residential property seller disclosure statement; and amending RCW 64.06.020.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5643 by Senators Esser, Haugen, Horn, Brandland, Prentice, Swecker and Reardon

AN ACT Relating to digitally printed license plates; amending RCW 46.16.230, 46.16.233, and 46.16.0621; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Highways and Transportation.

SB 5644 by Senators Spanel, B. Sheldon, McAuliffe and Kline

AN ACT Relating to tax incentives for certain multiple-unit dwellings in urban centers; and amending RCW 84.14.010.

Referred to Committee on Land Use and Planning.

SB 5645 by Senators Swecker, Doumit, Finkbeiner, Morton, Prentice, Johnson, Schmidt, Honeyford, and Haugen

AN ACT Relating to implementing the federal permit requirements for municipal separate storm sewer system permits; adding new sections to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Natural Resources, Energy and Water.

SB 5646 by Senators Oke, Poulsen and B. Sheldon

AN ACT Relating to incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service; amending RCW 47.60.120 and 47.64.090; and creating a new section.

Referred to Committee on Highways and Transportation.

SB 5647 by Senator Oke

AN ACT Relating to the parks and recreation commission; and amending RCW 79A.05.070.

Referred to Committee on Parks, Fish and Wildlife.

SB 5648 by Senators Schmidt, Reardon, Esser, Poulsen, Winsley and Kline

AN ACT Relating to a statewide justice information network; amending RCW 10.98.160; and adding new sections to chapter 10.98 RCW.

Referred to Committee on Judiciary.

SJM 8013 by Senators Fairley, Winsley, Fraser, Jacobsen, Kohl-Welles and Kline

Requesting the reauthorization of Superfund taxes on polluting industries and users of dangerous products.

Referred to Committee on Natural Resources, Energy and Water.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1120 by Representatives Romero, Wallace, Murray, Hatfield, Kessler, Miloscia, Cooper, Simpson, Darneille, Lovick, O'Brien, Veloria, Moeller, Eickmeyer, Hunt, Kenney, Schual-Berke, Fromhold, Conway, Wood, Linville, Berkey, Sullivan, McDermott, Haigh, Rockefeller, McCoy, Upthegrove and Ruderman

Creating a citizen oversight panel to measure performance of the state's transportation system.

Referred to Committee on Highways and Transportation.

SHB 1121 by House Committee on Transportation (originally sponsored by Representatives Wallace, Clibborn, Murray, Romero, Hatfield, Kessler, Miloscia, Cooper, Simpson, Darneille, Lovick, Hunter, O'Brien, Veloria, Moeller, Eickmeyer, Hunt, Kenney, Schual-Berke, Fromhold, Conway, Wood, Linville, Berkey, Sullivan, McDermott, Haigh, Rockefeller, McCoy, Campbell, Upthegrove and Ruderman)

Implementing performance audits of transportation-related agencies.

Referred to Committee on Highways and Transportation.

ESHB 1122 by House Committee on Transportation (originally sponsored by Representatives Morris, Murray, Romero, Hatfield, Kessler, Miloscia, Cooper, Simpson, Darneille, Lovick, Hunter, O'Brien, Veloria, Moeller, Eickmeyer, Hunt, Kenney, Schual-Berke, Fromhold, Conway, Wood, Linville, Berkey, Sullivan, McDermott, Haigh, Rockefeller, McCoy, Upthegrove and Ruderman)

Streamlining transportation governance.

Referred to Committee on Highways and Transportation.

SHJM 4003 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Wallace, Morris, Kenney, Conway, Eickmeyer, Linville and Wood)

Requesting increased borrowing authority for the Bonneville Power Administration.

Referred to Committee on Natural Resources, Energy and Water.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8615

By Senators Esser, Eide, Franklin, Fraser, Hale, Horn, McCaslin, Sheahan, B. Sheldon, Johnson, Doumit, Kohl-Welles, Schmidt and Deccio

WHEREAS, There are two hundred local Chambers of Commerce in the state of Washington representing approximately 54,000 small businesses which, in turn, employ over 2,800,000 citizens; and

WHEREAS, Washington State Chambers raise over \$25,000,000 annually for local community enrichment projects, involving more than 14,000 volunteers who give generously of their time and talent; and

WHEREAS, Washington State Chambers managed in excess of 3,000,000 visitor and relocation inquiries last year, and at the same time served over 30,000 businesses seeking information about locating their companies in our state; and

WHEREAS, During 2002, approximately two hundred-fifty new businesses opened their doors in Washington, assisted by their local Chamber of Commerce, creating more than 5,000 new jobs for our citizens; and

WHEREAS, Chambers of Commerce across Washington State have served their local communities with distinction, dedication and dignity, enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the invaluable work local Chambers of Commerce provide both the economy and the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the United States Chamber of Commerce in Washington D.C.

Senators Sheahan and Betti Sheldon spoke to Senate Resolution 8615.

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Wednesday, February 5, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FEBRUARY 4, 2003

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

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 5, 2003

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

The Sergeant at Arms Color Guard consisting of Pages Carli Moller and Jeremiah Root, presented the Colors. Reverend Deborah Heathcock, rector of St. John's Episcopal Church in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 2003

SB 5079 Prime Sponsor, Senator Finkbeiner: Promoting natural science, wildlife, and environmental education. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5079 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 4, 2003

SB 5195 Prime Sponsor, Senator Swecker: Forwarding grain when an emergency storage situation exists. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 3, 2003

SB 5245 Prime Sponsor, Senator Horn: Involving legislators in transportation planning. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 3, 2003

SB 5246 Prime Sponsor, Senator Esser: Modifying subagent authority to process mail-in vehicle registration renewals. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5246 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE GUBERNATORIAL APPOINTMENT

February 4, 2003

GA 9060 VALORIA LOVELAND, appointed June 1, 2002, for a term ending at the Governor's pleasure, as Director of the Department of Agriculture.
Reported by Committee on Agriculture

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5649 by Senators Swecker, Rasmussen and Kohl-Welles (by request of Department of Health)

AN ACT Relating to referencing the United States food and drug administration's food code; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Agriculture.

SB 5650 by Senators T. Sheldon, Benton, Finkbeiner, Johnson and Schmidt

AN ACT Relating to extending expiration dates on tax credits, exemptions, and deferrals; amending RCW 82.04.050, 82.04.190, 82.04.2635, 82.04.312, 82.16.042, 82.04.4452, 82.04.4456, 82.04.4457, 82.60.040, 82.60.050, and 82.63.030; and providing expiration dates.

Referred to Committee on Economic Development.

SB 5651 by Senators Hargrove, Mulliken and T. Sheldon

AN ACT Relating to urban industrial land banks in counties with low population densities; and amending RCW 36.70A.367.

Referred to Committee on Land Use and Planning.

SB 5652 by Senators Stevens and Hargrove

AN ACT Relating to adoption-related advertising; and amending RCW 26.33.410.

Referred to Committee on Children and Family Services and Corrections.

SB 5653 by Senators Sheahan and Brown

AN ACT Relating to residency for purposes of attending Washington public schools; and amending RCW 28A.225.170.

Referred to Committee on Education.

SB 5654 by Senators McCaslin and Roach

AN ACT Relating to fire protection in newly incorporated cities and towns; and amending RCW 52.04.161.

Referred to Committee on Government Operations and Elections.

SB 5655 by Senators Morton, Hale, Hargrove, West, Honeyford, T. Sheldon and Benton

AN ACT Relating to ensuring the consistent application of principles of the regulatory reform act of 1995 to natural resource agency rules, policies, and permits; adding a new section to chapter 43.21B RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 77.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources, Energy and Water.

SB 5656 by Senators Stevens, Reardon, Esser, Doumit, Finkbeiner, T. Sheldon, Schmidt and Oke

AN ACT Relating to allowing for the limited use of new methods to locate utility rights of way on state lands and forest lands; and amending RCW 79.01.384, 79.01.388, and 79.01.392.

Referred to Committee on Technology and Communications.

SB 5657 by Senators Roach, Fraser, Winsley, Eide, Benton, Rasmussen and Shin

AN ACT Relating to public employees' retirement system, plan 1 members' monetary compensation for accrued sick leave; reenacting and amending RCW 41.04.340; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5658 by Senators Mulliken, Haugen, T. Sheldon, Morton and Rasmussen

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

Referred to Committee on Land Use and Planning.

SB 5659 by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles

AN ACT Relating to authorizing additional funding for local governments; reenacting and amending RCW 84.52.010; adding a new section to chapter 82.14 RCW; adding new sections to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5660 by Senators Kohl-Welles, Carlson, B. Sheldon, Schmidt, Shin, Mulliken, Horn, Kline, Prentice and Winsley

AN ACT Relating to gaining independence for students by establishing an educational assistance grant program for students with dependents; amending RCW 28B.10.801; adding a new section to chapter 74.04 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

SB 5661 by Senators Schmidt, Mulliken, Shin, Finkbeiner, Stevens, Esser, Johnson, Reardon and Oke

AN ACT Relating to allowing the use of agricultural lands not currently being farmed as sites for recreational activities; and amending RCW 36.70A.060 and 36.70A.177.

Referred to Committee on Land Use and Planning.

SB 5662 by Senators Hale, T. Sheldon and Schmidt

AN ACT Relating to the community economic revitalization board; and amending RCW 43.160.030 and 43.160.035.

Referred to Committee on Economic Development.

SB 5663 by Senators Morton and McCaslin

AN ACT Relating to the review of state boundary lines; creating new sections; and making an appropriation.

Referred to Committee on Government Operations and Elections.

SB 5664 by Senator Morton

AN ACT Relating to uniformed personnel collective bargaining; and amending RCW 41.56.030 and 41.56.465.

Referred to Committee on Commerce and Trade.

SB 5665 by Senators Rasmussen and Swecker

AN ACT Relating to administration of irrigation districts; and amending RCW 87.03.138, 87.03.443, 87.06.030, 87.06.060, 87.06.110, 60.80.005, 60.80.010, and 60.80.020.

Referred to Committee on Agriculture.

SB 5666 by Senators Rasmussen, Roach, Jacobsen, Oke, Schmidt, Winsley and Shin

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

Referred to Committee on Government Operations and Elections.

SB 5667 by Senators Roach, Rasmussen and Benton

AN ACT Relating to clarifying elected officials' access to open public meetings; and amending RCW 42.30.030.

Referred to Committee on Government Operations and Elections.

SB 5668 by Senators Sheahan, Shin, T. Sheldon, Hewitt, Reardon, Benton, Prentice, Schmidt, Hale and Winsley

AN ACT Relating to the use of hotel-motel taxes for tourism promotions; and amending RCW 67.28.080, 67.28.1817, and 67.28.1815.

Referred to Committee on Economic Development.

SB 5669 by Senators Fraser, Morton, Swecker and Winsley

AN ACT Relating to termination of residential heating service; and amending RCW 35.21.300.

Referred to Committee on Natural Resources, Energy and Water.

SB 5670 by Senators Fraser, Kohl-Welles, Brandland, Kline, Hargrove, Esser, Thibaudeau, Jacobsen, Prentice, B. Sheldon and Winsley

AN ACT Relating to trafficking in persons; amending RCW 9.94A.535; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 9A.40 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SB 5671 by Senators Keiser, Winsley, Doumit and Kohl-Welles

AN ACT Relating to mortgage lending; amending RCW 31.04.015 and 31.04.102; and adding new sections to chapter 31.04 RCW.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5672 by Senators Keiser, Winsley, Prentice, Doumit and Kohl-Welles

AN ACT Relating to residential mortgage loans; and adding new sections to chapter 31.04 RCW.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5673 by Senators Brandland, Benton, Stevens, Hargrove, Honeyford, Haugen, Mulliken and Winsley

AN ACT Relating to nonliability for a formerly confined person's acts subsequent to release; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Children and Family Services and Corrections.

SB 5674 by Senators Finkbeiner, Prentice, Esser, Haugen and Horn

AN ACT Relating to regional transit authorities; amending RCW 81.112.050, 81.112.070, 81.112.140, 81.112.130, and 81.112.150; providing an effective date; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5675 by Senators Deccio, Thibaudeau, Prentice, Franklin, Keiser, Winsley, Brown, Kohl-Welles and B. Sheldon

AN ACT Relating to prescriptive authority of advanced registered nurse practitioners; and amending RCW 69.41.030 and 69.50.101.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Sheahan, Engrossed Substitute House Bill No. 1053, which was held on the desk January 30, 2003, was referred to the Committee on Government Operations and Elections.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8614

By Senators Sheahan, West, Brown, Haugen, Spanel, Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, B. Sheldon, T. Sheldon, Shin, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, In the early morning hours of Saturday, February 1, 2003, the nation suffered the devastating loss of the Columbia Space Shuttle and its seven astronauts; and

WHEREAS, The Shuttle Mission STS-107 crew consisted of Commander Rick D. Husband, Pilot William C. McCool, Payload Commander Michael P. Anderson, Mission Specialists Kalpana Chawla, David M. Brown, and Laurel B. Clark, and Payload Specialist Ilan Ramon; and

WHEREAS, Members of this daring and courageous crew included Michael P. Anderson, a graduate of Cheney High School in Cheney, and William McCool, a United States Navy aviator formerly stationed at Whidbey Island Naval Air Station; and

WHEREAS, Michael P. Anderson went on to earn degrees from the University of Washington in 1981 and Creighton University in 1990, as well as becoming a member of the United States Air Force, earning the rank of Lieutenant Colonel; and

WHEREAS, Lieutenant Colonel Anderson accepted invitations to return to Spokane to motivate and inspire Washington's young and old alike, earning a "Spokane Citizen of the Year" Award in 1998; and

WHEREAS, Commander McCool, while residing in Anacortes, came to love Washington's natural beauty becoming a charter member of "Friends of Olympic National Park"; and

WHEREAS, Lieutenant Colonel Anderson's and Commander McCool's personal achievements, exploits in space, their lives, and sacrifices will reverberate for generations; and

WHEREAS, Lieutenant Colonel Anderson, Commander McCool, and the rest of the Shuttle Mission STS-107 crew were inscribed upon the hearts of their families, they are now etched forever upon the heart and memory of the residents of the state of Washington and a grateful nation; and

WHEREAS, The heartbreak and sorrow suffered by the overwhelming personal loss to Lieutenant Colonel Anderson's wife, Sandra, their daughters, and his parents, Bobbie and Barbara Anderson, as well as that of Commander McCool's wife and children is shared by all the residents of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate express its utmost sorrow for the loss of our beloved astronauts on February 1, 2003, over the skies of Texas, and extend our heartfelt prayers to the families and the National Aeronautics and Space Administration for healing, comfort, and recovery; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mrs. Sandra Hawkins Anderson, Mrs. William McCool, Mr. and Mrs. Bobbie Anderson, and NASA Administrator Sean O'Keefe.

Senators Sheahan, Brown and Horn spoke to Senate Resolution 8614.

MOMENT OF SILENCE

The members of the Senate stood for a moment of silence in remembrance of the Columbia Space Shuttle Crew who lost their lives on February 1, 2003.

MOTION

On motion of Senator Sheahan, Senate Rule 20 was suspended for the remainder of the day.

EDITOR'S NOTE: Senate Rule 20 states: 'The Senate shall consider no more than one floor resolution per day in session.'

MOTION

On motion of Senator Stevens, the following resolution was adopted:

SENATE RESOLUTION 8602

By Senators Stevens, Benton, Mulliken, Oke, Johnson, Zarelli, Schmidt, Sheahan, Swecker, Deccio, Roach, Hale, Finkbeiner, Morton, Esser, Honeyford, McCaslin, Rossi, Brandland, Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, B. Sheldon, T. Sheldon, Shin, Spanel, Thibaudeau, West and Winsley

WHEREAS, The state of Washington recognizes the critical importance and fundamental right of parents to be actively involved in the direction of their children's education and character development; and

WHEREAS, Home schools can provide families the opportunity for their children to receive a sound academic education and reinforced by the at-home educational process; and

WHEREAS, The state of Washington is committed to excellence in education and student achievement; and

WHEREAS, Studies confirm that children who are educated at home score exceptionally well on nationally normed achievement tests, exhibit self-confidence and good citizenship, and are fully prepared to meet the challenge of today's society; and

WHEREAS, The state of Washington appropriately recognizes, by law, the right to home education as a legitimate and viable educational alternative; and

WHEREAS, Teaching children at home was the predominant form of education for much of America's early years; and

WHEREAS, Many notable Americans have been the product of home education, including George and Martha Washington, Benjamin Franklin, Abigail Adams, John Quincy Adams, Thomas Edison, Helen Keller, Douglas MacArthur, Pearl S. Buck, Franklin Roosevelt, Patrick Henry, John Marshall, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson; and

WHEREAS, Washington now has more children being educated at home schools than ever before in the history of our state; and

WHEREAS, Some parents of students who home school have accepted an additional financial responsibility to provide for their children's education, while at the same time paying taxes that support Washington's Public School System; and

WHEREAS, Some parent educators devote countless hours to helping their children attain academic excellence, a deep sense of patriotism, and civic responsibility and prepare them to become productive citizens; and

WHEREAS, It is appropriate that Washington's home-educating families be recognized for their selfless contribution to the quality of education in this great state;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby honor, thank, and celebrate the home-educating families in the state.

Senators Hargrove, Morton, McAuliffe, Johnson and Shin spoke to Senate Resolution 8602.

PERSONAL PRIVILEGE

Senator Hewitt: "A point of personal privilege, Mr. President. Well, members, you may have noticed that I am the only one from my caucus that is sitting on this side of the aisle. That was by choice, I might add. I have had some concerns since I have moved over here and I would like to share those with the body, if I could. First, we put Altoids on the desk for Senator Hargrove, but I would like to remind the good Senator from the Third District, who is also the minority leader that just because I am sitting here doesn't count twenty-five. So, that is observation number one. The second is that the debate in my caucus is who is going to rub off on who with the Senator from the Twenty-fourth District? Well, my last concern and probably my biggest concern is that I am sitting right in front of the good Senator from the Thirty-seventh District. So, when he gives one of his less than conservative speeches on the floor, I am going to apologize in advance, because I will be moving because I will be on TV with him. There is no possible way that I can have my face on TVW with the Senator from the Thirty-seventh District. I apologize in advance and thank you for listening."

MOTION

At 10:39 a.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, February 6, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, FEBRUARY 5, 2003

NOTICE: Formatting and page numbering in this document may be different

from that in the original published version.

TWENTY-FIFTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 6, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 2003
SB 5063 Prime Sponsor, Senator Doumit: Providing for elections for flood control zone district supervisors. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5063 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 5, 2003
SB 5165 Prime Sponsor, Senator Kohl-Welles: Regulating vehicular pursuit. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2003
SB 5206 Prime Sponsor, Senator Roach: Establishing crimes related to mail. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson and Roach.

Passed to Committee on Rules for second reading.

February 4, 2003
SB 5209 Prime Sponsor, Senator Deccio: Concerning actions for injury or damage against a health care provider based upon professional negligence. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That the bill be referred to the Committee on Judiciary without recommendation. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

Referred to Committee on Judiciary.

February 4, 2003
SB 5254 Prime Sponsor, Senator Roach: Shifting the burden of proof in actions against rules. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5271 Prime Sponsor, Senator Honeyford: Regarding industrial insurance hearing loss claims. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

SB 5327 Prime Sponsor, Senator Deccio: Clarifying the scope of practice of a dental hygienist. Reported by Committee on Health and Long-Term Care

February 4, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5327 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5378 Prime Sponsor, Senator Honeyford: Simplifying and adding certainty to the calculation of workers' compensation benefits. Reported by Committee on Commerce and Trade

February 6, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5378 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

SB 5545 Prime Sponsor, Senator Esser: Using fees to develop and maintain a web-based vital records system. Reported by Committee on Judiciary.

February 5, 2003

MAJORITY Recommendation: That the bill be referred to the Committee on Technology and Communications without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Technology and Communications.

SB 5574 Prime Sponsor, Senator Finkbeiner: Clarifying district court jurisdiction over actions involving commercial electronic mail. Reported by Committee on Judiciary

February 5, 2003

MAJORITY Recommendation: That the bill be referred to the Committee on Technology and Communications without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Technology and Communications.

SJR 8207 Prime Sponsor, Senator Deccio: Allowing the legislature to limit noneconomic damages. Reported by Committee on Health and Long-Term Care

February 4, 2003

MAJORITY Recommendation: That the resolution be referred to the Committee on Judiciary without recommendation. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

Referred to Committee on Judiciary

SJR 8210 Prime Sponsor, Senator Schmidt: Guaranteeing blanket primaries in the Constitution. Reported by Committee on Government Operations and Elections

February 4, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn and McCaslin.

Passed to Committee on Rules for second reading.

MESSAGES FROM STATE OFFICES

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

January 24, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "Chemical Dependency Disposition Alternative." It is mandated under Chapter 338, Laws of 1997, Section 27, RCW 13.40.165 and 70.96A.520.

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Sjan Talbot at (360) 902-7952 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Chemical Dependency Disposition Alternative" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

February 4, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "Exceptional Care." It is mandated under RCW 74.46.508.

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Tom Kearns at (360) 725-2499 or Marlene Black at (360) 725-2529 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Exceptional Care" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

February 5, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

February 5, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5001, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5001.

INTRODUCTION AND FIRST READING

SB 5676 by Senators Carlson, Kohl-Welles, Mulliken, Shin and Schmidt (by request of Higher Education Coordinating Board)

AN ACT Relating to the educational opportunity grant program; and amending RCW 28B.101.005, 28B.101.010, 28B.101.020, and 28B.101.040.

Referred to Committee on Higher Education.

SB 5677 by Senators McAuliffe, Carlson, Parlette, Eide, Rasmussen, Regala, Schmidt, Kohl-Welles and Shin

AN ACT Relating to cooperation among education policy boards; amending RCW 28A.305.120, 28B.50.050, and 28B.80.420; and creating a new section.

Referred to Committee on Higher Education.

SB 5678 by Senators Honeyford and Hargrove

AN ACT Relating to economic development powers of cities, towns, and counties; amending RCW 35.21.703, 35.21.680, 36.01.085, and 36.32.410; and creating a new section.

Referred to Committee on Economic Development.

SB 5679 by Senators Deccio, B. Sheldon, Winsley and Fraser (by request of Department of General Administration)

AN ACT Relating to funding services within the department of general administration; amending RCW 43.19.565 and 43.19.615; reenacting and amending RCW 43.79A.040; adding a new section to chapter 43.19 RCW; creating a new section; and repealing RCW 43.19.605.

Referred to Committee on Ways and Means.

SB 5680 by Senators Mulliken, T. Sheldon and Morton

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

Referred to Committee on Land Use and Planning.

SB 5681 by Senators Sheahan, T. Sheldon, Honeyford, Hale and Mulliken

AN ACT Relating to minimum wages; amending RCW 49.46.010, 49.46.010, and 49.46.020; adding new sections to chapter 49.46 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce and Trade.

SB 5682 by Senators Honeyford and Mulliken

AN ACT Relating to minimum wages for new employees; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce and Trade.

SB 5683 by Senators Honeyford, T. Sheldon and Mulliken

AN ACT Relating to state preemption of minimum wage laws; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce and Trade.

SB 5684 by Senators Honeyford, T. Sheldon and Mulliken

AN ACT Relating to minimum wages; amending RCW 49.46.010 and 49.46.010; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce and Trade.

SB 5685 by Senators Honeyford, T. Sheldon and Mulliken

AN ACT Relating to nonemancipated minor minimum wages; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce and Trade.

SB 5686 by Senators Keiser, Prentice and McAuliffe

AN ACT Relating to workers' compensation benefits of inmates; amending RCW 72.09.111 and 51.32.040; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Children and Family Services and Corrections.

SB 5687 by Senators Prentice, Honeyford, Shin and Rasmussen

AN ACT Relating to medical devices; and amending RCW 19.28.371.

Referred to Committee on Commerce and Trade.

SB 5688 by Senators Winsley, Fairley, McCaslin and Schmidt

AN ACT Relating to election costs; and amending RCW 29.13.047.

Referred to Committee on Government Operations and Elections.

SB 5689 by Senators Mulliken, Kline and Swecker

AN ACT Relating to annexation interlocal agreements in order to facilitate the transition between a county and a city; adding new sections to chapter 39.34 RCW; and creating a new section.

Referred to Committee on Land Use and Planning.

SB 5690 by Senators Rossi and Fairley

AN ACT Relating to the taxability of persons with limited connections to Washington; amending RCW 82.08.050 and 82.12.040; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Technology and Communications.

SB 5691 by Senators Regala, Kohl-Welles, Carlson, Fairley, Kline and McAuliffe

AN ACT Relating to wetlands mitigation projects; amending RCW 90.82.070; adding a new section to chapter 90.74 RCW; and creating new sections.

Referred to Committee on Natural Resources, Energy and Water.

SB 5692 by Senators Carlson, Hargrove, Esser, Parlette, Kohl-Welles, McAuliffe and Rasmussen

AN ACT Relating to health and human services and information referral; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SB 5693 by Senators Schmidt, Eide, Esser, Brandland, Horn, Shin and Rasmussen

AN ACT Relating to suspension of intermediate drivers' licenses; amending RCW 46.20.267 and 46.20.075; and reenacting and amending RCW 46.20.055.

Referred to Committee on Highways and Transportation.

SB 5694 by Senators Swecker, Jacobsen, Horn, Doumit, Haugen and Rasmussen

AN ACT Relating to an integrated permit system; creating new sections; and making an appropriation.

Referred to Committee on Economic Development.

SB 5695 by Senators Honeyford, Winsley, Mulliken, Johnson, T. Sheldon, Zarelli, Oke and Rasmussen

AN ACT Relating to declaring buildings used for criminal activity to be a nuisance; adding a new chapter to Title 7 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5696 by Senators Honeyford, Prentice, Mulliken, Rasmussen, Deccio, Doumit and Parlette

AN ACT Relating to sheepherder housing; amending RCW 70.114A.020; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce and Trade.

SB 5697 by Senators Hewitt, T. Sheldon, Hale, Mulliken, Rasmussen, Parlette, Swecker, Oke, Deccio, Sheahan, Stevens, Honeyford and Morton

AN ACT Relating to modifying the inflationary adjustment to the minimum wage; amending RCW 49.46.010, 49.46.010, and 49.46.020; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce and Trade.

SB 5698 by Senators Kline, Fraser, Keiser and Jacobsen

AN ACT Relating to citizen enforcement of health and environmental laws; adding a new chapter to Title 4 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5699 by Senators Benton, Mulliken, Stevens, Swecker, Hewitt, Hale and Sheahan

AN ACT Relating to Washington state patrol surviving spouse and children benefits; and amending RCW 28B.15.380.

Referred to Committee on Ways and Means.

SB 5700 by Senators Benton, Swecker, Oke, Esser and Hewitt

AN ACT Relating to creating the tax-me-more account; adding a new section to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5701 by Senators Benton, Swecker, Schmidt, Mulliken, Esser, Zarelli, Hewitt, Stevens and Hale

AN ACT Relating to voter registration at driver licensing offices; and amending RCW 46.20.155.

Referred to Committee on Government Operations and Elections.

SB 5702 by Senators Benton, Finkbeiner, Esser, Mulliken, Swecker, Schmidt, Rossi, Johnson, Zarelli, McCaslin, Stevens and Horn

AN ACT Relating to transportation efficiency; amending RCW 47.01.021, 47.01.041, 43.17.020, 43.160.074, 36.57A.070, 36.79.010, 36.79.120, 36.79.130, 36.120.020, 47.64.011, 47.64.170, 47.80.060, 46.44.042, 46.44.080, 46.44.096, 46.44.090, 46.44.092, 46.61.450, 47.01.012, 35.58.2795, 47.56.070, 47.01.071, 47.01.250, 47.01.280, 47.05.021, 47.05.030, 47.05.035, 47.05.051, 47.06.030, 47.06.050, 47.12.242, 47.12.330, 47.24.010, 47.26.170, 47.26.440, 47.28.010, 47.28.170, 47.38.060, 47.56.120, 47.56.250, 47.52.133, 47.52.145, 47.52.210, 47.56.080, 47.02.120, 47.02.140, 47.10.843, 47.10.844, 47.12.200,

47.12.220, 47.17.132, 47.46.090, 47.46.120, 47.56.032, 47.56.030, 47.56.076, 47.56.110, 47.60.013, 47.60.150, 47.60.326, 47.60.330, 47.60.445, 47.60.800, 36.120.050, 41.06.380, 39.12.010, 39.12.015, 39.12.020, 47.60.120, 47.64.090, 43.17.200, 47.30.050, 46.61.165, and 47.52.025; reenacting and amending RCW 43.160.010; adding new sections to chapter 47.01 RCW; adding new sections to chapter 44.40 RCW; adding a new section to chapter 47.38 RCW; adding a new section to chapter 47.60 RCW; adding a new section to chapter 47.04 RCW; adding a new section to chapter 47.52 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 47.01.051, 47.01.061, 47.76.200, 47.76.210, 47.76.220, 47.76.230, 47.76.240, 47.76.250, 47.76.270, 47.76.280, 47.76.290, 47.76.300, 47.76.310, 47.76.320, 47.76.330, 47.76.340, 47.76.350, 47.82.010, 47.82.020, 47.82.030, 47.82.040, 81.100.010, 81.100.020, 81.100.030, 81.100.040, 81.100.050, 81.100.060, 81.100.070, 81.100.080, 81.100.090, 81.100.100, and 46.68.080; and providing an effective date.

Referred to Committee on Highways and Transportation.

SB 5703 by Senators Hale, T. Sheldon, Zarelli, Shin and Oke

AN ACT Relating to business and occupation tax credits for eligible business projects; and amending RCW 82.62.010.

Referred to Committee on Economic Development.

SB 5704 by Senators Keiser, Fairley, Thibaudeau and Kohl-Welles

AN ACT Relating to premiums paid by businesses for the basic health plan; amending RCW 70.47.060; prescribing penalties; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SJM 8014 by Senators Honeyford, Franklin, Mulliken, Keiser and Hewitt

Requesting reconsideration of the Resource Justification Model.

Referred to Committee on Commerce and Trade.

SJR 8214 by Senators Jacobsen and Thibaudeau

Amending the Constitution to eliminate the powers of initiative and referendum.

Referred to Committee on Government Operations and Elections.

MOTIONS

On motion of Senator Sheahan, Senate Bill No. 5686 was referred to the Committee on Children and Family Services and Corrections.

On motion of Senator Sheahan, Senate Bill No. 5694 was referred to the Committee on Economic Development.

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1001 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Chase, Ruderman, Fromhold, Dickerson, Conway, Schindler, Voloria, O'Brien, Kenney, Campbell, Nixon and Darneille)

Revising voyeurism laws.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8616

By Senators Carlson and Zarelli

WHEREAS, Vancouver Naval Sea Cadet Charles Stauder, III, without regard for his own safety, responded quickly, heroically, and with great determination recently, in preventing and warding off tragedy during an overnight Sea Cadet drill; and

WHEREAS, Cadet Stauder, a twelve year old student at Discovery Middle School in Vancouver, discovered dense and very threatening smoke in the ship's galley; and
WHEREAS, A young man with fortitude and quick thinking skills far beyond his years, Cadet Stauder raced to alert damage-control personnel and then secured a fire extinguisher to put out the fire himself; and
WHEREAS, Cadet Stauder was awarded the Distinguished Service Ribbon for Heroism for his courageous and beneficent devotion both to his shipmates and to the highest, most honorable traditions of the United States Navy and the United States Naval Sea Cadet Corps; and
WHEREAS, This Vancouver hero, already a three year veteran as a junior Sea Cadet, will receive a well earned promotion to the Fort Vancouver Sea Cadet Senior Division when he attains his thirteenth birthday; and
WHEREAS, Cadet Stauder was warmly saluted by the Commanding Officer of the Fort Vancouver Division; and
WHEREAS, The leadership of the Sea Cadets emphasized that this young man's heroic response to a very dangerous situation was "in keeping with the highest traditions of the United States Navy and the United States Naval Sea Cadet Corps." Cadet Stauder's heroism certainly also brings "great credit upon himself, his family, and the Corps"; and
WHEREAS, Cadet Stauder said that when he is asked what the Sea Cadet Corps means to him, he will respond: "Respect"; and
WHEREAS, Naval Sea Cadets are young men and women between the ages of ten and a half years old and seventeen years old; and
WHEREAS, Cadet Stauder and his peers in the Sea Cadets learn about courage, self-reliance, confidence, patriotism, and other admirable qualities in their service in the Naval Sea Cadet organization;
NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the spirit, the courage, and the mettle of Naval Sea Cadet Charles Stauder, III; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Naval Sea Cadet Charles Stauder, III and his family, to the Fort Vancouver Sea Cadet Division, and to Discovery Middle School.

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Friday, February 7, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FEBRUARY 6, 2003

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

TWENTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 7, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 2003
SB 5006 Prime Sponsor, Senator Jacobsen: Allowing nonconsumptive wildlife activities on public lands. Reported by
Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5006 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5014 Prime Sponsor, Senator Honeyford: Authorizing a new subaccount in the public works assistance account. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5025 Prime Sponsor, Senator Honeyford: Concerning the relinquishment of water rights. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5025 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fraser and Regala.

Referred to Committee on Rules for second reading.

February 6, 2003

SB 5028 Prime Sponsor, Senator Morton: Clarifying the state's authority to regulate water pollution. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5028 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Honeyford and Oke.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Doumit, Fraser, Hargrove and Regala.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5073 Prime Sponsor, Senator Fraser: Adopting provisions for cooperative watershed management plans. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5086 Prime Sponsor, Senator Honeyford: Altering appeal procedures for water-related actions of the department of ecology. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5086 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5135 Prime Sponsor, Senator Carlson: Creating tuition surcharges. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn and Mulliken.

Referred to Committee on Ways and Means.

February 6, 2003

SB 5148 Prime Sponsor, Senator Winsley: Providing confidentiality to certain insurance commissioner examinations. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5148 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5158 Prime Sponsor, Senator Carlson: Expanding the definition of resident student for purposes of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5158 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5224 Prime Sponsor, Senator Benton: Adding a rental housing owner to the affordable housing advisory board. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5225 Prime Sponsor, Senator Benton: Providing rental assistance vouchers. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5225 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5247 Prime Sponsor, Senator Horn: Authorizing an alternative local option fuel tax. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5247 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Esser, Finkbeiner, Haugen, Jacobsen, Oke, Prentice and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5248 Prime Sponsor, Senator Horn: Achieving transportation workforce efficiencies. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5248 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Oke and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senator Prentice.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5279 Prime Sponsor, Senator Prentice: Extending the expiration date of the transportation permit efficiency and accountability committee. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5299 Prime Sponsor, Senator Stevens: Concerning promotional service offerings. Reported by Committee on Technology and Communications

MAJORITY Recommendation: That Substitute Senate Bill No. 5299 be substituted therefor, and the substitute bill do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2003

SB 5374 Prime Sponsor, Senator Roach: Administering funds received under the Help America Vote Act. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5384 Prime Sponsor, Senator West: Regulating utility services and connection charges for certain mobile home parks. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5384 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5389 Prime Sponsor, Senator Benton: Managing clean and sober housing. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5422 Prime Sponsor, Senator Benton: Selling single premium credit insurance. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5452 Prime Sponsor, Senator Winsley: Regulating check cashers and sellers. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5452 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2003

SB 5464 Prime Sponsor, Senator Finkbeiner: Prohibiting local governments from imposing business and occupation tax on intellectual property. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Referred to Committee on Ways and Means.

February 5, 2003

SB 5667 Prime Sponsor, Senator Roach: Clarifying elected officials' access to open public meetings. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 6, 2003

HJM 4003 Prime Sponsor, Representative Wallace: Requesting increased borrowing authority for the Bonneville Power Administration.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Parlette, Senate Bill No. 5025 was referred to the Committee on Rules.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

January 17, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation.
Dave Fisher, reappointed January 17, 2003, for a term ending June 30, 2006, as a member of the Academic Achievement and Accountability Commission.

GARY LOCKE, Governor

Referred to Committee on Education.

INTRODUCTION AND FIRST READING

SB 5705 by Senators Winsley, Thibaudeau, Carlson, Fraser and Shin (by request of Department of Services for the Blind)

AN ACT Relating to changing provisions on the department of services for the blind; amending RCW 74.18.010, 74.18.020, 74.18.050, 74.18.060, 74.18.070, 74.18.090, 74.18.110, 74.18.120, 74.18.130, 74.18.140, 74.18.150, 74.18.170, 74.18.180, 74.18.200, 74.18.210, and 74.18.230; adding new sections to chapter 74.18 RCW; and repealing RCW 74.18.160 and 74.18.250.
Referred to Committee on Government Operations and Elections.

SB 5706 by Senators Benton and Prentice

AN ACT Relating to defining security account under the uniform transfer on death security registration act; and amending RCW 21.35.005.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5707 by Senators Benton and Prentice

AN ACT Relating to replevin; amending RCW 7.64.020, 7.64.035, and 7.64.045; and prescribing penalties.
Referred to Committee on Judiciary.

SB 5708 by Senators Franklin, Esser, Haugen, Thibaudeau, Kline and Kohl-Welles

AN ACT Relating to visitation rights for nonparents; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SB 5709 by Senators Deccio, Thibaudeau, Franklin, Winsley and Shin (by request of Department of Social and Health Services and Department of Health)

AN ACT Relating to nursing practices in community-based and in-home care; amending RCW 18.79.040, 18.79.260, 18.88A.140, 18.88A.200, 18.88A.210, 18.88A.230, 70.127.010, 70.127.040, 70.127.120, 70.127.170, 69.41.010, and 69.41.085; and declaring an emergency.
Referred to Committee on Health and Long-Term Care.

SB 5710 by Senators Prentice, Fairley, T. Sheldon and Rasmussen

AN ACT Relating to supermarket club cards; adding a new section to chapter 19.86 RCW; and creating a new section.
Referred to Committee on Commerce and Trade.

SB 5711 by Senators Prentice, Fairley, T. Sheldon and Rasmussen

AN ACT Relating to private investigators' prohibited acts; and amending RCW 18.165.160.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5712 by Senators Prentice, Fairley, Rasmussen and Kline

AN ACT Relating to privacy requirements for telecommunications companies; adding a new section to chapter 80.36 RCW; and creating a new section.
Referred to Committee on Technology and Communications.

SB 5713 by Senators Honeyford, Prentice, Hewitt, Rasmussen, Mulliken, Sheahan and Oke

AN ACT Relating to electrical contractors; amending RCW 19.28.101, 19.28.141, 19.28.010, 19.28.371, 18.106.070, 19.28.191, and 18.106.150; adding a new section to chapter 19.28 RCW; adding a new section to chapter 18.106 RCW; and prescribing penalties.
Referred to Committee on Commerce and Trade.

SB 5714 by Senators Benton and Prentice

AN ACT Relating to financial institution law parity; amending RCW 32.08.142, 32.08.146, and 32.32.500; reenacting and amending RCW 30.04.215; adding new sections to chapter 30.04 RCW; and adding new sections to chapter 32.08 RCW.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5715 by Senators Benton, Prentice, Winsley and Oke

AN ACT Relating to the financial fraud alert act; adding a new chapter to Title 30 RCW; and declaring an emergency.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5716 by Senators Prentice, Winsley, Benton, Kline, McCaslin and Rasmussen

AN ACT Relating to crimes involving drivers' licenses and identicards; amending RCW 46.20.0921; and prescribing penalties.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5717 by Senators Winsley, Prentice and Benton

AN ACT Relating to possession of instruments or equipment of financial fraud; amending RCW 9A.56.280, 9A.56.290, and 9A.60.020; reenacting and amending RCW 9A.82.010, 9.94A.515, and 9.94A.515; adding new sections to chapter 9A.56 RCW; prescribing penalties; providing an effective date; and providing an expiration date.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5718 by Senators Winsley, Prentice, Roach, Fairley, Kastama, Fraser, Keiser, Kline, Shin, Kohl-Welles, Thibaudeau, Regala, B. Sheldon, Reardon, Brown, Hargrove, Franklin, Spanel, McAuliffe, Jacobsen, Haugen, Rasmussen, Doumit and Schmidt

AN ACT Relating to exempting bank account, social security, and credit card numbers from public disclosure; reenacting and amending RCW 42.17.310; and creating a new section.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5719 by Senators Winsley, Prentice, Benton, Finkbeiner and Shin

AN ACT Relating to fraudulent use of a credit card scanning device; amending RCW 9A.56.280 and 9A.56.290; reenacting and amending RCW 9.94A.515 and 9.94A.515; prescribing penalties; providing an effective date; and providing an expiration date.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5720 by Senators Winsley, Prentice, Benton, Kline and Rasmussen

AN ACT Relating to identifying users of credit and debit cards; adding a new section to chapter 19.192 RCW; and creating a new section.
Referred to Committee on Financial Services, Insurance and Housing.

SB 5721 by Senators Winsley, Deccio, Thibaudeau, Swecker, Morton, Esser, Zarelli, McCaslin, Kohl-Welles, Stevens and Oke

AN ACT Relating to prescription drugs; adding new sections to chapter 74.09 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5722 by Senators Deccio, Winsley, Swecker, Oke, T. Sheldon, Hewitt, Horn, Morton, Carlson, Honeyford, Mulliken, Schmidt, Johnson, Thibaudeau, Zarelli, Finkbeiner, Roach, Benton, McCaslin, Rasmussen and Kohl-Welles

AN ACT Relating to prescription drug access; adding new sections to chapter 41.05 RCW; and creating a new section.
Referred to Committee on Health and Long-Term Care.

SB 5723 by Senators Haugen and Stevens

AN ACT Relating to requests for postconviction DNA testing; and amending RCW 10.73.170.
Referred to Committee on Children and Family Services and Corrections.

SB 5724 by Senators Fairley, Kohl-Welles, Prentice, Thibaudeau, Fraser, Regala and Oke

AN ACT Relating to placing aversive agents in antifreeze; and adding a new section to chapter 70.106 RCW.
Referred to Committee on Agriculture.

SB 5725 by Senators Zarelli, T. Sheldon, Carlson, Reardon, Benton, Hewitt, Winsley, Hale, Sheahan, Honeyford, Finkbeiner, Johnson and West

AN ACT Relating to providing tax incentives to support the semiconductor cluster in Washington state; amending RCW 82.04.260, 82.04.240, and 82.04.280; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.32 RCW; creating new sections; providing an effective date; and providing expiration dates.
Referred to Committee on Economic Development.

SB 5726 by Senators Morton, Rasmussen, Brandland, Parlette, Swecker and Jacobsen

AN ACT Relating to eligibility to be a director of a cooperative association; and amending RCW 23.86.080.
Referred to Committee on Commerce and Trade.

SB 5727 by Senators Swecker, Jacobsen, Oke, Winsley, Deccio, Johnson, Haugen, Brandland, Stevens, Hewitt, Zarelli, Prentice, Sheahan, Schmidt, Honeyford, Mulliken, West and Rasmussen

AN ACT Relating to the Distinguished Flying Cross license plate; amending RCW 46.16.290 and 46.16.313; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.
Referred to Committee on Highways and Transportation.

SB 5728 by Senators Brandland, McCaslin, T. Sheldon, Deccio, Schmidt, Parlette and Hale

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 4.56.115, 4.56.110, 4.56.250, 7.70.070, 4.16.350, 7.70.080, 7.70.030, 7.70.060, 46.61.688, 4.92.090, and 4.96.010; adding a new section to chapter 4.24 RCW; adding a new section to chapter 4.28 RCW; adding a new section to chapter 7.04 RCW; adding a new section to chapter 7.70 RCW; adding a new section to chapter 4.16 RCW; adding new sections to chapter 43.20A RCW; adding new sections to chapter 72.09 RCW; creating new sections; and providing a contingent effective date.
Referred to Committee on Judiciary.

SB 5729 by Senators West, Brown, Sheahan, Reardon and Schmidt

AN ACT Relating to economic development; adding a new section to chapter 82.14 RCW; and creating a new section.
Referred to Committee on Economic Development.

MOTION

On motion of Senator Parlette, Senate Bill No. 5708 and Senate Bill No. 5723 were referred to the Committee on Children and Family Services and Corrections.

MOTION

On motion of Senator Parlette, the following resolution was adopted:

SENATE RESOLUTION 8613

By Senators Fairley, McAuliffe, Kohl-Welles, Spanel, Eide, Prentice, Regala and Jacobsen

WHEREAS, Student Action For the Environment was founded in 1987 by Terry Clayton, a teacher in the Shoreline School District, in the Thirty-second Legislative District; and

WHEREAS, The SAFE club encourages students to address environmental concerns through political action; and

WHEREAS, The SAFE club was the first student organization in the United States to write and successfully lobby for state legislation, resulting in the Washington State Procurement Law of 1991; and

WHEREAS, The SAFE club has promoted youth involvement in government by sponsoring the Student Lobby Day for fifteen years; and

WHEREAS, The SAFE club has been nationally recognized for its success in increasing student awareness of environmental issues;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the value and dedication of the SAFE club in its efforts to preserve and protect the environment in this state.

MOTION

At 12:04 p.m., on motion of Senator Parlette, the Senate adjourned until 12:00 noon, Monday, February 10, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 7, 2003

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

TWENTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 10, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 7, 2003

SB 5021 Prime Sponsor, Senator T. Sheldon: Prohibiting the use of sick leave benefits, compensation, or health benefits for educational employees during a strike or work stoppage. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5155 Prime Sponsor, Senator Mulliken: Prohibiting strikes by educational employees. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5155 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5167 Prime Sponsor, Senator Regala: Modifying trust account provisions for sellers of travel. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5213 Prime Sponsor, Senator Carlson: Authorizing removal of vehicles from restricted parking zones. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5213 be substituted therefor, and the substitute bill do pass. Signed by Senators Esser, Vice Chair; Brandland, Hargrove, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5265 Prime Sponsor, Senator Thibaudeau: Allowing limited marketing of bottled wine at farmers markets. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5265 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5290 Prime Sponsor, Senator West: Authorizing the horse racing commission to continue receiving criminal history information. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5290 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5363 Prime Sponsor, Senator Hale: Providing an ongoing funding source for the community economic revitalization board's financial assistance programs. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Schmidt, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

February 7, 2003
SB 5396 Prime Sponsor, Senator McCaslin: Enforcing conditions in deferred prosecutions. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5396 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

August 6, 2001

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

I have the honor to submit the following appointment, subject to your confirmation.
Merritt Long, appointed August 6, 2001, for a term ending January 15, 2005, as Chair of the Liquor Control Board.
GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

January 17, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation.
Donna Dockter, reappointed January 17, 2003, for a term ending January 19, 2007, as a member of the Board of Pharmacy.
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

January 22, 2003

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

I have the honor to submit the following appointment, subject to your confirmation.
Tari Eitzen, appointed January 22, 2003, for a term ending August 2, 2006, as a member of the Sentencing Guidelines Commission.
GARY LOCKE, Governor

Referred to Committee on Judiciary.

January 23, 2003

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

I have the honor to submit the following appointment, subject to your confirmation.
Marsha Long, appointed January 23, 2003, for a term ending January 4, 2009, as a member of the Personnel Resources Board.
GARY LOCKE, Governor

Referred to Committee on Government Operations and Elections.

MESSAGE FROM THE HOUSE

February 7, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1214,
HOUSE CONCURRENT RESOLUTION NO. 4402, and the same are herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

February 7, 2003

MR. PRESIDENT:

The Speaker has signed SENATE BILL NO. 5001, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5730 by Senators Deccio, Thibaudeau, Parlette, Rossi, Keiser and Winsley

AN ACT Relating to eligibility for long-term care services under the medical assistance program; adding new sections to chapter 74.39A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5731 by Senators Roach, Sheahan, Rasmussen, Haugen and Benton

AN ACT Relating to branch of service license plates; amending RCW 46.16.290, 46.16.313, and 46.16.316; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Highways and Transportation.

SB 5732 by Senators Deccio, Rasmussen, Brandland and Winsley

AN ACT Relating to in-home long-term care services liability; and amending RCW 4.22.070, 74.39A.095, and 74.39A.270.

Referred to Committee on Health and Long-Term Care.

SB 5733 by Senators Winsley, Thibaudeau and Kohl-Welles

AN ACT Relating to fairness and protection in boarding homes and adult family homes; amending RCW 18.20.020, 18.20.050, 18.20.110, 18.20.115, 18.20.120, 18.20.125, 18.20.185, 18.20.190, 18.20.195, 70.128.060, 70.128.080, 70.128.090, 70.128.160, 74.39A.009, 74.39A.050, 74.39A.060, and 74.39A.080; reenacting and amending RCW 18.20.010 and 70.128.010; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5734 by Senators Finkbeiner, Reardon, Schmidt, Poulsen, Eide, Stevens, Winsley and Esser

AN ACT Relating to commercial electronic mail; amending RCW 19.190.010 and 19.190.040; adding new sections to chapter 19.190 RCW creating a new section; and prescribing penalties.

Referred to Committee on Technology and Communications.

SB 5735 by Senators Eide, Winsley, T. Sheldon, Oke, Doumit and McCaslin

AN ACT Relating to adjusting the limit applicable to the contracting of public works by a special purpose water-sewer district; and amending RCW 57.08.050.

Referred to Committee on Government Operations and Elections.

SB 5736 by Senators Fraser, Finkbeiner, Kline, Kohl-Welles, Franklin, Winsley, Schmidt and Shin

AN ACT Relating to state government as a leader in clean energy consumption; amending RCW 43.19.570, 43.21F.015, and 43.21F.045; reenacting and amending RCW 43.19.1905; adding new sections to chapter 43.21F RCW; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Natural Resources, Energy and Water.

SB 5737 by Senators Benton and Prentice

AN ACT Relating to reporting abandoned property; and amending RCW 63.29.170 and 63.29.140.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5738 by Senator Kastama

AN ACT Relating to the mobile home landlord-tenant act; and amending RCW 59.20.030, 59.20.070, 59.20.073, and 59.20.080.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5739 by Senators Kline, Esser and Kohl-Welles

AN ACT Relating to endangerment with a controlled substance; amending RCW 9.94A.518; reenacting and amending RCW 9.94A.515; and providing an effective date.

Referred to Committee on Judiciary.

SB 5740 by Senator Morton

AN ACT Relating to gray wolf management; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Parks, Fish and Wildlife.

SB 5741 by Senators Eide, Roach, Franklin, Keiser, Regala, Fraser, Spanel, Jacobsen and Kohl-Welles

AN ACT Relating to increased coordination between the Puget Sound action team and other governmental entities; amending RCW 90.71.005, 90.71.010, 90.71.020, 90.71.040, 90.71.050, 90.71.060, 90.71.070, 90.71.090, 43.63A.247, 90.71.100, 28B.30.632, 70.118.090, 79.90.550, and 90.48.260; creating a new section; and repealing RCW 90.71.902.

Referred to Committee on Government Operations and Elections.

SB 5742 by Senators Honeyford, Benton and Esser

AN ACT Relating to procedures for rehiring retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1; amending RCW 41.32.570, 41.40.037, 43.09.050, 43.09.245, 43.09.260, and 43.09.290; adding a new section to chapter 41.04 RCW; repealing 2001 c 317 s 1; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 5743 by Senators Benton, Honeyford, T. Sheldon, Rasmussen, Schmidt, Stevens and Esser

AN ACT Relating to procedures for rehiring public employee retirees; amending RCW 41.40.037 and 43.09.050; adding a new section to chapter 41.04 RCW; adding new sections to chapter 43.09 RCW; repealing 2001 c 317 s 1; and providing expiration dates.

Referred to Committee on Ways and Means.

SB 5744 by Senators Esser, Kline and Roach

AN ACT Relating to alcohol-related offenses; and amending RCW 10.05.140 and 46.20.720.

Referred to Committee on Judiciary.

SB 5745 by Senators Schmidt and Reardon

AN ACT Relating to equipment placed in vehicle interiors; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Highways and Transportation.

SB 5746 by Senators Schmidt, Oke, Horn and Finkbeiner

AN ACT Relating to laying hens; amending RCW 16.52.185; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Agriculture.

SB 5747 by Senators Schmidt, Finkbeiner, Poulsen, Esser, Stevens and Eide

AN ACT Relating to supervision of elections in charter counties; and amending RCW 36.16.030.

Referred to Committee on Government Operations and Elections.

SB 5748 by Senators Finkbeiner, Haugen, Horn, Spanel, Jacobsen, Swecker, Benton, Hale, Kohl-Welles, Oke, Rasmussen, Esser, Schmidt and Shin

AN ACT Relating to transportation-related performance audits; adding a new section to chapter 44.40 RCW; adding a new chapter to Title 44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5749 by Senators Hargrove, Stevens and Rasmussen (by request of Indeterminate Sentence Review Board)

AN ACT Relating to hearings concerning violations by sex offenders of postrelease conditions; and amending RCW 9.95.435.

Referred to Committee on Children and Family Services and Corrections.

SB 5750 by Senators Esser, Oke, T. Sheldon, Hale and Swecker (by request of Commissioner of Public Lands Sutherland)

AN ACT Relating to the creation of the legacy trust for recreation and conservation; amending RCW 43.30.115, 79.66.070, and 82.29A.040; reenacting and amending RCW 84.33.140 and 84.34.108; adding a new chapter to Title 79 RCW; repealing RCW 84.33.120; and declaring an emergency.

Referred to Committee on Parks, Fish and Wildlife.

SB 5751 by Senator Hargrove

AN ACT Relating to sales of valuable materials; amending RCW 79.01.184 and 79.01.200; and reenacting and amending RCW 79.01.132.

Referred to Committee on Natural Resources, Energy and Water.

SB 5752 by Senator Roach

AN ACT Relating to housing; and amending RCW 19.85.011, 19.85.020, 19.85.025, 19.85.030, 19.85.040, 19.85.050, and 19.85.070.

Referred to Committee on Government Operations and Elections.

SB 5753 by Senators Deccio, Reardon and Winsley

AN ACT Relating to reducing regulatory burdens to health carriers regarding state data collection and compliance auditing requirements; amending RCW 41.05.075, 48.43.505, 48.43.510, 48.43.515, 48.43.520, 48.43.530, and 70.02.900; reenacting and amending RCW 74.09.522; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health and Long-Term Care.

SJR 8215 by Senators Carlson, Eide, Winsley, McAuliffe, Kohl-Welles, Thibaudeau, Rasmussen, Schmidt and Shin (by request of Governor Locke)

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

Referred to Committee on Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1214 by House Committee on Appropriations (originally sponsored by Representatives Cody, Pflug, Conway, Cooper, McCoy, Berkey, Veloria, Schual-Berke, Bush, Lovick, Hunt, Campbell, Kirby, Hudgins, Dickerson, Pettigrew, Pearson, Wood, Fromhold, Upthegrove, Schindler, McDermott, Wallace, Rockefeller, Morrell, Simpson, Anderson, McMahan, Darneille, Chase, Woods and Clements) (by request of Governor Locke)

Referred to Committee on Health and Long-Term Care.

HCR 4402 by Representatives Kessler, DeBolt and Hankins

Remembering former legislators.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Kessler, DeBolt and Hankins.

Remembering former legislators.

The concurrent resolution was read the second time.

HOUSE CONCURRENT RESOLUTION NO. 4402

WHEREAS, A number of former members of the Senate and the House of Representatives of the State of Washington have passed from this life, leaving a record of service to the people; and

WHEREAS, It has been a custom at each session of the Legislature to hold a memorial service in order to pay special and fitting tribute to the lives and services of these valued public servants and to express our sympathies to their bereaved families;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, that in recognition of the valued services rendered to the State by these eminent citizens, the Senate and the House of Representatives shall meet in Joint Session and that an appropriate service be held at the Olympia High School auditorium on Thursday, February 20, 2003, at 1:00 p.m., that their bereaved families be invited to attend the memorial service, and that an opportunity be given for tribute to their memories; and

BE IT FURTHER RESOLVED, That two members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, together with two members of the Senate, to be appointed by the President of the Senate, act as a Joint Committee to arrange for the memorial service.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Concurrent Resolution No. 4402 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4402 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

President Owen appointed Senator Winsley and Senator Jacobsen to join a like committee from the House to act as a joint committee to arrange for the memorial service.

MOTION

On motion of Senator Sheahan, the appointments were confirmed.

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Tuesday, February 11, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 10, 2003

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

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 11, 2003

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

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Strovick and Shamal Karan, presented the Colors. Reverend Dan Panter, pastor of the McKenzie Road Baptist Church in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5130 Prime Sponsor, Senator Swecker: Expanding private sponsorship of state parks and state recreation areas. Reported by Committee on Parks, Fish and Wildlife February 10, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5130 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 5179 Prime Sponsor, Senator Oke: Allowing the use of body-gripping traps in certain circumstances. Reported by Committee on Parks, Fish and Wildlife February 10, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Esser.

Passed to Committee on Rules for second reading.

SB 5320 Prime Sponsor, Senator Oke: Continuing the development of water trail sites in Washington state. Reported by Committee on Parks, Fish and Wildlife February 10, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5320 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 5433 Prime Sponsor, Senator Roach: Modifying water-sewer district bidding provisions. Reported by Committee on Government Operations and Elections February 7, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5447 Prime Sponsor, Senator Roach: Requiring voter approval of certain city assumptions of water-sewer districts.
Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 10, 2003

GA 9015 KAY COCHRANE, appointed March 18, 2002, for a term ending June 30, 2003, as a member of the Board of Trustees for Lower Columbia Community College District No. 13.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9022 JESUS "JESS" dEL BOSQUE, appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9025 RENE' EWING, appointed July 2, 2001, for a term ending at the Governor's Pleasure, as Chair of the Work Force Training and Education Coordinating Board.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9029 SUSAN FRATT, appointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Clark Community College District No. 14.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9034 PETER J. GOLDMARK, appointed October 29, 2001, for a term ending September 30, 2007, as a member of the Board Regents for Washington State University.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9046 LAURIE A. JINKINS, appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Tacoma Community College District No. 22.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9058 ALAN O. LINK, appointed April 10, 2002, for a term ending April 3, 2006, as a member of the State Board for Community and Technical Colleges.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9063 HELEN C. MALONE, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9064 THOMAS W. MALONE, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9065 TRUDY MARCELLAY, appointed March 1, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9067 KENNETH J. MARTIN, reappointed October 1, 2001, for a term ending September 30, 2007, as a member of the Board of Trustees for Central Washington University.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9072 WILLIAM J. McDOWELL, reappointed February 2, 2000, for a term ending September 30, 2003, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9076 DONALD MEYER, appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Pierce Community College District No. 11.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9077 KRIS MIKKELSEN, appointed March 15, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Eastern Washington University.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9080 DAVID MOORE REEPLOEG, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Regents for the University of Washington.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9083 ERIN MUNDINGER, appointed July 9, 2001, for a term ending April 3, 2004, as a member of the State Board for Community and Technical Colleges.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9097 NAOMI K. PURSEL, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9098 ANN RAMSAY-JENKINS, appointed February 5, 2002, for a term ending June 30, 2005, as a member of the Higher Education Coordinating Board.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9102 DORA C. REYES, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Walla Walla Community College District No. 20.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9104 JAMES ROBINSON, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Olympic Community College District No. 3.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9113 ALISON SING, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Edmonds Community College District No.23.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9120 MARGARET E. SUNDSTROM, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Centralia Community College District No. 12.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9122 PAUL TANAKA, appointed July 1, 2002, for a term ending September 30, 2005, as a member of the Board of Trustees for Eastern Washington University.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9128 STACEY VALENTIN, appointed August 1, 2002, for a term ending June 30, 2003, as a member of the Higher Education Coordinating Board.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9131 RICHARD N. WADLEY, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for South Puget Sound Community College District No. 24.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9132 HEYWARD WATSON, reappointed April 18, 2001, for a term ending March 26, 2005, as a member of the Higher Education Facilities Authority.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9140 GENE L. CHASE, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Everett Community College District No. 5.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9148 KENNETH ALHADEFF, reappointed October 17, 2002, for a term ending September 30, 2008, as a member of the Board Regents for Washington State University.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9149 ART GEORGE, appointed March 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Bellingham Technical College District No. 25.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9156 PAUL HUTTON, reappointed May 17, 2002, for a term ending April 3, 2005, as a member of the State Board for Community and Technical Colleges.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9157 CARLA MAULDEN, reappointed April 1, 2002, for a term ending March 26, 2006, as a member of the Higher Education Facilities Authority.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9158 EDITH L. NELSON, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees Shoreline Community College District No. 7.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9159 DAN C. WILDER, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by the Committee on Higher Education.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 10, 2003

GA 9160 FRANK IRIGON, appointed November 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Renton Technical College District No.27.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

REPORTS FROM STATE AGENCIES

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

January 17, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "Children's Administration Performance Report 2002." It is mandated under RCW 74.13.013(5).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Tammy Cordova at (306) 902-7926 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report to the Legislature entitled "Children's Administration Performance Report 2002" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

February 3, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "FY 2002 Supplemental Budget Administration Reduction for FY 2003." It is mandated under Chapter 371, Laws of 2002., Section 211 (5).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call David Daniels at (360) 902-8174 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report to the Legislature entitled "FY 2002 Supplemental Budget Administration Reduction for FY 2003" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

February 10, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1012,
SUBSTITUTE HOUSE BILL NO. 1019,
SUBSTITUTE HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1063,
SUBSTITUTE HOUSE BILL NO. 1075,
HOUSE BILL NO. 1084,
HOUSE BILL NO. 1101,
HOUSE BILL NO. 1117,
ENGROSSED HOUSE BILL NO. 1152,
HOUSE BILL NO. 1154,
HOUSE BILL NO. 1246,
HOUSE BILL NO. 1247,
SUBSTITUTE HOUSE BILL NO. 1295,
HOUSE BILL NO. 1296, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5754 by Senators Rasmussen, Sheahan, Winsley, Benton, Hargrove, Finkbeiner and McCaslin

AN ACT Relating to the mandatory mediation of health care claims; and amending RCW 7.70.100.

Referred to Committee on Health and Long-Term Care.

SB 5755 by Senators Keiser, Franklin, Prentice, Kohl-Welles and Kline

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

Referred to Committee on Commerce and Trade.

SB 5756 by Senator Mulliken

AN ACT Relating to establishing a uniform statewide system of regulating the division of land; amending RCW 58.17.010; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Land Use and Planning.

SB 5757 by Senator Benton

AN ACT Relating to relevant market area of motorcycle dealers; amending RCW 46.94.010; and adding new sections to chapter 46.94 RCW.

Referred to Committee on Commerce and Trade.

SB 5758 by Senators Stevens, Hargrove and Kline

AN ACT Relating to technical reorganization of criminal statutes to simplify citation to offenses; amending RCW 2.48.180, 3.50.440, 4.24.320, 7.40.230, 9.05.030, 9.05.060, 9.08.065, 9.08.070, 9.16.080, 9.18.120, 9.18.130, 9.24.020, 9.24.030, 9.24.050, 9.26A.110, 9.35.020, 9.40.100, 9.40.120, 9.41.040, 9.41.042, 9.41.050, 9.45.020, 9.45.124, 9.45.126, 9.45.210, 9.45.220, 9.46.155, 9.46.215, 9.47.090, 9.47.120, 9.61.160, 9.61.230, 9.62.010, 9.68.060, 9.68A.090, 9.68A.150, 9.81.020, 9.81.030, 9.82.010, 9.86.020, 9.86.030, 9.91.140, 9.91.170, 9.94.010, 9.94.030, 9.94A.518, 9.94A.533, 9.94A.550, 9.94A.605, 9.94A.610, 9.94A.734, 9A.20.021, 9A.36.021, 9A.40.030, 9A.40.070, 9A.44.100, 9A.44.130, 9A.46.020, 9A.48.090, 9A.56.070, 9A.56.080, 9A.56.085, 9A.56.096, 9A.60.040, 9A.64.020, 9A.64.030, 9A.76.023, 9A.76.070, 9A.76.080, 9A.82.050, 9A.82.060, 9A.82.080, 9A.82.160, 9A.84.010, 9A.88.010, 10.66.090, 10.79.015, 10.79.040, 10.95.020, 13.40.070, 13.40.160, 13.40.193, 13.40.265, 14.20.020, 15.21.060, 15.24.200, 15.26.300, 15.30.250, 15.60.055, 15.61.050, 15.80.650, 16.52.015, 16.52.190, 16.52.193, 16.52.200, 16.52.230, 16.58.170, 16.65.440, 17.10.350, 17.21.310, 17.24.100, 18.04.370, 18.06.130, 18.06.140, 18.08.460, 18.32.675, 18.32.745, 18.32.755, 18.39.215, 18.39.217, 18.39.220, 18.39.231, 18.57.160, 18.64.045, 18.64.046, 18.64.047, 18.64.246, 18.64.270, 18.71.190, 18.92.230, 18.130.075, 18.130.190, 19.09.275, 19.25.020, 19.25.030, 19.25.040, 19.48.110, 19.68.010, 19.76.110, 19.86.145, 19.100.210, 19.105.480, 19.105.520, 19.110.120, 19.110.160, 19.116.080, 19.146.050, 19.146.110, 19.158.160, 20.01.482, 20.01.490, 21.20.400, 21.30.140, 24.06.465, 26.04.210, 28A.405.040, 28A.635.050, 28A.635.090, 28A.635.100, 28B.10.570, 28B.10.571, 28B.10.572, 28B.20.320, 28B.85.030, 29.04.120, 29.15.100, 29.15.110, 29.36.370, 29.51.200, 29.51.230, 29.79.440, 29.82.170, 30.04.240, 30.04.260, 30.12.090, 30.12.100, 30.12.120, 30.42.290, 30.44.110, 30.44.120, 31.12.724, 31.12.850, 32.04.100, 32.04.110, 32.24.080, 33.24.360, 35.32A.090, 35.36.040, 35A.36.040, 36.18.170, 36.28.060, 36.29.060, 36.32.210, 36.68.080, 36.69.180, 36.71.060, 36.75.130, 38.32.090, 38.32.120, 38.52.150, 39.44.101, 39.62.040, 40.16.010, 40.16.020, 40.16.030, 41.26.062, 41.32.055, 42.20.070, 42.20.090, 43.01.100, 43.06.220, 43.06.230, 43.08.140, 43.09.165, 43.19.1939, 43.22.300, 43.22.340, 43.30.310, 43.43.856, 43.70.185, 46.08.170, 46.09.130, 46.10.130, 46.12.070, 46.12.210, 46.12.220, 46.16.010, 46.44.175, 46.44.180, 46.52.010, 46.52.090, 46.55.020, 46.61.015, 46.61.020, 46.61.685, 46.64.010, 46.68.010, 46.70.021, 46.72.100, 46.72A.060, 46.72A.070, 46.80.020, 46.80.190, 46.87.260, 46.87.290, 47.36.180, 47.36.200, 47.36.250, 47.38.010, 47.41.070, 47.52.120, 47.68.233, 47.68.234, 47.68.240, 47.68.255, 48.06.030, 48.06.190, 48.17.480, 48.30.230, 48.30A.015, 48.31.105, 49.12.410, 49.28.010, 49.28.080, 49.28.100, 49.44.100, 49.44.120, 50.36.010, 50.36.020, 50.40.010, 51.48.040, 51.48.103, 51.48.280, 51.52.120, 53.08.220, 53.34.190, 61.12.030, 64.36.020, 64.36.210, 65.12.730, 65.12.740, 65.12.750, 65.12.760, 66.20.200, 66.28.200, 66.28.210, 66.28.220, 66.44.120, 66.44.180, 66.44.290, 67.24.010, 67.70.120, 67.70.130, 67.70.140, 68.28.060, 68.50.100, 68.50.140, 68.50.145, 68.50.150, 68.50.250, 68.50.610, 68.56.040, 69.04.060, 69.04.070, 69.07.150, 69.25.150, 69.25.160, 69.40.020, 69.40.030, 69.41.030, 69.41.040, 69.41.050, 69.41.070, 69.41.300, 69.41.320, 69.41.330, 69.50.402, 69.50.403, 69.50.406, 69.50.408, 69.50.410, 69.50.415, 69.50.416, 69.50.430, 69.50.440, 69.50.505, 69.90.020, 70.05.120, 70.54.090, 70.54.160, 70.58.280, 70.74.180, 70.94.430, 70.95D.100, 70.105.085, 70.106.140, 70.108.130, 70.110.040, 70.111.030, 70.122.090, 70.127.020, 72.23.170, 72.23.300, 74.08.055, 74.08.100, 74.08.331, 76.12.140, 76.36.035, 76.36.110, 76.36.120, 76.48.120, 77.15.194, 77.15.196, 77.15.198, 78.12.061, 79.01.072, 79.01.748, 79.01.810, 79.76.290, 79A.05.165, 80.28.190, 80.28.210, 81.04.390, 81.40.010, 81.40.040, 81.40.060, 81.40.080, 81.40.130, 81.44.085, 81.54.030, 81.56.150, 81.60.070, 81.60.080, 81.64.090, 81.64.160, 81.68.080, 82.08.0273, 82.08.050, 82.36.330, 82.36.400, 82.44.120, 82.45.090, 82.49.065, 82.50.170, 84.08.050, 84.36.387, 84.40.120, 84.40.340, 87.03.200, 87.03.490, 88.02.055, 88.02.118, 88.08.020, 88.08.050, 88.46.080, 90.03.400, 90.48.140, and 90.56.300; reenacting and amending RCW 9.94A.030, 9.94A.515, 9A.46.110, 9A.82.010, 13.40.0357, 18.64.245, 69.41.020, 69.50.401, and 69.50.435; adding new sections to chapter 9.08 RCW; adding a new section to chapter 9.26A RCW; adding a new section to chapter 9.40 RCW; adding new sections to chapter 9.91 RCW; adding new sections to chapter 9A.56 RCW; adding a new section to chapter 9A.60 RCW; adding a new section to chapter 9A.82 RCW; adding a new section to chapter 19.76 RCW; adding a new section to chapter 19.110 RCW; adding a new section to chapter 69.25 RCW; adding new sections to chapter 69.41 RCW; adding new sections to chapter 69.50 RCW; creating a new section; recodifying RCW 69.41.070; repealing RCW 9.16.090, 9.18.140, 9.45.230, 9.61.170, 9.61.180, 9.68A.140, 9.68A.160, 9.86.050, 9.94.020, 10.79.045, 16.52.195, 18.06.150, 18.64.247, 26.04.230, 28A.405.050, 28A.635.120, 28B.10.573, 28B.20.322, 28B.20.324, 28B.85.110, 29.51.215, 33.24.380, 36.28.070, 36.28.080, 36.28.140, 36.29.070, 36.32.215, 36.32.220, 36.32.225, 36.32.230, 36.75.140, 36.75.150, 43.01.110, 43.22.345, 47.36.210, 47.36.220, 47.36.230, 47.38.030, 48.30A.025, 49.28.020, 49.28.030, 49.28.082, 49.28.084, 49.28.110, 49.44.110, 49.44.130, 61.12.031, 64.36.230, 66.28.050, 66.44.291, 68.50.260, 69.90.040, 70.54.100, 70.54.170, 70.110.060, 70.111.050, 70.127.210, 78.12.062, 81.40.030, 81.40.050, 81.40.070, 81.40.090, 81.40.120, 81.40.140, 81.60.090, 81.64.100, 81.64.110, and 81.64.170; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 5759 by Senators Benton, Kohl-Welles and Esser

AN ACT Relating to studying low-income rent vouchers; and creating a new section.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5760 by Senators Prentice, Roach, Fairley, Rasmussen, T. Sheldon, Horn, McAuliffe, Winsley, Thibaudeau, Kohl-Welles, Shin and Kline

AN ACT Relating to employment opportunities for people with disabilities; amending RCW 43.19.520, 43.19.525, and 43.19.530; adding new sections to chapter 43.19 RCW; adding new sections to chapter 50.40 RCW; and providing expiration dates.

Referred to Committee on Government Operations and Elections.

SB 5761 by Senators T. Sheldon and Shin

AN ACT Relating to industrial projects of statewide significance; and amending RCW 43.157.010, 43.157.020, 43.157.030, 43.42.050, and 43.42.060.

Referred to Committee on Economic Development.

SB 5762 by Senators Sheahan, Eide and Esser

AN ACT Relating to failure to pay small claims judgments; and amending RCW 12.40.105.

Referred to Committee on Judiciary.

SB 5763 by Senators Thibaudeau, Eide, Sheahan, Brandland and McAuliffe

AN ACT Relating to hearings for antiharassment protection orders; and amending RCW 10.14.070.

Referred to Committee on Judiciary.

SB 5764 by Senators Roach, T. Sheldon, Swecker, Winsley, Rasmussen and Franklin

AN ACT Relating to fluoridation of public water systems; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5765 by Senator Honeyford (by request of Employment Security Department)

AN ACT Relating to correcting rate class 16 in schedule B by amending RCW 50.29.025 and making no other changes; and amending RCW 50.29.025.

Referred to Committee on Commerce and Trade.

SB 5766 by Senators Roach, Reardon, Kastama, Stevens, McCaslin, Esser, McAuliffe, Rasmussen and Hale

AN ACT Relating to providing businesses with notice of administrative rules; amending RCW 34.05.220 and 34.05.312; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5767 by Senators Roach and Kastama (by request of Office of Financial Management)

AN ACT Relating to the recoupment of state employee salary and wage overpayments; and adding new sections to chapter 49.48 RCW.

Referred to Committee on Government Operations and Elections.

SB 5768 by Senators Honeyford, Stevens, Horn, Esser, Schmidt, West, Hale and Deccio

AN ACT Relating to establishing an adjusted minimum tipped wage rate; amending RCW 49.46.020; adding a new section to chapter 49.46 RCW; and declaring an emergency.

Referred to Committee on Commerce and Trade.

SB 5769 by Senators Horn, Haugen, Swecker, Esser and Kline

AN ACT Relating to regional transportation investment district bond authority; and amending RCW 36.120.130.

Referred to Committee on Highways and Transportation.

SB 5770 by Senators Horn, Haugen, Swecker and Kline

AN ACT Relating to the regulation of motorized foot scooters; amending RCW 46.04.332, 46.16.010, 46.20.500, 46.61.710, and 46.81A.010; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Highways and Transportation.

SB 5771 by Senators Shin, Hewitt, Keiser, Franklin, Kastama, Honeyford, Prentice and Mulliken

AN ACT Relating to regulation of the sale of beer containing more than five and seven-tenths percent of alcohol by weight; amending RCW 66.04.010, 66.24.360, and 66.24.371; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Commerce and Trade.

SB 5772 by Senators Benton, Morton, Stevens, Roach, Mulliken, Horn, Oke and Kline

AN ACT Relating to the compulsory study of the United States Constitution and the Declaration of Independence and other foundational historical documents of importance to United States citizens; amending RCW 28A.230.170; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Education.

SB 5773 by Senators Carlson, Zarelli and Esser

AN ACT Relating to accountability requirements under the public accountancy act; amending RCW 18.04.195, 18.04.215, 18.04.295, 18.04.390, and 18.04.370; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5774 by Senators Carlson and Esser

AN ACT Relating to creating the Washington voluntary accounts program; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 41 RCW.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5775 by Senators Oke, Doumit, Swecker, Carlson, McAuliffe, Rasmussen, Winsley, Regala, Brown, Prentice, Fairley, Schmidt, Kohl-Welles, Shin and Jacobsen

AN ACT Relating to state parks and outdoor recreation funding; amending RCW 77.32.380, 4.24.210, 82.49.010, 82.49.030, 82.49.040, 82.49.050, 82.49.060, 82.49.065; and 79A.05.070; adding a new section to chapter 79A.25 RCW; adding new sections to chapter 82.49 RCW; adding a new chapter to Title 79A RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Parks, Fish and Wildlife.

SB 5776 by Senators Doumit, Morton, Hargrove, Mulliken, Rasmussen, Swecker, Haugen, Zarelli, Reardon, Parlette, McAuliffe and Winsley

AN ACT Relating to review of permit decisions by state agencies; and adding a new chapter to Title 43 RCW.

Referred to Committee on Land Use and Planning.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1012 by House Committee on Judiciary (originally sponsored by Representatives Bush, Veloria, Miloscia, Kirby, Kenney, Dunshee and Conway)

Regarding residential landlord-tenant relationships.

Referred to Committee on Judiciary.

SHB 1019 by House Committee on State Government (originally sponsored by Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove)

Protecting the identity of electronic toll payers.

Referred to Committee on Highways and Transportation.

SHB 1021 by House Committee on State Government (originally sponsored by Representatives Nixon and Mielke)

Eliminating drop-in inspections of campaign accounts.

Referred to Committee on Government Operations and Elections.

SHB 1063 by House Committee on Capital Budget (originally sponsored by Representatives Morrell, Alexander, Dunshee, Lovick, Veloria, Upthegrove, Chase, McDermott, Morris, Schual-Berke, Kenney, Cody and Moeller)

Concerning projects to be funded by loans from the public works assistance account.

Referred to Committee on Ways and Means.

SHB 1075 by House Committee on Finance (originally sponsored by Representatives Blake, Cairnes and Gombosky)

Clarifying 2001 statutory changes made to forest tax statutes.

Referred to Committee on Ways and Means.

HB 1084 by Representatives Hunter, Benson and Schual-Berke (by request of Insurance Commissioner Kreidler)

Regulating automobile insurance.

Referred to Committee on Financial Services, Insurance and Housing.

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

Forwarding grain when an emergency storage situation exists.

Referred to Committee on Agriculture.

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

Moving a web site address from statute to rule.

Referred to Committee on Agriculture.

EHB 1152 by Representatives Haigh, Woods, Miloscia, Armstrong, Hunt, Nixon, Shabro, Sehlin and Anderson (by request of Secretary of State Reed)

Revising funding of the archives division.

Referred to Committee on Government Operations and Elections.

HB 1154 by Representatives Haigh, Woods, Miloscia, Armstrong, Hunt, Nixon, Shabro, Sehlin, Tom, Wallace, Conway and McDermott (by request of Secretary of State Reed)

Funding oral history and archives activities.

Referred to Committee on Government Operations and Elections.

HB 1246 by Representatives Linville, Schoesler, Rockefeller, Sump, Orcutt, Quall, Upthegrove and Mielke (by request of Commissioner of Public Lands Sutherland)

Authorizing the department of natural resources to accept gifts of aquatic land.

Referred to Committee on Natural Resources, Energy and Water.

HB 1247 by Representatives Eickmeyer, Schoesler, Rockefeller, Sump, Linville, Orcutt, Mielke and Woods (by request of Commissioner of Public Lands Sutherland)

Determining a "highest responsible bidder" for valuable materials from state-owned aquatic lands.

Referred to Committee on Natural Resources, Energy and Water.

SHB 1295 by House Committee on Health Care (originally sponsored by Representatives Morrell, Bailey, Cody, Kenney and Campbell) (by request of Department of Health)

Eliminating barriers to initial licensure in health professions.

Referred to Committee on Health and Long-Term Care.

HB 1296 by Representatives Moeller and Pflug (by request of Department of Health)

Making corrections to the department of health's professional and facilities licensing provisions.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Sheahan, Senate Rule 20 was suspended for today's session.

EDITOR'S NOTE: Senate Rule 20 states: 'The Senate shall consider no more than one floor resolution per day in session.'

MOTION

On motion of Senator Eide, the following resolution was adopted:

SENATE RESOLUTION 8609

By Senators Eide, Kline, Haugen, Jacobsen, Fairley, Stevens, Johnson, Schmidt, Franklin, Prentice, Winsley, Thibaudeau, Kohl-Welles, Regala, T. Sheldon, Shin, Mulliken, Kastama, Sheahan, Horn, Rossi, Parlette, Deccio, Rasmussen, Finkbeiner, Doumit, Keiser, Brown, Carlson, McAuliffe, Esser, Fraser, Reardon, Roach, Oke, Hewitt, Spanel, Zarelli, Hargrove and B. Sheldon

WHEREAS, The Washington State Parent Teacher Association was founded as a child advocacy organization in 1905; and

WHEREAS, The Washington State Parent Teacher Association has worked diligently for nearly one hundred years to advocate on behalf of every child in this state; and

WHEREAS, The Washington State Parent Teacher Association is the largest child advocacy organization in Washington; and

WHEREAS, The Washington State Parent Teacher Association is the only child advocacy organization that advocates on behalf of the whole child, including health, education, safety, and welfare issues for children; and

WHEREAS, The Washington State Parent Teacher Association continues to be a leader in advocating the importance of parental involvement in their children's lives; and

WHEREAS, The Washington State Parent Teacher Association has long had a presence in the policy-setting arena where children's issues are being considered; and

WHEREAS, The Washington State Parent Teacher Association is looked to by its members, the public, and policymakers as a credible resource on issues affecting children;

NOW, THEREFORE, BE IT RESOLVED, That the Senate publicly recognize the accomplishments of the Washington State Parent Teacher Association toward improving the life of every child in Washington; and

BE IT FURTHER RESOLVED, That the Senate recognize the importance of considering the needs of the whole child in public policy decisions; and

BE IT FURTHER RESOLVED, That the Senate laud the commitment of the Washington State Parent Teacher Association and its members on behalf of all children; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Parent Teacher Association.

Senators Eide, Brown, Sheahan and Johnson spoke to Senate Resolution 8609.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the following PTA officers and supporters, who were seated in the back of the chamber: Carol Cain, Jean Carpenter, John Stokes, Mary Kenfield, Patty Weiser and Linda Hanson

MOTION

On motion of Senator Winsley, the following resolution was adopted:

SENATE RESOLUTION 8612

By Senators Winsley, Haugen, McAuliffe, Spanel, Regala, Shin, Eide, Parlette, Sheahan, Brown, Thibaudeau, Prentice, Jacobsen, Fraser, Schmidt, Kohl-Welles, Rasmussen, Hale, Fairley and Johnson

WHEREAS, Practice of the Arts nurtures the mindful advancement of our culture and offers personal fulfillment and mutual understanding available through the unique self-exploration intrinsic to the Arts; and

WHEREAS, The Arts are not a luxury but are as essential to our lives as the air we breathe, an end unto themselves, and a necessary method of creating a compassionate, passionate, aware, and respectful society; and

WHEREAS, Public support for the Arts plays a crucial role in maintaining the vitality of our state; and

WHEREAS, Artists, patrons, and supporters come to Olympia from every corner of the state to attend Arts Day, to celebrate and bring to light the Arts as an essential part of our community life;

NOW THEREFORE, BE IT RESOLVED, That the Senate recognize Arts Day, February 11, 2003.

Senators Winsley, Haugen, Thibaudeau and McAuliffe spoke to Senate Resolution 8612.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 8617

By Senators Kohl-Welles, Jacobsen, Carlson, Prentice, McAuliffe, Shin, Eide, Thibaudeau, Sheahan, Johnson, Keiser, Regala, B. Sheldon, Spanel, Horn, Schmidt, Fraser, Doumit, Franklin, Rasmussen, Reardon, Kline and Esser

WHEREAS, Participation in athletics is one of the most effective ways for students in the United States to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activity contributes to emotional and physical well-being, and both males and females can benefit from both strong minds and strong bodies; and

WHEREAS, The communication, competition, and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, Individuals who participate in sports have higher levels of self esteem, less depression, and a reduced risk for disease and other illness; and

WHEREAS, Girls and women historically have had fewer opportunities to participate in school and professional athletics but have made major gains in participation in recent decades; and

WHEREAS, Title IX, the federal law prohibiting sex discrimination in schools and colleges receiving federal funds, has aided in increasing the national average number of women's sports from 2.2 to 7.7; and

WHEREAS, The state of Washington honors the struggle, perseverance, and strength of women who have paved the way for Washington's female athletes; and

WHEREAS, 66,083 female athletes participate in high school sports in Washington, constituting forty-three percent of the total number of athletes as compared to the national average of women participating in sports in high school which is forty-one percent and

WHEREAS, High school athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women to promote the values of teamwork and cooperation. Examples of successful high school teams include: Seattle Prep, winner of the 2002 WIAA State Volleyball Championship; Snohomish High School, winner of the Girls 2002 WIAA State Cross Country Championship; and Mercer Island High School, winner of the 2002 WIAA State Women's Tennis Championship; and

WHEREAS, Washington colleges and universities have fostered outstanding achievements in women's athletics, including: The University of Washington's Women Crew Team, the winner of three NCAA Division 1 Championships; the naming of Anna Mickelson as NCAA Woman of the Year for her accomplishments on the UW Crew Team; and the naming of Jen Barcus League and State MVP for her accomplishments on the Washington State University Volleyball Team, as well as the Seattle Times State 2A Girls Basketball Player of the Year; and

WHEREAS, Institutions of higher education continue to produce elite athletes competing with pride, commitment, and passion. The participation of Washington female collegiate athletes is among the highest in the country at forty-eight percent when compared to men. The participation rate of female athletes in community colleges in Washington is forty-six when compared to men. Currently, there are two hundred-fifty female athletes participating at Central Washington University, one hundred-ninety female athletes participating at Eastern Washington University, fifty-six female athletes participating at The Evergreen State College, one hundred ninety-five female athletes participating at Pacific Lutheran University, one hundred twenty-five female athletes participating at Seattle Pacific University, one hundred fifteen female athletes participating at Gonzaga University, one hundred female athletes participating at Seattle University, forty-eight female athletes participating at St. Martin's College, two hundred forty-six female athletes participating at the University of Puget Sound, three hundred twenty-four female athletes participating at the University of Washington, two hundred forty-eight female athletes participating at Washington State University, one hundred eighty-six female athletes participating at Western Washington University, forty-one female athletes participating at Walla Walla College, forty-two female athletes participating at Whitman College, and forty-eight female athletes participating at Whitworth College; and

WHEREAS, Washington is honored to host the Seattle Storm, a professional women's basketball sports team, and new Head Coach Anne Donovan and the thirteen professional women athletes on the team, who have proven that women's sports do not end at the collegiate level; and

WHEREAS, Sue Bird, point guard for the Seattle Storm, was named the Seattle P-I's Sports Star of the Year at the Sixty-eighth Annual Awards; and

WHEREAS, The state of Washington is honored to have Barbara Hedges, Athletic Director at the University of Washington, paving the way for women in athletics administration. Women across the country are underrepresented in leadership positions of coaches, officials, and sports administrators, and there is a demonstrated need for women to serve in these positions to ensure a fair representation of the abilities of women and to provide role models for young female athletes; and

WHEREAS, The number of funded research projects focusing on the specific needs of female athletes is limited, and the information provided by the projects is imperative to the health and performance of future female athletes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Washington Girls and Women in Sports Day on February 6, 2003, and encourage others to observe the day with appropriate ceremonies and activities.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Amanda Lassitier, Adia Barnes, Seattle Storm Basketball Players, as well as Jillian Markey, Community Relations Assistant for the Seattle Storm. Also introduced and welcomed were Jan Harville, Head Women's Varsity Crew Coach and Lesle Gallimore, Head Women's Soccer Coach, from the University of Washington.

MOTION

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

SECOND READING

SENATE BILL NO. 5044, by Senators Rasmussen, Roach, Winsley, Kastama and Schmidt

Giving notice of the termination of a tenancy.

MOTIONS

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5044 was substituted for Senate Bill No. 5044 and the substitute Senate bill was advanced to second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5044.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5044 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5256, by Senators Roach, Doumit, Hale, Kastama, Mulliken, T. Sheldon, Haugen, Hewitt, Stevens, Zarelli, Parlette, Horn, Rossi and Johnson

Revising rule-making procedures.

The bill was read the second time.

MOTION

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

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 34.05.320 and 1995 c 403 s 302 are each amended to read as follows:

(1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A title, a description of the rule's purpose, and any other information which may be of assistance in identifying the rule or its purpose;

(b) Citations of the statutory authority for adopting the rule and the specific statute the rule is intended to implement;

(c) A summary of the rule and a statement of the reasons supporting the proposed action;

(d) The agency personnel, with their office location and telephone number, who are responsible for the drafting, implementation, and enforcement of the rule;

(e) The name of the person or organization, whether private, public, or governmental, proposing the rule;

(f) Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule;

(g) Whether the rule is necessary as the result of federal law or federal or state court action, and if so, a copy of such law or court decision shall be attached to the purpose statement;

(h) When, where, and how persons may present their views on the proposed rule;

(i) The date on which the agency intends to adopt the rule;

(j) A short explanation of the rule, its purpose, and anticipated effects, including in the case of a proposal that would modify existing rules, a short description of the changes the proposal would make;

(k) A copy of the small business economic impact statement prepared under chapter 19.85 RCW, or an explanation for why the agency did not prepare the statement; ~~(and)~~

(l) A statement indicating whether RCW 34.05.328 applies to the rule adoption; and

~~(m) If RCW 34.05.328 does apply, a statement indicating that a copy of the preliminary cost-benefit analysis described in RCW 34.05.328(1)(c) is available.~~

(2) Upon filing notice of the proposed rule with the code reviser, the adopting agency shall have copies of the notice on file and available for public inspection and shall forward three copies of the notice to the rules review committee.

(3) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person, city, and county that has made a request to the agency for a mailed copy of such notices. An agency may charge for the actual cost of providing a requesting party mailed copies of these notices.

(4) In addition to the notice required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution at least seven days before the rule-making hearing.

Sec. 2. RCW 34.05.328 and 1997 c 430 s 1 are each amended to read as follows:

(1) Before adopting a rule described in subsection (5) of this section, an agency shall:

(a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements;

(b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;

~~(c) Provide notification in the notice of proposed rule making under RCW 34.05.320 that a preliminary cost-benefit analysis is available. The preliminary cost-benefit analysis must fulfill the requirements of the cost-benefit analysis under (d) of this subsection. If the agency files a supplemental notice under RCW 34.05.340, the supplemental notice shall include notification that a revised preliminary cost-benefit analysis is available. A final cost-benefit analysis shall be available when the rule is adopted under RCW 34.05.360.~~

~~(d) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented;~~

~~((d))~~ (e) Determine, after considering alternative versions of the rule and the analysis required under (b) ~~((and))~~, (c), and (d) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection;

~~((e))~~ (f) Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law;

~~((f))~~ (g) Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law;

~~((g))~~ (h) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by the following:

(I) A state statute that explicitly allows the agency to differ from federal standards; or

(ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated under (a) of this subsection; and

~~((h))~~ (I) Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

(2) In making its determinations pursuant to subsection (1)(b) through ~~((g))~~ (h) of this section, the agency shall place in the rule-making file documentation of sufficient quantity and quality so as to persuade a reasonable person that the determinations are justified.

(3) Before adopting rules described in subsection (5) of this section, an agency shall place in the rule-making file a rule implementation plan for rules filed under each adopting order. The plan shall describe how the agency intends to:

(a) Implement and enforce the rule, including a description of the resources the agency intends to use;

(b) Inform and educate affected persons about the rule;

(c) Promote and assist voluntary compliance; and

(d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.

(4) After adopting a rule described in subsection (5) of this section regulating the same activity or subject matter as another provision of federal or state law, an agency shall do all of the following:

(a) Provide to the business assistance center a list citing by reference the other federal and state laws that regulate the same activity or subject matter;

(b) Coordinate implementation and enforcement of the rule with the other federal and state entities regulating the same activity or subject matter by making every effort to do one or more of the following:

(I) Deferring to the other entity;

(ii) Designating a lead agency; or

(iii) Entering into an agreement with the other entities specifying how the agency and entities will coordinate implementation and enforcement.

If the agency is unable to comply with this subsection (4)(b), the agency shall report to the legislature pursuant to (c) of this subsection;

(c) Report to the joint administrative rules review committee:

(I) The existence of any overlap or duplication of other federal or state laws, any differences from federal law, and any known overlap, duplication, or conflict with local laws; and

(ii) Make recommendations for any legislation that may be necessary to eliminate or mitigate any adverse effects of such overlap, duplication, or difference.

(5)(a) Except as provided in (b) of this subsection, this section applies to:

(I) Significant legislative rules of the departments of ecology, labor and industries, health, revenue, social and health services, and natural resources, the employment security department, the forest practices board, the office of the insurance commissioner, and to the legislative rules of the department of fish and wildlife implementing chapter ~~((75-20))~~ 77.55 RCW; and

(ii) Any rule of any agency, if this section is voluntarily made applicable to the rule by the agency, or is made applicable to the rule by a majority vote of the joint administrative rules review committee within forty-five days of receiving the notice of proposed rule making under RCW 34.05.320.

(b) This section does not apply to:

(I) Emergency rules adopted under RCW 34.05.350;

(ii) Rules relating only to internal governmental operations that are not subject to violation by a nongovernment party;

(iii) Rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;

(iv) Rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect;

(v) Rules the content of which is explicitly and specifically dictated by statute;

(vi) Rules that set or adjust fees or rates pursuant to legislative standards; or

(vii) Rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.

(c) For purposes of this subsection:

(I) A "procedural rule" is a rule that adopts, amends, or repeals (A) any procedure, practice, or requirement relating to any agency hearings; (B) any filing or related process requirement for making application to an agency for a license or permit; or (C) any policy statement pertaining to the consistent internal operations of an agency.

(ii) An "interpretive rule" is a rule, the violation of which does not subject a person to a penalty or sanction, that sets forth the agency's interpretation of statutory provisions it administers.

(iii) A "significant legislative rule" is a rule other than a procedural or interpretive rule that (A) adopts substantive provisions of law pursuant to delegated legislative authority, the violation of which subjects a violator of such rule to a penalty or sanction; (B) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; or (C) adopts a new, or makes significant amendments to, a policy or regulatory program.

(d) In the notice of proposed rule making under RCW 34.05.320, an agency shall state whether this section applies to the proposed rule pursuant to (a)(I) of this subsection, or if the agency will apply this section voluntarily.

(6) By January 31, 1996, and by January 31st of each even-numbered year thereafter, the office of financial management, after consulting with state agencies, counties, and cities, and business, labor, and environmental organizations, shall report to the governor and the legislature regarding the effects of this section on the regulatory system in this state. The report shall document:

(a) The rules proposed to which this section applied and to the extent possible, how compliance with this section affected the substance of the rule, if any, that the agency ultimately adopted;

(b) The costs incurred by state agencies in complying with this section;

(c) Any legal action maintained based upon the alleged failure of any agency to comply with this section, the costs to the state of such action, and the result;

(d) The extent to which this section has adversely affected the capacity of agencies to fulfill their legislatively prescribed mission;

(e) The extent to which this section has improved the acceptability of state rules to those regulated; and

(f) Any other information considered by the office of financial management to be useful in evaluating the effect of this section.

Sec. 3. RCW 50.13.060 and 2000 c 134 s 2 are each amended to read as follows:

(1) Governmental agencies, including law enforcement agencies, prosecuting agencies, and the executive branch, whether state, local, or federal shall have access to information or records deemed private and confidential under this chapter if the information or records are needed by the agency for official purposes and:

(a) The agency submits an application in writing to the employment security department for the records or information containing a statement of the official purposes for which the information or records are needed and specific identification of the records or information sought from the department; and

(b) The director, commissioner, chief executive, or other official of the agency has verified the need for the specific information in writing either on the application or on a separate document; and

(c) The agency requesting access has served a copy of the application for records or information on the individual or employing unit whose records or information are sought and has provided the department with proof of service. Service shall be made in a manner which conforms to the civil rules for superior court. The requesting agency shall include with the copy of the application a statement to the effect that the individual or employing unit may contact the public records officer of the employment security department to state any objections to the release of the records or information. The employment security department shall not act upon the application of the requesting agency until at least five days after service on the concerned individual or employing unit. The employment security department shall consider any objections raised by the concerned individual or employing unit in deciding whether the requesting agency needs the information or records for official purposes.

(2) The requirements of subsections (1) and (9) of this section shall not apply to the state legislative branch. The state legislature shall have access to information or records deemed private and confidential under this chapter, if the legislature or a legislative committee finds that the information or records are necessary and for official purposes. If the employment security department does not make information or records available as provided in this subsection, the legislature may exercise its authority granted by chapter 44.16 RCW.

(3) In cases of emergency the governmental agency requesting access shall not be required to formally comply with the provisions of subsection (1) of this section at the time of the request if the procedures required by subsection (1) of this section are complied with by the requesting agency following the receipt of any records or information deemed private and confidential under this chapter. An emergency is defined as a situation in which irreparable harm or damage could occur if records or information are not released immediately.

(4) The requirements of subsection (1)(c) of this section shall not apply to governmental agencies where the procedures would frustrate the investigation of possible violations of criminal laws or to the release of employing unit names, addresses, number of employees, and aggregate employer wage data for the purpose of state governmental agencies preparing small business economic impact statements under chapter 19.85 RCW or preparing cost-benefit analyses under RCW 34.05.328(1) (c) and (d). Information provided by the department and held to be private and confidential under state or federal laws must not be misused or released to unauthorized parties. A person who misuses such information or releases such information to unauthorized parties is subject to the sanctions in RCW 50.13.080.

(5) Governmental agencies shall have access to certain records or information, limited to such items as names, addresses, social security numbers, and general information about benefit entitlement or employer information possessed by the department, for comparison purposes with records or information possessed by the requesting agency to detect improper or fraudulent claims, or to determine potential tax liability or employer compliance with registration and licensing requirements. In those cases the governmental agency shall not be required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied.

(6) Governmental agencies may have access to certain records and information, limited to employer information possessed by the department for purposes authorized in chapter 50.38 RCW. Access to these records and information is limited to only those individuals conducting authorized statistical analysis, research, and evaluation studies. Only in cases consistent with the purposes of chapter 50.38 RCW are government agencies not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section must be satisfied. Information provided by the department and held to be private and confidential under state or federal laws shall not be misused or released to unauthorized parties subject to the sanctions in RCW 50.13.080.

(7) Disclosure to governmental agencies of information or records obtained by the employment security department from the federal government shall be governed by any applicable federal law or any agreement between the federal government and the employment security department where so required by federal law. When federal law does not apply to the records or information state law shall control.

(8) The department may provide information for purposes of statistical analysis and evaluation of the WorkFirst program or any successor state welfare program to the department of social and health services, the office of financial management, and other governmental entities with oversight or evaluation responsibilities for the program in accordance with RCW 43.20A.080. The confidential information provided by the department shall remain the property of the department and may be used by the authorized requesting agencies only for statistical analysis, research, and evaluation purposes as provided in RCW 74.08A.410 and 74.08A.420. The department of social and health services, the office of financial management, or other governmental entities with oversight or evaluation responsibilities for the program are not required to comply with subsection (1)(c) of this section, but the requirements of the remainder of subsection (1) of this section and applicable federal laws and regulations must be satisfied. The confidential information used for evaluation and analysis of welfare reform supplied to the authorized requesting entities with regard to the WorkFirst program or any successor state welfare program are exempt from public inspection and copying under RCW 42.17.310.

(9) The disclosure of any records or information by a governmental agency which has obtained the records or information under this section is prohibited unless the disclosure is directly connected to the official purpose for which the records or information were obtained.

(10) In conducting periodic salary or fringe benefit studies pursuant to law, the department of personnel shall have access to records of the employment security department as may be required for such studies. For such purposes, the requirements of subsection (1)(c) of this section need not apply.

(11)(a) To promote the reemployment of job seekers, the commissioner may enter into data-sharing contracts with partners of the one-stop career development system. The contracts shall provide for the transfer of data only to the extent that the transfer is necessary for the efficient provisions of work force programs, including but not limited to public labor exchange, unemployment insurance, worker training and retraining, vocational rehabilitation, vocational education, adult education, transition from public assistance, and support services. The transfer of information under contracts with one-stop partners is exempt from subsection (1)(c) of this section.

(b) An individual who applies for services from the department and whose information will be shared under (a) of this subsection (11) must be notified that his or her private and confidential information in the department's records will be shared among the one-stop partners to facilitate the delivery of one-stop services to the individual. The notice must advise the individual that he or she may request that private and confidential information not be shared among the one-stop partners and the department must honor the request. In addition, the notice must:

(i) Advise the individual that if he or she requests that private and confidential information not be shared among one-stop partners, the request will in no way affect eligibility for services;

(ii) Describe the nature of the information to be shared, the general use of the information by one-stop partner representatives, and among whom the information will be shared;

(iii) Inform the individual that shared information will be used only for the purpose of delivering one-stop services and that further disclosure of the information is prohibited under contract and is not subject to disclosure under RCW 42.17.310; and

(iv) Be provided in English and an alternative language selected by the one-stop center or job service center as appropriate for the community where the center is located.

If the notice is provided in-person, the individual who does not want private and confidential information shared among the one-stop partners must immediately advise the one-stop partner representative of that decision. The notice must be provided to an individual who applies for services telephonically, electronically, or by mail, in a suitable format and within a reasonable time after applying for services, which shall be no later than ten working days from the department's receipt of the application for services. A one-stop representative must be available to answer specific questions regarding the nature, extent, and purpose for which the information may be shared.

(12) To facilitate improved operation and evaluation of state programs, the commissioner may enter into data-sharing contracts with other state agencies only to the extent that such transfer is necessary for the efficient operation or evaluation of outcomes for those programs. The transfer of information by contract under this subsection is exempt from subsection (1)(c) of this section.

(13) The misuse or unauthorized release of records or information by any person or organization to which access is permitted by this chapter subjects the person or organization to a civil penalty of five thousand dollars and other applicable sanctions under state and federal law. Suit to enforce this section shall be brought by the attorney general and the amount of any penalties collected shall be paid into the employment security department administrative contingency fund. The attorney general may recover reasonable attorneys' fees for any action brought to enforce this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Roach to Engrossed Senate Bill No. 5256.

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

MOTIONS

On motion of Senator Roach, the following title amendment was adopted:

On line 1 of the title, after "procedures;" strike the remainder of the title and insert "and amending RCW 34.05.320, 34.05.328, and 50.13.060."

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5256 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5256.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5256 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 48.

Voting nay: Senator Thibaudeau - 1

ENGROSSED SENATE BILL NO. 5256, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5257, by Senators Roach, Doumit, Hale, Mulliken, T. Sheldon, Hewitt, Stevens, Parlette, Horn, Rossi, Benton, Johnson, Rasmussen and Esser

Requiring gubernatorial approval of all agency rules.

The bill was read the third time.

MOTION

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 34.05.360 and 1988 c 288 s 311 are each amended to read as follows:

The order of adoption by which each rule is adopted by an agency shall contain all of the following:

(1) If the head of the agency is appointed by the governor, then the signature of the governor is required for significant legislative rules; (2) The date the agency adopted the rule

((2)) (3) A concise statement of the purpose of the rule;

((3)) (4) A reference to all rules repealed, amended, or suspended by the rule;

((4)) (5) A reference to the specific statutory or other authority authorizing adoption of the rule;

((5)) (6) Any findings required by any provision of law as a precondition to adoption or effectiveness of the rule; and

((6)) (7) The effective date of the rule if other than that specified in RCW 34.05.380(2)."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kastama and Roach to Senate Bill No. 5257.

The motion by Senator Kastama carried and the striking amendment was adopted:

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senator Horn: "Senator Roach, I notice that we've had testimony from the Governor's Office that this would mean the end of hunting and fishing as we know it. Now, I know that the Senator from the Twenty-sixth District is always into something if it affects hunting and fishing and I see him very, very relaxed down there in the front row. Could you tell me how this bill would end hunting and fishing as we know it?"

Senator Roach: "Well, I thought you were going to ask the Senator from the Forty-fifth District how the Senator from the Twenty-sixth District thinks--and I couldn't do it--I can't answer that. Your question did regard Fish and Wildlife. That is the way the bill originally was--the way the bill was originally put together. The Governor would be signing for each one. I suppose if you were testifying against the bill as it was originally constructed, they would not want to have the Governor deciding what happens to Fish and Wildlife. So, obviously, the opponent of that bill at that time was worried that the Governor, himself, would be hacking up the Fish and Wildlife and nothing left for all of us. I don't know. As it turns out, the Fish and Wildlife and any other that is headed by a commission will not be affected by this.

"Other statewide elected officials--Secretary of State, the Auditor, Treasurer and so forth--will not have their rules reviewed by the Governor, because they are separate in their elected offices. Any rule that is promulgated through a commission process is not included--only those that are through departments headed by the Governor--Gubernatorial Appointees, which in this case would be a vast array. We are certainly doing a lot here. Thank you."

Senator Horn: "Thank you, Senator Roach, for sharing the Senator from the Twenty-sixth District and my self that hunting and fishing would continue as we know it today."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5257.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5257 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Fairley, Franklin, Jacobsen, Kline, McAuliffe, Prentice, Spanel and Thibaudeau - 8.

ENGROSSED SENATE BILL NO. 5257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5255, by Senators Roach, Hale, Stevens, Mulliken, T. Sheldon, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

Limiting the rule-making authority of certain entities to those instances where there is a specific grant of legislative authority.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 1, after line 10 insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.06 RCW to read as follows:

Upon issuance of a proclamation of an emergency by the governor as authorized by RCW 43.06.210, nothing in sections 2 through 36 of this act shall prohibit an agency from adopting emergency rules to address circumstances affecting life, health, property or the public peace addressed in the emergency proclamation."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 1, after line 10, to Senate Bill No. 5255.

The motion by Senator Hargrove carried and the amendment was adopted.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5255 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5255 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

ENGROSSED SENATE BILL NO. 5255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I have the dubious honor of listening for freshman making their first speech. I wish I had a film of this back here. Several of you held up the wrong finger. Now, I want to point out that Senator Schmidt passed out lotto tickets. It took me two days to figure that I had lost, so we don't need lotto tickets. The fish was excellent! Let's see who else passed out something. Anyway, Senator Brandland talked twice as much as the two freshmen Democrats. I think he should give us twice as much as they gave him. Most of the preference in this body is food--as you can tell--we enjoy eating and speaking. I have to be careful because I understand he still has his equipment from his old job as sheriff and he is taller than I am and younger and heavier and probably a better fighter. I would appreciate and so would the others of having something eatable, delicious, so we don't have to have salt or pepper or spices. Can you handle that Senator Brandland? There is no need to respond, you made your speech."

PERSONAL PRIVILEGE

Senator Brandland: "A point of personal privilege, Mr. President. I am not sure how to respond to that, Mr. President, but I do come prepared for a response. I know that in the past, some of you have done your best to supply Senator McCaslin and the rest of the group with food and other delicacies. I know that Senator Parlette brought cherries. I have to tell you that I am afraid that I tend to go the other direction. I was thinking more in the line of a six pack, but what I came up with was a six pack of toilet paper. Now, I would like you to know that this is not a reflection on the regulatory bills that we passed here today. I would also appreciate, if you do not need to comment on how you use this or whether you enjoyed it. I would like you to know that the Georgia Pacific Corporation--I went to a great deal of effort to get seven cases of these up here. I will be making sure that each one of you is given one of these.

"Now, it also came to my attention that Senator Hargrove--he actually brought it up today--because early in my campaign I was told that when I go to Olympia I might not be the brightest bulb in the room. I don't know if you are aware of it, but my wife owns the nicest lighting store in Western Washington. So, naturally, I assumed what I would need would be light bulbs. I was assuming that some of you might have dim bulbs, as well, and so I will have a package of light bulbs delivered to each of you, as well. Thank you very much."

Senator Deccio asked Senator Brandland to yield to a question, but the Senator declined.

MOTION

At 11:53 a.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Wednesday, February 12, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 11, 2003

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

THIRTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, February 12, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5055 Prime Sponsor, Senator Fairley: Changing limits on costs of incarceration charged to offenders. Reported by February 11, 2003
Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5055 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

SB 5089 Prime Sponsor, Senator Carlson: Allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2. Reported by February 10, 2003
Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5089 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

SB 5101 Prime Sponsor, Senator Carlson: Correcting retirement system statutes. Reported by Committee on Ways and February 10, 2003
Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

SB 5112 Prime Sponsor, Senator Oke: Concerning distributions from the outdoor recreation account. Reported by February 11, 2003
Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Spanel and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

SB 5149 Prime Sponsor, Senator Benton: Preventing businesses from taking multiple tax credits on the same employment February 10, 2003
positions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

SB 5168 Prime Sponsor, Senator Hargrove: Authorizing reduction of interest on legal financial obligations. Reported by February 11, 2003
Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5168 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5169 Prime Sponsor, Senator Hargrove: Changing provisions relating to court-ordered restitution in certain criminal cases. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5169 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5197 Prime Sponsor, Senator Swecker: Moving a web site address from statute to rule. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 12, 2003

SB 5209 Prime Sponsor, Senator Deccio: Concerning actions for injury or damage against a health care provider based upon professional negligence. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Health and Long-Term Care.

February 11, 2003

SB 5216 Prime Sponsor, Senator Stevens: Authorizing agreements to change the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5216 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5217 Prime Sponsor, Senator Stevens: Making technical, clarifying, and nonsubstantive amendments to chapter 12, Laws of 2001, 2nd special session. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5217 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5219 Prime Sponsor, Senator Roach: Enhancing voting systems certification. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5222 Prime Sponsor, Senator Roach: Harmonizing election crimes and penalties. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5222 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5240 Prime Sponsor, Senator Zarelli: Including a classified employee on the Washington professional educator standards board. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5240 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5274 Prime Sponsor, Senator Roach: Revising funding of the archives division. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Referred to Committee on Ways and Means.

February 10, 2003

SB 5303 Prime Sponsor, Senator West: Changing provisions for financing contracts for state university research facilities or equipment. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 7, 2003

SB 5321 Prime Sponsor, Senator Johnson: Including hospital districts in the definition of "local government" for chapter 39.96 RCW. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5321 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5346 Prime Sponsor, Senator Haugen: Requiring compensation for damage by required changes to tide gate operation. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Referred to Committee on Ways and Means.

February 11, 2003

SB 5349 Prime Sponsor, Senator Haugen: Including drainage ditches and tide gates within the scope of a special district's flood control and drainage control activities. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 10, 2003

SB 5424 Prime Sponsor, Senator Rossi: Modifying excise tax interest provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 10, 2003

SB 5425 Prime Sponsor, Senator Winsley: Increasing the authorized total outstanding indebtedness of the higher education facilities authority. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 10, 2003

SB 5529 Prime Sponsor, Senator Esser: Removing the expiration date on the research and development business and occupation tax credit. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Schmidt and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senators Poulsen and Reardon.

Referred to Committee on Ways and Means.

February 10, 2003

SB 5530 Prime Sponsor, Senator Finkbeiner: Eliminating the expiration date on certain business and occupation tax credits and deferrals. Reported by Committee on Technology and Communications

MAJORITY Recommendation: That Substitute Senate Bill No. 5530 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Schmidt and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senators Eide, Poulsen and Reardon.

Referred to Committee on Ways and Means.

February 10, 2003

SB 5531 Prime Sponsor, Senator Finkbeiner: Removing the expiration date for the high-technology research and development sales and use tax deferral program. Reported by Committee on Technology and Communications

MAJORITY Recommendation: That Substitute Senate Bill No. 5531 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Schmidt and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senators Eide, Poulsen and Reardon.

Referred to Committee on Ways and Means.

February 11, 2003

SB 5532 Prime Sponsor, Senator Kohl-Welles: Requiring additional personal history information from customers of international matchmaking organizations. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5618 Prime Sponsor, Senator Stevens: Eliminating certain department of social and health services' reporting requirements. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 11, 2003

SJM 8008 Prime Sponsor, Senator Rasmussen: Requesting that veterans receive concurrent retirement and disability payments. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 11, 2003

SJM 8011 Prime Sponsor, Senator Kohl-Welles: Petitioning Congress to improve federal law regulating international matchmaking organizations. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 8011 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 12, 2003

SJR 8207 Prime Sponsor, Senator Deccio: Allowing the legislature to limit noneconomic damages. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Health and Long-Term Care. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5274 and Senate Bill No. 5346 were referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 11, 2003

GA 9013 BEVERLY CHENEY, appointed August 14, 2002, for a term ending May 31, 2004, as a member of the Professional Educator Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Eide, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

February 11, 2003

GA 9021 BONITA K. DECKER, reappointed June 27, 2002, for a term ending July 1, 2003, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

February 11, 2003

GA 9078 DR. GLORIA MITCHELL, appointed August 1, 2002, for a term ending May 31, 2004, as a member of the Professional Standards Board.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Zarelli, Vice Chair; Carlson, Eide, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

February 11, 2003

GA 9100 TODD S. REEVES, appointed June 27, 2002, for a term ending July 1, 2004, as a member of the Board of Trustees
for
for the State School for the Deaf.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

February 11, 2003

GA 9121 LARRY E. SWIFT, appointed July 31, 2002, for a term ending July 1, 2004, as a member of the Board of Trustees
for the
State School for the Deaf.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

January 8, 2003

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

I have the honor to submit the following appointment, subject to your confirmation.
Paul Trause, appointed January 22, 2003, for a term ending at the Governor's pleasure as Director of the
Department of Labor and Industries.

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

January 21, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation.
Dawn M. Reynolds, reappointed January 21, 2003, for a term ending December 31, 2008, as a member of the Fish
and Wildlife Commission.

GARY LOCKE, Governor

Referred to Committee on Parks, Fish and Wildlife.

INTRODUCTION AND FIRST READING

SB 5777 by Senators Prentice, Fairley, Keiser, Kohl-Welles, Thibaudeau, Eide and McAuliffe

AN ACT Relating to improving permit processing performance by state agencies and local governments; amending RCW 43.160.200; adding new sections to chapter 43.17 RCW; adding a new section to chapter 36.70B RCW; adding a new section to chapter 64.40 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Land Use and Planning.

SB 5778 by Senators Esser and Kline

AN ACT Relating to authorizing additional district court and small claims court filing fees for amended filings; and amending RCW 3.62.060 and 12.40.020.

Referred to Committee on Judiciary.

SB 5779 by Senators Stevens, Hargrove, Kohl-Welles, McAuliffe, Winsley and Oke

AN ACT Relating to sibling relationships for dependent children; and amending RCW 13.34.130, 13.34.200, and 13.34.210.

Referred to Committee on Children and Family Services and Corrections.

SB 5780 by Senators Stevens, Hargrove and Shin (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to the municipal criminal justice assistance account; amending RCW 82.14.330; and repealing RCW 82.14.335.

Referred to Committee on Children and Family Services and Corrections.

SB 5781 by Senators Schmidt, McAuliffe, Eide, Poulsen, Kline, Kohl-Welles and Shin

AN ACT Relating to school levies; and amending RCW 84.52.0531, 28A.500.020, and 28A.500.030.

Referred to Committee on Education.

SB 5782 by Senators Horn and Haugen

AN ACT Relating to driving record abstracts furnished to transit authorities; and reenacting and amending RCW 46.52.130.

Referred to Committee on Highways and Transportation.

SB 5783 by Senators Finkbeiner and Regala (by request of Department of Revenue)

AN ACT Relating to implementing the streamlined sales and use tax agreement; amending RCW 82.08.010, 82.12.010, 82.04.040, 82.04.050, 82.14.050, 82.14.070, 82.08.050, 82.04.470, 82.08.064, 82.14.055, 82.32.430, 82.08.02566, 82.12.02566, 82.08.037, 82.12.020, 82.12.040, 82.12.060, 82.08.0293, 82.12.0293, 66.28.190, 82.04.272, 82.04.4289, 82.08.0281, 82.12.0275, 82.08.0283, 82.12.0277, 82.14.020, 82.04.215, 82.04.29001, 82.12.0284, and 82.04.120; amending 2002 c 67 s 18 (uncodified); reenacting and amending RCW 82.14.020; adding new sections to chapter 82.02 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5784 by Senators Parlette and Rasmussen

AN ACT Relating to a pilot project by the department of agriculture and the department of labor and industries to determine the feasibility and benefits for medical monitoring of agricultural workers; adding a new section to chapter 17.21 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5785 by Senators Parlette, Doumit, Benton, Mulliken, Schmidt and Honeyford

AN ACT Relating to the use of a vehicle on a nonhighway road or trail; and amending RCW 46.09.120.

Referred to Committee on Parks, Fish and Wildlife.

SB 5786 by Senators T. Sheldon and Mulliken

AN ACT Relating to rural development; and reenacting and amending RCW 36.70A.070.

Referred to Committee on Land Use and Planning.

SB 5787 by Senators Morton, Prentice, Hale, Jacobsen, Kohl-Welles, Hewitt, Doumit and Horn

AN ACT Relating to the use of a leaching test in state water quality certifications; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5788 by Senators Roach, Prentice, Winsley, Keiser, Fairley, Rasmussen, Poulsen, Kline, Kohl-Welles and Shin

AN ACT Relating to extending death benefits to certain surviving spouses under the law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.160 and 41.26.161.

Referred to Committee on Ways and Means.

SB 5789 by Senators Deccio, Keiser, Winsley, Thibaudeau and Kohl-Welles

AN ACT Relating to a pilot program for implementation of a case mix payment system for boarding homes; adding a new section to chapter 18.20 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5790 by Senators Franklin, Deccio, Winsley and Kline

AN ACT Relating to certificate of need exemptions for nursing facilities; amending RCW 70.38.111; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5791 by Senators McAuliffe, Oke, Fairley, Shin, Thibaudeau and Kohl-Welles

AN ACT Relating to prohibiting smoking in public places; amending RCW 70.160.010, 70.160.020, 70.160.030, 70.160.050, 70.160.070, and 70.160.080; repealing RCW 70.160.040 and 70.160.060; and prescribing penalties.

Referred to Committee on Health and Long-Term Care.

SB 5792 by Senators Benton and Prentice

AN ACT Relating to criteria that describes when rate increases filed by insurers are not excessive; and amending RCW 48.19.060.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5793 by Senators Winsley and Prentice

AN ACT Relating to minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities; and amending RCW 48.23.440.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5794 by Senator Prentice

AN ACT Relating to filling vacancies in office; amending RCW 36.16.110, 36.32.0558, 36.32.070, and 42.12.040; and providing a contingent effective date.

Referred to Committee on Government Operations and Elections.

SB 5795 by Senators Schmidt, Reardon, Swecker, Oke, Winsley, Kastama, Roach, Keiser, Zarelli, Rasmussen, Franklin, Shin, Brandland, Sheahan, Hewitt, Honeyford, Benton, Hale and Mulliken

AN ACT Relating to drivers' licenses issued to those serving in the armed forces; and amending RCW 46.20.027.

Referred to Committee on Government Operations and Elections.

SB 5796 by Senators Mulliken, Kohl-Welles, Carlson, Schmidt and Shin

AN ACT Relating to itemized tuition statements at institutions of higher education; and amending RCW 28B.10.044.

Referred to Committee on Higher Education.

SB 5797 by Senators Parlette and Brandland

AN ACT Relating to the timing of the inspection of adult family homes; and amending RCW 70.128.070.

Referred to Committee on Health and Long-Term Care.

SB 5798 by Senators Kohl-Welles, Winsley, Prentice, Esser, Thibaudeau and Benton

AN ACT Relating to disclosing information about mold in residential dwelling units; amending RCW 59.18.060; and creating a new section.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5799 by Senators McAuliffe, Schmidt, Regala, Carlson, Fairley, Hewitt, Eide, Rasmussen, Prentice, Kastama, Zarelli, Kohl-Welles and Winsley

AN ACT Relating to multiple measures of assessment to determine meeting the standards for the certificate of mastery as a graduation requirement; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Education.

SJM 8015 by Senators Sheahan, Hale and Rasmussen

Petitioning Congress to adopt procedures for selling wheat reserves that preserve the integrity of the market.

Referred to Committee on Agriculture.

SJR 8216 by Senator Prentice

Amending the Constitution to provide for vacancies that occur after the general election.

Referred to Committee on Government Operations and Elections.

SJR 8217 by Senators Honeyford and Schmidt

Providing guidelines for investigations by the commission on judicial conduct.

Referred to Committee on Judiciary.

SCR 8404 by Senators Honeyford and Schmidt

Creating a joint select committee on judicial conduct.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5777 was referred to the Committee on Land Use and Planning.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8618

By Senators Honeyford and Sheahan

WHEREAS, Dr. Walter Clore was born on July 1, 1911, and grew up in Oklahoma during Prohibition; and
WHEREAS, Dr. Clore was raised to be a teetotaler, yet wound up being known as the "Father of Washington Wine"; and

WHEREAS, Dr. Clore arrived at then Washington State College, in 1934, on a \$500 fellowship, one of the best educational investments ever made in Washington history; and

WHEREAS, In 1937, Dr. Clore was appointed as Assistant Horticulturist at the college, thus beginning a very long and productive career in which he worked with tree fruits and small fruits, including grapes; and

WHEREAS, Dr. Clore did extensive research on what kinds of premium wine grapes would grow well in certain areas, irrigation techniques, and how to help grape vines survive bitter freezes that hit Washington periodically; and

WHEREAS, Dr. Clore had the wisdom and foresight to envision Washington, particularly the Columbia Valley, as one of the best wine making regions in the world when others said it was not possible; and

WHEREAS, In the early 1970s, Dr. Clore helped Washington wine grape growers survive and thrive after the state allowed the sale of fine California Wines; and

WHEREAS, Dr. Clore retired in 1976, but continued to consult wine grape growers for years afterward, helping set Washington's wine industry on a course that would allow it to become a world renowned wine producing region--a key economic force with a \$2.4 billion impact on the state--the second largest in the nation behind California; and

WHEREAS, The WSU Foundation, in 1993, established the Walter J. Clore Scholarship Endowment to provide scholarships to full time undergraduate students at WSU, interested in studying grape production, processing, or marketing; and

WHEREAS, Plans are now being made to build a \$6 million Walter Clore Wine and Culinary Center in Prosser; and

WHEREAS, Dr. Clore died on January 28, 2003, in Yakima;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby honor the life and accomplishments of Dr. Walter Clore, the "Father of Washington Wine"; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Dr. Walter Clore.

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, February 13, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 12, 2003

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

THIRTY-SECOND DAY

----- NOON SESSION -----

Senate Chamber, Olympia, Thursday, February 13, 2003

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

MOTION

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

REPORTS FROM STANDING COMMITTEES

SB 5123 Prime Sponsor, Senator Johnson: Revising the Washington business corporation act. Reported by Committee on Judiciary February 13, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5229 Prime Sponsor, Senator Haugen: Separating training for two and three-wheeled motorcycles. Reported by Committee on Highways and Transportation February 12, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5229 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Asst Ranking Minority Member, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5273 Prime Sponsor, Senator Roach: Extending the use of veterans' scoring criteria in employment examinations. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5276 Prime Sponsor, Senator Roach: Funding oral history and archives activities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Referred to Committee on Ways and Means.

February 12, 2003

SB 5336 Prime Sponsor, Senator Esser: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 12, 2003

SB 5355 Prime Sponsor, Senator Brandland: Eliminating voluntary intoxication as a consideration for mental state. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5355 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson and Roach.

Passed to Committee on Rules for second reading.

February 11, 2003

SB 5463 Prime Sponsor, Senator Roach: Authorizing a pilot project for military and overseas voters to vote over the Internet. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 12, 2003

SB 5520 Prime Sponsor, Senator Haugen: Authorizing the ferry system to use alternative public works contracting procedures. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5520 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 12, 2003

SB 5741 Prime Sponsor, Senator Eide: Increasing coordination between the Puget Sound action team and other governmental entities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That the bill be referred to Committee on Natural Resources, Energy and Water without recommendation. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Referred to Committee on Natural Resources, Energy and Water..

February 12, 2003
SB 5769 Prime Sponsor, Senator Horn: Authorizing bond authority for regional transportation investment districts. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

February 12, 2003
SJM 8007 Prime Sponsor, Senator Fraser: Urging adoption of a treaty fighting discrimination against women. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Haugen, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 12, 2003
SJR 8209 Prime Sponsor, Senator Esser: Changing the membership of the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Joint Resolution No. 8209 be substituted therefor, and the substitute joint resolution do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

MOTION

On motion of Sheahan, Senate Bill No. 5276 was referred to the Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

February 12, 2003

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

I have the honor to advise you that on February 12, 2003, Governor Locke approved the following bill entitled:
Senate Bill No. 5001
Relating to assault as a predicate for felony murder.

Sincerely,
JENNIFER JOLY, General Counsel

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

July 10, 2002

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

I have the honor to submit the following reappointment, subject to your confirmation.
James L. Peters, to be reappointed July 16, 2002, for a term ending July 15, 2006, as a member of the Salmon Recovery Funding Board.

GARY LOCKE, Governor

Referred to Committee on Parks, Fish and Wildlife.

August 1, 2002

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

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

Elmer J. Ward, to be reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 8, 2002

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

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

Paul R. Calderon, reappointed October 8, 2002, for a term ending October 1, 2006, as a member of the Small Business Export Finance Assistance Center Board of Directors.

GARY LOCKE, Governor

Referred to Committee on Commerce and Trade.

MESSAGES FROM STATE AGENCIES

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

February 5, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "Adequacy of Case Mix in determining Nursing Home Payments." It is mandated under Chapter 8, Laws of 2001, Section 18 (3).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Tom Kearns at (360) 725-2499 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Adequacy of Case Mix in determining Nursing Home Payments" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

Office of Financial Management
Insurance Building, PO Box 43113
Olympia, WA 98504-3113

February 11, 2003

Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

The 2002 Supplemental Budget (Substitute Senate Bill 6387) directed the Office of Financial Management (OFM) to conduct performance audits on state construction practices and contracting practices, as well as an assessment and performance scoring of state agencies. I am hereby transmitting copies of those final reports.

If you have any questions, please contact Jim Hedrick at 902-0647.

Sincerely,
MARTY BROWN, Director

The Office of Financial Management Report regarding conduct performance audits on state construction practices and contracting practices is on file in the Office of the Secretary of the Senate.

WASHINGTON STATE AUDITOR
BRIAN SONNTAG

February 10, 2003

Dear citizens, policymakers and other interested parties:

We are pleased to issue our 2002 statewide report on state government accountability.

This report looks at what we found during our audits in 2002. It reflects our continuing efforts to look at issues on a statewide, rather than agency-by-agency basis. We believe this approach gives a more balanced and comprehensive view of state government operations.

In 2002, we continued to look at whether people receiving benefits from the state were eligible to do so; state contracts; and controls over cash-handling and computer access, among other areas. We did identify several areas in which improvements could be made, and also recognized areas in which agencies had made improvements. We appreciate our good working relationship with agencies that want to ensure they are accounting for precious public dollars.

Finally, I would like to thank our staff for their diligence and professionalism as they go about their work each day, finding issues and making suggestions for improvements to agencies' financial operations. Their expertise is invaluable to the state's citizens.

I hope you find this report useful. I encourage you to contact our office with any questions or comments you may have.

Sincerely,
BRIAN SONNTAG, CGFM
STATE AUDITOR

The State Auditor's 2002 Statewide Report on State Government Accountability is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

February 12, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4402, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

February 12, 2003

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1045,
SUBSTITUTE HOUSE BILL NO. 1057,
SUBSTITUTE HOUSE BILL NO. 1058,
HOUSE BILL NO. 1083,
HOUSE BILL NO. 1144,
HOUSE BILL NO. 1170,
SUBSTITUTE HOUSE BILL NO. 1189,
HOUSE BILL NO. 1198,
HOUSE BILL NO. 1203,
HOUSE BILL NO. 1206,
HOUSE BILL NO. 1207,
HOUSE BILL NO. 1208,
SUBSTITUTE HOUSE BILL NO. 1227,
HOUSE BILL NO. 1280,
HOUSE BILL NO. 1289,
SUBSTITUTE HOUSE BILL NO. 1340,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005, and the same are herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

February 12, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1010,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, and the same are herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION 4402.

INTRODUCTION AND FIRST READING

SB 5800 by Senators Brown, Sheahan, B. Sheldon, Finkbeiner, Doumit, Reardon, McCaslin, Keiser, Kohl-Welles, McAuliffe, Rasmussen, Schmidt, Shin, Thibaudeau and Winsley

AN ACT Relating to establishing the economic development commission; amending RCW 43.330.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development.

SB 5801 by Senators Winsley, Benton, Kastama, Reardon and Schmidt

AN ACT Relating to job order contracting for public works; amending RCW 39.10.020, 39.08.030, 39.30.060, 60.28.011, and 39.10.902; adding a new section to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW.

Referred to Committee on Government Operations and Elections.

SB 5802 by Senators Mulliken and T. Sheldon

AN ACT Relating to fire protection districts; amending RCW 35A.14.380; and repealing RCW 35.02.200, 35.02.202, 35.02.205, and 35A.14.400.

Referred to Committee on Land Use and Planning.

SB 5803 by Senators Esser, Prentice and Keiser

AN ACT Relating to making an assault on a peace officer a most serious offense; reenacting and amending RCW 9.94A.030; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5804 by Senators Keiser, Thibaudeau, Kline and Kohl-Welles

AN ACT Relating to creating a joint underwriting association for gynecologists and obstetricians; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5805 by Senators Swecker, Oke, Stevens, Spanel, Roach, Horn, Morton, Doumit, Honeyford and Sheahan

AN ACT Relating to the Skagit watershed; and creating new sections.

Referred to Committee on Parks, Fish and Wildlife.

SB 5806 by Senators Esser, Kastama, Haugen, Horn, Reardon and Sheahan

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

Referred to Committee on Land Use and Planning.

SB 5807 by Senators Parlette, Deccio, Brandland, Mulliken, Carlson, Honeyford, Hewitt, Stevens, Oke, Sheahan and Winsley

AN ACT Relating to the basic health plan; amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.040, 70.47.060, 70.47.100, and 70.47.130; reenacting and amending RCW 48.43.005; adding new sections to chapter 70.47 RCW; repealing RCW 70.47.015, 70.47.080, 70.47.090, and 70.47.115; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5808 by Senators Morton, Sheahan, Honeyford, Deccio, Hewitt and Mulliken

AN ACT Relating to making interest arbitration panel determinations; amending RCW 41.56.465 and 41.56.492; and creating a new section.

Referred to Committee on Commerce and Trade.

SB 5809 by Senators Hale, Fraser, Finkbeiner, Kohl-Welles, Eide, Kline and Winsley

AN ACT Relating to the property taxation of organizations operated exclusively for art, scientific, or historical purposes or engaged in the production and performance of musical, dance, artistic, dramatic, or literary works; amending RCW 84.36.060 and 84.36.805; and creating a new section.

Referred to Committee on Ways and Means.

SB 5810 by Senators Benton and Prentice

AN ACT Relating to borrowing money by domestic mutual insurers; and amending RCW 48.09.320.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5811 by Senators Hargrove, Stevens and McAuliffe

AN ACT Relating to the involvement of the birth family in foster care; amending RCW 13.34.260; and creating a new section.

Referred to Committee on Children and Family Services and Corrections.

SB 5812 by Senators Horn, Haugen, Swecker, Finkbeiner and Shin

AN ACT Relating to driving in the left lane; and amending RCW 46.61.100 and 46.61.425.

Referred to Committee on Highways and Transportation.

SB 5813 by Senators Reardon, Keiser, Kline and Jacobsen

AN ACT Relating to capital rate add-on payments for boarding homes; adding a new section to chapter 74.39A RCW; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5814 by Senators Brandland, Roach, Thibaudeau, Schmidt, Spanel, Honeyford, Jacobsen, Rasmussen, B. Sheldon and Winsley

AN ACT Relating to school day requirements for graduating seniors; and amending RCW 28A.150.220.

Referred to Committee on Education.

SB 5815 by Senators Oke, Franklin, Hale, Fraser, Sheahan and Brandland

AN ACT Relating to local public health threats; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5816 by Senator Finkbeiner

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

Referred to Committee on Judiciary.

SB 5817 by Senators Finkbeiner, Johnson, Schmidt and Mulliken

AN ACT Relating to driver training schools; amending RCW 46.20.100, 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.350, and 46.82.360; reenacting and amending RCW 46.20.055 and 46.20.070; adding a new section to chapter 46.82 RCW;

adding a new section to chapter 28A.220 RCW; and repealing RCW 28A.220.010, 28A.220.020, 28A.220.030, 28A.220.050, 28A.220.060, 28A.220.070, and 28A.220.900.

Referred to Committee on Education.

SB 5818 by Senators Finkbeiner, Johnson and Schmidt

AN ACT Relating to traffic safety education; amending RCW 46.82.320, 28A.220.020, and 28A.220.030; and adding a new section to chapter 46.82 RCW.

Referred to Committee on Education.

SB 5819 by Senators Finkbeiner and Kline

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

Referred to Committee on Judiciary.

SB 5820 by Senators Finkbeiner, Winsley and Oke

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

Referred to Committee on Judiciary.

SB 5821 by Senators Haugen, Horn and Kastama

AN ACT Relating to providing an exemption to the licensing requirement for apprentices in cosmetology registered industry apprenticeship programs; and amending RCW 18.16.070.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5822 by Senators Swecker, Doumit, Oke, Jacobsen and Hewitt

AN ACT Relating to hydraulic project approval; and amending RCW 77.55.100.

Referred to Committee on Parks, Fish and Wildlife.

SB 5823 by Senators McAuliffe, Stevens, Eide, Fairley, Regala, Hargrove, Kohl-Welles and Rasmussen

AN ACT Relating to improving services for kinship caregivers; adding new sections to chapter 74.13 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Children and Family Services and Corrections.

SB 5824 by Senators Parlette and Horn

AN ACT Relating to allowing rural fire protection districts to contract with cities for ambulance services and impose a monthly utility service charge on each developed residential property located in the fire protection district; and amending RCW 52.12.031.

Referred to Committee on Government Operations and Elections.

SB 5825 by Senator Jacobsen

AN ACT Relating to wine importer's license holders; and amending RCW 66.28.010 and 66.24.203.

Referred to Committee on Commerce and Trade.

SB 5826 by Senator Kastama

AN ACT Relating to qualifications for public school principals and vice principals; and amending RCW 28A.400.100.

Referred to Committee on Education.

SB 5827 by Senators Shin, Benton, T. Sheldon, B. Sheldon, Schmidt, Rossi, Hale, Kohl-Welles, Rasmussen, Hargrove, Keiser, Brown, Franklin, Prentice and Thibaudeau

AN ACT Relating to international tourism; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development.

SJM 8016 by Senators Finkbeiner, Kline, Hargrove, Benton, Fairley, Shin, Prentice, Zarelli, Doumit, Franklin, B. Sheldon, Brown, Spanel, Keiser, Kohl-Welles and Mulliken

Petitioning the federal government to refrain from engaging in surveillance activities except for specific criminal investigations.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5822 was referred to the Committee on Parks, Fish and Wildlife.

MOTION

On motion of Senator Sheahan the following resolution was adopted:

SENATE RESOLUTION 8619

By Senators Esser, Eide, Brandland, Kohl-Welles, Swecker, Winsley, West, Zarelli, Hale, Hewitt, Stevens, Oke, Horn, Carlson, Roach, Parlette, Morton, Johnson, Schmidt, McCaslin, Mulliken, Doumit, Honeyford, Rossi, Franklin, Keiser, McAuliffe, Regala, B. Sheldon, Shin, Thibaudeau and Sheahan

WHEREAS, One out of every four deaths in Washington State is caused by cancer; and
WHEREAS, Cancer is the second leading cause of death in Washington State for all residents; and
WHEREAS, Cancer is the leading cause of death among adults, forty-five to seventy-four years of age, in Washington State; and
WHEREAS, Approximately 30,000 people in Washington State will get cancer in 2004; and
WHEREAS, Over 10,000 people in Washington State will die from cancer in 2004; and
WHEREAS, Comprehensive Cancer Control is an integrated and coordinated approach to reducing cancer incidence, morbidity, and mortality through prevention, early detection, treatment, rehabilitation, and palliation; and
WHEREAS, The Washington State Comprehensive Cancer Control Partnership is a voluntary statewide, multidisciplinary group, working to develop a state plan by June 2003;
NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize and support the Comprehensive Cancer Control Partnership in its efforts to develop a plan to reduce the burden of cancer on the population of Washington State; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Governor and to Representative Paul Sanders, Chairman of the Washington State Prostate Cancer Coalition.

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Friday, February 14, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 13, 2003

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

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 14, 2003

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

The Sergeant at Arms Color Guard, consisting of Pages Dylan Nelson and Sean Meehan, presented the Colors. Reverend Dan Panter, pastor of the McKenzie Road Baptist Church in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 2003

SB 5041 Prime Sponsor, Senator Morton: Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Referred to Committee on Ways and Means.

February 11, 2003

SB 5218 Prime Sponsor, Senator Roach: Requiring timely mailing of ballots. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5218 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 12, 2003

SB 5343 Prime Sponsor, Senator Parlette: Allowing WRIA 40 to be divided for the purposes of chapter 90.82 RCW. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 13, 2003

SB 5415 Prime Sponsor, Senator Carlson: Changing exceptional faculty award grants. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5415 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 13, 2003

SB 5475 Prime Sponsor, Senator Horn: Limiting courses of instruction that are exclusive to research institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 12, 2003

SB 5575 Prime Sponsor, Senator Parlette: Concerning small irrigation impoundments. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5575 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 13, 2003

GA 9012 SANDRA AYESH, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Trustees for The Evergreen State College.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B Sheldon and Shin.

Passed to Committee on Rules.

February 13, 2003

GA 9031 THOMAS J. GAFFNEY, appointed January 21, 2002 for a term ending June 30, 2006, as a member of the Board of Trustees for Everett Community College District No.5.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B Sheldon and Shin.

Passed to Committee on Rules.

February 13, 2003

GA 9051 JOE KOSAI, appointed February 27, 2002, for a term ending September 30, 2004, as a member of the Board of Trustees for Clover Park Technical College District No. 7.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B Sheldon and Shin.

Passed to Committee on Rules.

February 13, 2003

GA 9153 ARTURO GARCIA-FLORES, appointed August 21, 2002, for a term ending September 30, 2004, as a member of the Board of Trustees for Peninsula Community College District No. 1.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B Sheldon and Shin.

Passed to Committee on Rules.

MESSAGES FROM STATE AGENCIES

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

February 10, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "Foster Children-Long Term Needs." It is mandated under Chapter 232, Laws of 2000, Section 4, RCW 74.14A.050 and Chapter 255, Laws of 2001, Section 6, RCW 74.14A.050.

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Nancy Taft at (360) 902-8020 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Foster Children-Long Term Needs" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

February 10, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "Addendum to GA-U Medical Care Management Project." It is mandated under Chapter 7, Laws of 2001, E2, Section 209(19).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Alice Lind at (360) 902-7655 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Addendum to GA-U Medical Care Management Project" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON
Department of Agriculture
Olympia, WA 98504-2560

February 11, 2003

Milt Doumit, Secretary of the Senate
Washington State Senate
PO Box 40482
Olympia, WA 98504-0482

RE: REPORT TO THE LEGISLATURE - PESTICIDE ENFORCEMENT AND RESIDE MONITORING

Dear Mr. Doumit:

Enclosed are two copies of the final 2002 Annual Report to the Legislature on pesticide investigations and residue testing as mandated by RCW 15.58.420 and RCW 17.21.350. If you have any questions, please give me a call at 902-1850. Thank you.

Sincerely,
LESLIE EMERICK,
Legislative Affairs Coordinator

The Department of Agriculture Report on "Pesticide Investigation and Reside Monitory" is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5828 by Senators Sheahan, Keiser, Regala, Kastama, Thibaudeau, Hale, Fraser and Winsley

AN ACT Relating to provision of meningococcal immunization information to first-time students by degree-granting postsecondary educational institutions; adding a new section to chapter 70.54 RCW; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 5829 by Senators Deccio, Thibaudeau and Winsley

AN ACT Relating to nursing technicians; reenacting and amending RCW 18.130.040; and adding new sections to chapter 18.79 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5830 by Senators Franklin, Winsley, Reardon, Keiser, Thibaudeau, Regala, Fairley, Prentice, Jacobsen, Kastama and Schmidt

AN ACT Relating to assessment of the constitutionality of initiatives; amending RCW 29.81.250; and adding a new section to chapter 29.79 RCW.

Referred to Committee on Government Operations and Elections.

SB 5831 by Senators Franklin, Winsley, Rasmussen, Shin, Keiser, Kastama, Prentice, Regala, Doumit, McAuliffe, B. Sheldon, Kline, Brandland, Brown, Eide, Spanel, Poulsen, Kohl-Welles, Thibaudeau, Jacobsen, Fraser and Fairley

AN ACT Relating to the creation of health skills panels in local areas to address health care personnel shortages; adding new sections to chapter 28C.18 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health and Long-Term Care.

SB 5832 by Senator Prentice

AN ACT Relating to abolishing the academic achievement and accountability commission; amending RCW 28A.300.130, 28A.305.285, 28A.505.210, 28A.650.015, 28A.655.030, and 28A.655.070; adding a new section to chapter 28A.655 RCW; repealing RCW 28A.655.020; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

SB 5833 by Senators Deccio, Franklin, Brandland, Keiser, Parlette, Winsley, Thibaudeau and Rasmussen

AN ACT Relating to coordinating and scheduling surveys and audits of hospitals and health care services and facilities operated or controlled by hospitals; amending RCW 18.20.110, 18.51.091, 43.09.260, 51.36.110, 69.41.270, 70.41.080, 70.41.120, 70.42.170, 70.62.250, 70.96A.090, 70.98.080, 70.98.090, 70.127.180, 70.168.070, 70.168.080, 71.12.480, 71.12.485, 71.12.500, and 74.09.200; adding a new section to chapter 18.64 RCW; adding a new section to chapter 43.09 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 70.175 RCW; adding a new section to chapter 74.39A RCW; adding a new section to chapter 82.01 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5834 by Senators Roach, Winsley, Schmidt, Swecker, Stevens, Oke, Mulliken and Rasmussen

AN ACT Relating to college and university fee exemptions for veterans; amending RCW 41.04.007 and 28B.15.380; and reenacting and amending RCW 41.04.005.

Referred to Committee on Government Operations and Elections.

SB 5835 by Senators Roach, Horn, Winsley, Spanel, Rossi, Morton, Finkbeiner, Honeyford, Oke, Swecker, Schmidt, Zarelli, Benton, Parlette, Mulliken, McCaslin and Rasmussen

AN ACT Relating to comments by candidates for judicial offices; adding a new section to chapter 42.36 RCW; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5836 by Senators Thibaudeau, Winsley, Kohl-Welles, Kline and Prentice

AN ACT Relating to property tax exemptions for nonprofit organizations supporting artists; amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 5837 by Senators Johnson, Eide, Carlson and Rasmussen (by request of Superintendent of Public Instruction Bergeson)

AN ACT Relating to the social studies, health and fitness, and arts assessments on the Washington assessment of student learning; and amending RCW 28A.655.060.

Referred to Committee on Education.

SB 5838 by Senators Winsley, B. Sheldon and Kline (by request of Insurance Commissioner Kreidler)

AN ACT Relating to liability for taxes on unlawful or delinquent insurers or taxpayers; amending RCW 48.14.060 and 48.15.130; and adding a new section to chapter 48.14 RCW.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5839 by Senator Eide

AN ACT Relating to the taxation of direct mail; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5840 by Senator Hargrove

AN ACT Relating to the department of natural resources' management of state trust lands in compliance with forest practices requirements.

Referred to Committee on Natural Resources, Energy and Water.

SB 5841 by Senators Benton, Zarelli, Hewitt, Doumit, Swecker, Carlson, Rossi, Poulsen, Oke, Stevens, Honeyford, Prentice, Mulliken, Kohl-Welles, Morton, Schmidt, Roach, Parlette, B. Sheldon, West, Shin, Franklin, Rasmussen and McAuliffe

AN ACT Relating to the taxation by a county of persons residing outside the state who are employed inside the county; and adding a new chapter to Title 36 RCW.

Referred to Committee on Government Operations and Elections.

SB 5842 by Senator Benton

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

Referred to Committee on Judiciary.

SB 5843 by Senators Mulliken, Prentice, Oke, Esser, Benton, Finkbeiner and Schmidt

AN ACT Relating to performance audits of transportation-related agencies; adding a new section to chapter 44.40 RCW; adding a new chapter to Title 44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5844 by Senators Johnson, McAuliffe, Schmidt and Rasmussen

AN ACT Relating to school districts' property; and amending RCW 28A.335.060 and 28A.335.130.

Referred to Committee on Education.

SB 5845 by Senators Schmidt, McAuliffe, Kastama, Winsley, Regala and Rasmussen

AN ACT Relating to school district capital demonstration projects; and amending RCW 39.10.067.

Referred to Committee on Education.

SB 5846 by Senators Sheahan, Brown, Winsley, Kohl-Welles, Franklin, Kline and Shin (by request of Supreme Court)

AN ACT Relating to fees for superior courts; amending RCW 27.24.070, 36.18.012, 36.18.020, and 36.18.025; and adding a new section to chapter 43.08 RCW.

Referred to Committee on Ways and Means.

SB 5847 by Senators Regala, Kohl-Welles, Jacobsen, Franklin, B. Sheldon, Spanel, Fraser, Fairley, Prentice, Poulsen, Kline and McAuliffe

AN ACT Relating to installation of antitheft devices by federally licensed firearms dealers; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5848 by Senators Brandland, Haugen, Esser, T. Sheldon, Johnson, Hargrove, Sheahan and Shin

AN ACT Relating to the timely payment by government on contract claims; amending RCW 39.76.011 and 39.76.020; and adding a new section to chapter 39.76 RCW.

Referred to Committee on Judiciary.

SB 5849 by Senators Roach and Reardon (by request of Office of Financial Management)

AN ACT Relating to responsibilities of the office of financial management; amending RCW 7.68.085, 26.34.050, 34.12.140, 34.12.150, 34.12.160, 36.70A.200, 40.14.025, 41.04.380, 41.60.041, 43.09.412, 43.10.160, 43.41.100, 43.41.104, 43.79.460, 43.88A.010, 43.88A.030, 43.88A.040, 43.133.050, 82.01.070, and 82.23B.020; reenacting and amending RCW 43.135.035; and repealing RCW 8.04.160, 41.48.120, 41.48.130, 41.48.170, 41.50.800, 43.19.1921, 43.41.102, 43.41.905, 43.99I.090, 43.99J.070, 70.48A.040, 70.168.030, 71.36.020, 74.08.278, and 74.14C.070.

Referred to Committee on Government Operations and Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Changing provisions relating to discharge of a minor from a mental health facility.

Referred to Committee on Children and Family Services and Corrections.

ESHB 1033 by House Committee on Judiciary (originally sponsored by Representatives Kirby, Cooper, Sullivan and Lantz)

Clarifying the restrictions concerning occupational licenses.

Referred to Committee on Judiciary.

HB 1045 by Representatives Miloscia, Chandler and Upthegrove

Modifying water-sewer district bidding provisions.

Referred to Committee on Government Operations and Elections.

SHB 1057 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Hatfield, Buck, Blake and Kessler)

Creating the license suspension review committee.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1058 by House Committee on Children and Family Services (originally sponsored by Representatives Kagi, Boldt, McIntire, Nixon, Dickerson, Fromhold, O'Brien, Lantz, Linville, Kenney, Kessler, Clibborn, Talcott, Simpson and Wood)

Addressing educational attainment for foster children.

Referred to Committee on Children and Family Services and Corrections.

HB 1083 by Representatives Simpson, Benson and Schual-Berke (by request of Insurance Commissioner Kreidler)

Making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1144 by Representatives Haigh, Sump, Cooper, Armstrong, Pearson, McDermott and Chase (by request of Department of Fish and Wildlife)

Allowing the department of fish and wildlife to use approved controlled substances for chemical capture programs.

Referred to Committee on Parks, Fish and Wildlife.

HB 1170 by Representatives Romero, Hunt, Cooper, Simpson and Chase

Limiting restrictions on residential day-care facilities.

Referred to Committee on Government Operations and Elections.

SHB 1189 by House Committee on Health Care (originally sponsored by Representatives Alexander, Cody, Skinner, Schual-Berke, Pflug, Morrell, Moeller, Darneille, Clibborn, Campbell and Bailey)

Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses.

Referred to Committee on Health and Long-Term Care.

HB 1198 by Representatives Pflug and Conway (by request of Joint Committee on Pension Policy)

Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards.

Referred to Committee on Ways and Means.

HB 1203 by Representatives Conway, Delvin, Fromhold, Simpson, Pflug, Cooper, Bush, Upthegrove, Anderson and Chase (by request of Joint Committee on Pension Policy)

Providing optional service credit for substitute service to members of the school employees' retirement system.

Referred to Committee on Ways and Means.

HB 1206 by Representatives Pflug and Conway (by request of Joint Committee on Pension Policy)

Making optional plan 3 member contributions.

Referred to Committee on Ways and Means.

HB 1207 by Representatives Alexander, Conway, Cooper, Simpson, Delvin and Campbell (by request of Joint Committee on Pension Policy)

Providing a death benefit for certain public employees.

Referred to Committee on Ways and Means.

HB 1208 by Representatives Cooper, Pflug, Conway, Simpson and Upthegrove (by request of Joint Committee on Pension Policy)

Paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001.

Referred to Committee on Ways and Means.

SHB 1227 by House Committee on Commerce and Labor (originally sponsored by Representatives Pflug, Wood, Conway and Chandler)

Concerning promotional contests of chance.

Referred to Committee on Commerce and Trade.

HB 1280 by Representatives Murray, Alexander and Dunshee (by request of University of Washington)

Changing provisions for financing contracts for state university research facilities or equipment.

Referred to Committee on Ways and Means.

HB 1289 by Representatives Hinkle, Grant, Sump, Blake, Bush, Hatfield, Newhouse, Hunt, Buck, Mielke and McDonald

Concerning temporary fishing licenses.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1340 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Cooper, Benson, Schual-Berke and McIntire) (by request of Governor Locke)

Regulating check cashers and sellers.

Referred to Committee on Financial Services, Insurance and Housing.

SHJM 4005 by House Committee on Trade and Economic Development (originally sponsored by Representatives Morris, Anderson, Linville, Veloria, Skinner, Quall, Hunt, Cox, Miloscia, Ericksen, McDonald, Pearson, Sullivan and Hankins)

Supporting the Vancouver 2010 Olympic bid.

Referred to Committee on Economic Development.

MOTION

At 10:09 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 10:43 a.m., by President Owen.

SECOND READING

SENATE BILL NO. 5088, by Senators Regala, Winsley, Franklin and Fraser

Recognizing that the use of certain land in Tacoma for school purposes is valid and meets the requirements of section 2, chapter 123, Laws of 1907.

MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 5088 was substituted for Senate Bill No. 5088 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 5088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5088.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5088 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5088, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5211, by Senators Kohl-Welles, Winsley, Fairley, Prentice, Benton and Keiser

Clarifying that certain entities are not collection agencies.

The bill was read the second time.

MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 5211 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5211.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5211 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5211, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8001, by Senators Fraser and Morton

Requesting increased borrowing authority for the Bonneville Power Administration.

The joint memorial was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Joint Memorial No. 8001 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8001.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority was declared passed.

PERSONAL PRIVILEGE

Senator Betti Sheldon: "A point of personal privilege, Mr. President. I would like to take this moment to thank you, in behalf of my colleagues, and particularly your wife, Linda, for the wonderful Valentine Gift. That is always so very thoughtful you. I know she takes a lot of time and effort to put it out. We are most appreciative and please tell her that."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. You should tell the body that we saved two hundred and eight-four thousand dollars today, because the State Patrol didn't bring your wife in to Olympia. That was the fiscal note on it. Where they come up with these fiscal notes, I have no idea.

"Anyway, back to cookies, I know your wife is a terrific cook, but somehow they always make chocolate chip. I don't know if anyone will join me, but I love oatmeal and raisins. Is there anybody in here with an oatmeal raisin? How about peanut butter? Do we have any peanut butter? I had to give mine away, Mr. President, and I hate to give food away. It is obvious, I think. Anyway, would you tell Linda that I would appreciate oatmeal raisin."

Further debate ensued.

MOTION

On motion of Senator Parlette, the following resolution was adopted:

SENATE RESOLUTION 8620

By Senators Parlette, Prentice, McAuliffe, Shin, Sheahan, Rossi, Poulsen, Rasmussen, Horn, Hale, Schmidt, Esser, Reardon, Jacobsen, T. Sheldon, Fraser, Haugen, Johnson, Mulliken, B. Sheldon and Spanel

WHEREAS, Apples have been the leading crop in terms of revenue generation in Washington State for twelve of the past thirteen years; and

WHEREAS, Pears grown in the Northwest account for ninety percent of the nation's fresh winter pears; and

WHEREAS, With roughly 100,000 tons produced annually, more sweet cherries are grown in Washington than any other state in the union; and

WHEREAS, The Washington tree fruit industry adds approximately 53,000 jobs to the state economy annually, which generates roughly \$356 million in wages for Washington workers; and

WHEREAS, Over a third of all apples grown in Washington are exported out of state, with a significant portion going to Mexico and Taiwan via the ports of Seattle and Tacoma; and

WHEREAS, Washington tree fruit is sold in all fifty states and more than forty countries around the world; and

WHEREAS, Washington tree fruit producers have been at the forefront of developing the latest technologies in mating disruption and I'M techniques in their orchards to combat pests; and

WHEREAS, Washington tree fruit producers are outstanding representatives of the agricultural profession in the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby designate the day, February 12, 2003, as "Tree Fruit Day" in the state of Washington and call upon the people of Washington to participate fittingly in its observance to recognize the men and women in the state who have helped make Washington's tree fruit industry as successful as it is; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Barclay Crane, President of the Washington State Horticultural Association, and Warren Morgan, Past-President of the Washington State Horticultural Association.

Senators Parlette, Prentice, Rasmussen and Deccio spoke to Senate Resolution No. 8620.

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 5134, by Senators Carlson, Zarelli, Kohl-Welles, Schmidt, Horn and Shin

Changing border county higher education opportunities.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 5134 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5134.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5134 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5134, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Stevens was excused.

SECOND READING

SENATE BILL NO. 5156, by Senators Winsley, Fraser, Jacobsen and Haugen

Describing the duties of the combined fund drive.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5156 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5156.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5156 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McCaslin and Stevens - 2.

SENATE BILL NO. 5156, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:19 a.m., Senator Sheahan, moved that the Senate adjourn until 12:00 noon, Monday, February 17, 2003. Senator Poulsen objected to the motion to adjourn.

POINT OF ORDER

Senator Sheahan: "A point of order, Mr. President. There is no debate on the motion to adjourn."

REPLY BY THE PRESIDENT

President Owen: "The President was trying to say that. There is no debate on the motion to adjourn."

At 11:20 a.m., the Senate adjourned until 12:00 noon, Monday, February 17, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate.

JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 14, 2003

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

THIRTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 17, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 2003

SB 5022 Prime Sponsor, Senator Parlette: Authorizing comprehensive plan amendments to be considered as often as once every six months. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5022 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 13, 2003

SB 5106 Prime Sponsor, Senator Hewitt: Concerning the annual consumptive quantity of a water right. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5106 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5120 Prime Sponsor, Senator Rossi: Changing provisions relating to ignition interlock devices. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5120 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Haugen, Johnson and Thibaudeau.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5133 Prime Sponsor, Senator Carlson: Adopting the revised interstate compact for juveniles. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 13, 2003

SB 5160 Prime Sponsor, Senator Morton: Authorizing certain counties to withdraw from the growth management act. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5160 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5269 Prime Sponsor, Senator Brandland: Creating a building mapping information system. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5269 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5270 Prime Sponsor, Senator Brandland: Creating a law enforcement mobilization policy board and plan. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5270 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

February 13, 2003

SB 5365 Prime Sponsor, Senator Benton: Addressing violations connected with the offer, sale, or purchase of securities. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5365 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5379 Prime Sponsor, Senator Stevens: Revising rules for public access to dependency hearings. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5410 Prime Sponsor, Senator Stevens: Revising information available on the statewide registered sex offender web site. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 13, 2003

SB 5413 Prime Sponsor, Senator Benton: Allowing out-of-state licensees to practice commercial real estate. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5442 Prime Sponsor, Senator Roach: Increasing penalties for manufacturing methamphetamine. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson and Roach.

MINORITY Recommendation: Do not pass. Signed by Senators Hargrove and Kline.

Referred to Committee on Ways and Means.

February 13, 2003

SB 5465 Prime Sponsor, Senator Benton: Licensing and regulating money transmission and currency exchange. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5512 Prime Sponsor, Senator Honeyford: Including nonprofits in the small business economic impact statement requirement. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5560 Prime Sponsor, Senator Honeyford: Regarding the prohibition of the lawful sale of liquor on University of Washington grounds. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 13, 2003

SB 5524 Prime Sponsor, Senator Benton: Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5524 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5550 Prime Sponsor, Senator West: Prohibiting secure community transition facilities from being sited near public and private youth camps. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5550 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove and McAuliffe.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5627 Prime Sponsor, Senator Esser: Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5627 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 14, 2003

SB 5628 Prime Sponsor, Senator Brandland: Ordering a study of threshold property values for crimes involving property. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5628 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson and Kline.

Passed to Committee on Rules for second reading.

February 13, 2003

SB 5706 Prime Sponsor, Senator Benton: Defining security account under the uniform transfer on death security registration act.

MAJORITY Recommendation: Do Pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 14, 2003

SJM 8014 Prime Sponsor, Senator Honeyford: Requesting reconsideration of the Resource Justification Model. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8014 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5442 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

GA 9155 ROGER HOEN, reappointed January 16, 2003, for a term ending January 15, 2009, as a member of the Liquor Control Board.
Reported by Committee on Commerce and Trade.

February 14, 2003

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules.

February 14, 2003
GA 9173 MERRITT LONG, appointed August 6, 2001, for a term ending January 15, 2005, as Chair of the Liquor Control Board. Reported by Committee on Commerce and Trade.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules.

REPORTS FROM STATE AGENCIES

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

February 5, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "Healthcare for Workers with Disabilities." It is mandated under Chapter 7, Laws of 2001, E2, Section 209(5)(e).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Steven Kozak at (360) 725-1321 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Healthcare for Workers with Disabilities" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

February 7, 2003

Mr. Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

Enclosed is the department's Report to the Legislature entitled "Foster Parent Retention and Stability of Foster Placements." It is mandated under Chapter 7, Laws of 2001, E2, Section 202(6).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Bob Partlow at (360) 902-8063 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Foster Parent Retention and Stability of Foster Placements" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

February 14, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1028,
SUBSTITUTE HOUSE BILL NO. 1059,
HOUSE BILL NO. 1098,
HOUSE BILL NO. 1108,
HOUSE BILL NO. 1119,
SUBSTITUTE HOUSE BILL NO. 1138,
SUBSTITUTE HOUSE BILL NO. 1156,
SUBSTITUTE HOUSE BILL NO. 1175,
SUBSTITUTE HOUSE BILL NO. 1213,
SUBSTITUTE HOUSE BILL NO. 1231,
SUBSTITUTE HOUSE BILL NO. 1286,
SUBSTITUTE HOUSE BILL NO. 1440, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

February 14, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1161,
ENGROSSED HOUSE BILL NO. 1403,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4000, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5850 by Senators Oke, B. Sheldon, T. Sheldon, Poulsen, Kohl-Welles and McAuliffe

AN ACT Relating to the provision of passenger ferry service; amending RCW 47.60.120, 47.64.090, and 81.104.140; adding new sections to chapter 36.57A RCW; adding a new section to chapter 47.52 RCW; adding a new section to chapter 81.104 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5851 by Senators Reardon, Johnson, Morton, Parlette, Schmidt and Shin

AN ACT Relating to contracts for employment of school district superintendents; and amending RCW 28A.400.010.

Referred to Committee on Education.

SB 5852 by Senators Honeyford, Prentice, Hewitt, Keiser, Oke and Parlette

AN ACT Relating to restricting the ability of tobacco product manufacturers, wholesalers, and distributors and other persons to violate or to facilitate the violation of chapter 70.157 RCW; amending RCW 82.24.130 and 82.24.145; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Trade.

SB 5853 by Senators Rossi and Poulsen

AN ACT Relating to clarifying the intentions of Senate Bill No. 6835, chapter 367, Laws of 2002; amending RCW 82.12.010, 82.12.020, 82.12.0254, 82.12.0255, 82.12.02565, 82.12.02567, 82.12.0259, 82.12.0277, 82.12.0279, 82.12.0315, 82.12.02595, 82.12.810, 82.12.820, 82.12.840, 82.12.890, 82.12.900, and 82.12.0251; adding a new section to chapter 82.12 RCW; creating a new section; repealing RCW 82.12.0252; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 5854 by Senators Mulliken, Haugen, Horn and Kline

AN ACT Relating to power wheelchairs; amending RCW 46.04.320, 46.04.330, 46.04.332, 46.04.400, 46.04.670, 46.20.500, and 47.04.010; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Highways and Transportation.

SB 5855 by Senators Mulliken, Haugen, Horn and Fairley

AN ACT Relating to state building codes; amending RCW 19.27.031, 19.27.080, and 19.27.110; and creating a new section.
Referred to Committee on Land Use and Planning.

SB 5856 by Senators Parlette, Zarelli and Shin

AN ACT Relating to regulatory reform for adult family homes; amending RCW 18.79.260, 70.128.060, 70.128.064, 70.128.140, 70.128.040, and 70.128.090; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5857 by Senators Reardon, Esser, Swecker, Rasmussen, Sheahan and T. Sheldon

AN ACT Relating to tariffs of local exchange companies; amending RCW 80.04.530; and creating a new section.

Referred to Committee on Technology and Communications.

SB 5858 by Senators Brandland and Haugen

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

Referred to Committee on Judiciary.

SB 5859 by Senator Benton

AN ACT Relating to creating the crime of mineral trespass; adding new sections to chapter 78.44 RCW; and prescribing penalties.

Referred to Committee on Natural Resources, Energy and Water.

SB 5860 by Senators Haugen, Swecker, Horn, McCaslin, Rasmussen, Mulliken and Doumit

AN ACT Relating to research and services for special purpose districts; adding new sections to chapter 43.110 RCW; and making appropriations.

Referred to Committee on Government Operations and Elections.

SB 5861 by Senators Roach, Rasmussen, T. Sheldon, Finkbeiner, Kohl-Welles, Oke, Schmidt and Shin

AN ACT Relating to criminal impersonation of a veteran of the armed forces; amending RCW 9A.60.040; and prescribing penalties.

Referred to Committee on Government Operations and Elections.

SB 5862 by Senator Roach

AN ACT Relating to state board of education membership; amending RCW 28A.305.010, 28A.305.030, and 28A.305.090; adding a new section to chapter 28A.305 RCW; and repealing RCW 28A.305.020, 28A.305.040, 28A.305.050, 28A.305.060, and 28A.305.070.

Referred to Committee on Education.

SB 5863 by Senators Kohl-Welles, B. Sheldon, Finkbeiner, Jacobsen and Kline

AN ACT Relating to an additional fee on passenger vehicles exceeding six thousand pounds in weight; adding a new section to chapter 46.16 RCW; and providing an effective date.

Referred to Committee on Highways and Transportation.

SB 5864 by Senators Shin, Carlson, McAuliffe, Schmidt, Keiser, Johnson, Kohl-Welles, Stevens, Mulliken, Regala, Thibaudeau, Jacobsen, Parlette, Rasmussen and B. Sheldon

AN ACT Relating to promise scholarship eligibility; and amending RCW 28B.119.010.

Referred to Committee on Higher Education.

SCR 8405 by Senators Doumit and Jacobsen

Creating a Joint Select Committee on Securing a Second Major League Baseball Team for the Pacific Northwest.

Referred to Committee on Economic Development.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1028 by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Dickerson, Delvin, Kagi, O'Brien, Kenney and Upthegrove)

Studying programs for at-risk youth intervention.

Referred to Committee on Children and Family Services and Corrections.

SHB 1059 by House Committee on Trade and Economic Development (originally sponsored by Representatives Veloria, Sump, Grant and Clements)

Creating a joint committee on trade policy.

Referred to Committee on Commerce and Trade.

HB 1098 by Representatives Lantz and Carrell

Authorizing electronic notice and other communications within the Washington nonprofit corporation act.

Referred to Committee on Judiciary.

HB 1108 by Representatives Chase, DeBolt, Lovick, Ahern, Moeller, Blake, McCoy, Eickmeyer, Sump, O'Brien, Mielke and Haigh

Establishing penalties for harming a police horse.

Referred to Committee on Judiciary.

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

Regulating mail to constituents.

Referred to Committee on Government Operations and Elections.

SHB 1138 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives McIntire, Ericksen, Armstrong, Dunshee, Cooper, Anderson, O'Brien, Haigh, Kenney, Lantz, McDermott and Chase)

Continuing the state parks and outdoor recreation funding task force.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1156 by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Ruderman, Hunt, Kenney, Nixon, Shabro, Haigh, Rockefeller, Cairnes, Simpson, McDermott, Tom, Moeller, Anderson, O'Brien, Benson, Carrell, Mielke, Schual-Berke, Wallace, Hudgins, Kessler, Campbell and Upthegrove (by request of Secretary of State Reed)

Requiring timely mailing of ballots.

Referred to Committee on Government Operations and Elections.

EHB 1161 by Representatives McDermott, Shabro, Tom, Anderson, Kenney, Wallace and Linville (by request of Secretary of State Reed)

Administering funds received under the Help America Vote Act.

Referred to Committee on Government Operations and Elections.

SHB 1175 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Veloria, Roach, O'Brien, Conway, Clements, Lantz, Linville, Moeller, Delvin, Benson, Darneille, Kenney, Kessler, Simpson, Chase, McMahan and Upthegrove)

Making it a crime to traffic in persons.

Referred to Committee on Judiciary.

SHB 1213 by House Committee on State Government (originally sponsored by Representatives Haigh, Armstrong, Morris, Hatfield, Linville, Ruderman and Rockefeller (by request of Governor Locke)

Eliminating boards and commissions.

Referred to Committee on Government Operations and Elections.

SHB 1231 by House Committee on Local Government (originally sponsored by Representatives Romero, Schindler, Upthegrove, Jarrett, Clibborn, Armstrong, Hatfield, Clements, Moeller, Mielke, Morris, Ericksen, Berkey, Roach, Simpson, Linville, Fromhold, Dunshee, Kirby, Ruderman, Hunt, Nixon, McDermott, Holmquist, Anderson, Chase and Condotta)

Providing for direct petition annexations.

Referred to Committee on Land Use and Planning.

SHB 1286 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Ruderman, Crouse, Morris, Nixon, Sullivan and Delvin)

Concerning promotional service offerings.

Referred to Committee on Technology and Communications.

EHB 1403 by Representatives Kenney, Cox, Grant, Fromhold, Jarrett, Conway, McIntire, Benson, Berkey and Upthegrove (by request of State Board for Community and Technical Colleges)

Changing exceptional faculty award grants.

Referred to Committee on Higher Education.

SHB 1440 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Tom and Wood)

Allowing out-of-state licensees to practice commercial real estate.

Referred to Committee on Financial Services, Insurance and Housing.

SHJM 4000 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Morris, Kenney, Conway, Lovick, Linville, Anderson and O'Brien)

Supporting regional infrastructure security.

Referred to Committee on Natural Resources, Energy and Water.

MOTION

On motion of Senator Sheahan, House Bill No. 1231 was referred to the Committee on Land Use and Planning.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8623

By Senators Sheahan and Betti Sheldon

WHEREAS, February 17, 2003, the third Monday of February is President's Day, a federal and state holiday, in honor of the birthdays of George Washington and Abraham Lincoln; and

WHEREAS, George Washington, by today's calendar, born February 22, 1732, is known around the world as "The Father of his Country" and is revered for the courage demonstrated by his daring winter crossing of the Delaware and his integrity; and

WHEREAS, Delegates to the Continental Congress "Shaped their ideas of the powers to be given to a President by their opinions of Washington's virtues"; and

WHEREAS, George Washington, serving as the first President of the United States, defined the office and remained ever mindful of his actions and the ramifications carried by his deeds; and

WHEREAS, Abraham Lincoln, born February 12, 1809, is remembered as "The Savior of the Union," spending much of his first term fighting the Civil War, yet in his second term turned to rebuilding the Union, "With Malice Toward None; With Charity For All"; and

WHEREAS, Abraham Lincoln remains one of the most quoted Presidents, having said of the relevant governing virtue of responsibility: "I freely acknowledge myself the servant of the people, according to the bond of service--the United States Constitution; and that, as such, I am responsible to them"; and

WHEREAS, Washington led our country through the pains of birth, and Lincoln was called upon to preserve and perpetuate our nation; and

WHEREAS, These Presidents remain among the finest examples of leadership, determination and honor, not only for political leaders, but for citizens everywhere;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate that the residents of the state of Washington salute these heroes of our great union, reflecting on this President's Day upon the solemn duty, responsibility, and honor of serving the public.

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Tuesday, February 18, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 17, 2003

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

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 18, 2003
The Senate was called to order at 10:00 a.m. by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Alicia Sommer and Joshua Bocchino, presented the Colors. Mary Lynne Reiner, from The Temple Beth Hatfiloh in Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 17, 2003

MR. PRESIDENT:

The House has passed HOUSE JOINT MEMORIAL NO. 4016, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5865 by Senators B. Sheldon and Oke

AN ACT Relating to recreation facilities; and amending RCW 36.100.030.

Referred to Committee on Parks, Fish and Wildlife.

SB 5866 by Senators Mulliken, Benton, Esser, Shin, Schmidt and T. Sheldon

AN ACT Relating to payment responsibility for utility service; and amending RCW 35.21.290, 35.67.200, 36.94.150, 57.08.081, and 80.28.010.

Referred to Committee on Natural Resources, Energy and Water.

SB 5867 by Senators Swecker, Oke, Doumit, Horn, Prentice, Eide, Schmidt, Regala, B. Sheldon and Jacobsen

AN ACT Relating to environmental remediation; amending RCW 82.04.050, 82.04.190, and 82.04.2635; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Energy and Water.

SB 5868 by Senators Brown, West, Sheahan and Kohl-Welles

AN ACT Relating to driving abstracts of prospective volunteers; and reenacting and amending RCW 46.52.130.

Referred to Committee on Highways and Transportation.

SB 5869 by Senators T. Sheldon, Winsley, Eide, Schmidt, Prentice and Kline

AN ACT Relating to authorizing nonprofit corporations to participate in self-insurance risk pools; and amending RCW 48.62.011, 48.62.021, 48.62.031, 48.62.061, 48.62.071, 48.62.081, 48.62.091, 48.01.050, and 24.03.035.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5870 by Senators Stevens, Regala, Parlette, McAuliffe, Rasmussen and Shin (by request of Department of Community, Trade, and Economic Development)

AN ACT Relating to registration of sex offenders and kidnapping offenders; and amending RCW 9A.44.130.

Referred to Committee on Children and Family Services and Corrections.

SB 5871 by Senators Horn, Kastama and Roach (by request of Department of General Administration)

AN ACT Relating to electronic and web-based bidding; and amending RCW 43.19.1906, 43.19.1908, and 43.19.1911.

Referred to Committee on Government Operations and Elections.

SB 5872 by Senators Oke and Doumit

AN ACT Relating to the accounting of the commercial harvest of food fish; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Parks, Fish and Wildlife.

SB 5873 by Senators Deccio, Parlette, Prentice and Thibaudeau

AN ACT Relating to the administration and management of services to developmentally disabled individuals; amending RCW 71A.18.020; adding a new section to chapter 71A.18 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5874 by Senators Jacobsen, Kline and Kohl-Welles

AN ACT Relating to tolling authority of regional transportation investment districts; amending RCW 36.120.020, 36.120.050, and 47.56.076; and adding a new section to chapter 47.56 RCW.

Referred to Committee on Highways and Transportation.

SB 5875 by Senator Jacobsen

AN ACT Relating to fee increase restrictions for the department of agriculture; and amending RCW 43.135.055.

Referred to Committee on Agriculture.

SB 5876 by Senators Oke, Fairley, Stevens, Rasmussen, Brandland, Parlette, Spanel, Thibaudeau, Kohl-Welles and McAuliffe

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; amending RCW 70.160.080; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5877 by Senators Johnson, McAuliffe, Kohl-Welles and Rasmussen (by request of Governor Locke)

AN ACT Relating to the learning assistance program; adding new sections to chapter 28A.165 RCW; and repealing RCW 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, and 28A.165.090.

Referred to Committee on Education.

SB 5878 by Senators Prentice, Mulliken, Esser, Deccio, Regala, Parlette, Rasmussen and Stevens

AN ACT Relating to the right of health care providers, carriers, and facilities to limit participation in or payment of services by reason of conscience or religion; and amending RCW 48.43.065 and 70.47.160.

Referred to Committee on Health and Long-Term Care.

SB 5879 by Senators Prentice, Deccio, Mulliken, Parlette, Rasmussen and Stevens

AN ACT Relating to conscience clauses; adding a new section to chapter 48.43 RCW; adding a new section to chapter 70.47 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5880 by Senators Reardon, Mulliken, Haugen, T. Sheldon, Shin, Schmidt, Doumit, Stevens and Hargrove

AN ACT Relating to the integration of shoreline management policies with the growth management act; and amending RCW 90.58.020 and 36.70A.480.

Referred to Committee on Land Use and Planning.

SB 5881 by Senators Kohl-Welles, Shin and Kline

AN ACT Relating to the duty of members of the clergy to report child abuse or neglect; amending RCW 26.44.020; reenacting and amending RCW 26.44.030; and creating a new section.

Referred to Committee on Judiciary.

SB 5882 by Senators Kline and Sheahan

AN ACT Relating to county law library funding; and amending RCW 27.24.070.

Referred to Committee on Judiciary.

SB 5883 by Senators Fraser, Kline and Kohl-Welles

AN ACT Relating to creating an environmental crimes prosecutor; adding a new section to chapter 43.10 RCW; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5884 by Senators Keiser, Fraser and Kline

AN ACT Relating to evaluating and addressing the health risks associated with toxic air pollutants; adding a new section to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Natural Resources, Energy and Water.

SB 5885 by Senators Parlette and Deccio

AN ACT Relating to the distribution of funds to community health clinics; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5886 by Senators Stevens, Reardon, Benton, Sheahan, Zarelli and Mulliken

AN ACT Relating to indication of voter abstention; and amending RCW 29.30.010.

Referred to Committee on Government Operations and Elections.

SB 5887 by Senators Kastama and Rasmussen

AN ACT Relating to clarifying that building operation and maintenance costs of housing projects or units within housing projects eligible to receive housing trust funds, that are affordable to very low-income persons with incomes at or below fifty percent of the area median income, are eligible for local funds; and amending RCW 36.22.178.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5888 by Senators Esser, Finkbeiner, Horn and Kline

AN ACT Relating to housing allowances for public school teachers; amending RCW 28A.400.200, 84.52.0531, 41.32.010, 41.40.010, and 41.35.010; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Education.

SB 5889 by Senators Swecker and Rasmussen

AN ACT Relating to animal feeding operations; amending RCW 90.64.030 and 90.64.150; adding a new section to chapter 90.64 RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5890 by Senators Swecker, Rasmussen and Parlette

AN ACT Relating to a pilot project by the department of labor and industries to determine the feasibility and benefits for medical monitoring of agricultural workers; adding a new section to chapter 17.21 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5891 by Senators Swecker and Rasmussen

AN ACT Relating to livestock identification; amending RCW 16.57.010, 16.57.015, 16.57.020, 16.57.023, 16.57.025, 16.57.030, 16.57.040, 16.57.050, 16.57.080, 16.57.090, 16.57.100, 16.57.120, 16.57.130, 16.57.140, 16.57.150, 16.57.160, 16.57.165, 16.57.170, 16.57.180, 16.57.200, 16.57.210, 16.57.220, 16.57.230, 16.57.240, 16.57.260, 16.57.270, 16.57.275, 16.57.280, 16.57.290, 16.57.300, 16.57.310, 16.57.320, 16.57.330, 16.57.340, 16.57.360, 16.57.370, 16.57.400, 16.57.410, 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070, 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.130, 16.58.140, 16.58.150, 16.58.160, 16.58.170, 16.65.010, 16.65.015, 16.65.020, 16.65.030, 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080, 16.65.090, 16.65.100, 16.65.140, 16.65.170, 16.65.190, 16.65.200, 16.65.235, 16.65.260, 16.65.270, 16.65.280, 16.65.300, 16.65.340, 16.65.350, 16.65.380, 16.65.390, 16.65.400, 16.65.420, 16.65.422, 16.65.424, 16.65.440, and 16.65.445; adding new sections to chapter 16.57 RCW; adding a new section to chapter 16.65 RCW; adding a new section to chapter 42.17 RCW; creating a new section; repealing RCW 16.57.380, 16.65.110, 16.65.422, and 16.65.423; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5892 by Senators Swecker and Rasmussen

AN ACT Relating to livestock identification; amending RCW 16.57.010, 16.57.015, 16.57.020, 16.57.023, 16.57.025, 16.57.030, 16.57.040, 16.57.050, 16.57.080, 16.57.090, 16.57.100, 16.57.120, 16.57.130, 16.57.140, 16.57.150, 16.57.160, 16.57.165, 16.57.170, 16.57.180, 16.57.200, 16.57.210, 16.57.220, 16.57.230, 16.57.240, 16.57.260, 16.57.270, 16.57.275, 16.57.280, 16.57.290, 16.57.300, 16.57.310, 16.57.320, 16.57.330, 16.57.340, 16.57.360, 16.57.370, 16.57.400, 16.57.410, 16.65.010, 16.65.015, 16.65.020, 16.65.030, 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080, 16.65.090, 16.65.100, 16.65.140, 16.65.170, 16.65.190, 16.65.200, 16.65.235, 16.65.260, 16.65.270, 16.65.280, 16.65.300, 16.65.340, 16.65.350, 16.65.380, 16.65.390, 16.65.400, 16.65.420, 16.65.424, 16.65.440, and 16.65.445; adding new sections to chapter 16.57 RCW; adding a new section to chapter 16.65 RCW; adding a new section to chapter 42.17 RCW; repealing RCW 16.58.010, 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070, 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.120, 16.58.130, 16.58.140, 16.58.150, 16.58.160, 16.58.170, 16.58.900, 16.58.910, 16.65.110, 16.65.422, 16.65.423, and 16.57.380; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Agriculture.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4016 by Representatives Wood, Benson, Gombosky, Cox, Schoesler, Ahern, Schindler, Crouse, Sump, Skinner, Santos and McDermott

Designating the Michael P. Anderson Memorial Highway.

Referred to Committee on Highways and Transportation.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Swecker, Gubernatorial Appointment No. 9060, Valoria Loveland, as Director of the Department of Agriculture, was confirmed.

Senators Swecker, Hewitt, Betti Sheldon, Shin, Rasmussen, Hale, McAuliffe and Parlette spoke to the confirmation of Valoria Loveland as Director of the Department of Agriculture.

APPOINTMENT OF VALORIA LOVELAND

The Secretary called the roll, The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND READING

SENATE BILL NO. 5327, by Senators Deccio, Thibaudeau and Parlette

Clarifying the scope of practice of a dental hygienist.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5327 was substituted for Senate Bill No. 5327 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5327 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5327.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5327 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5236, by Senators Parlette, Thibaudeau, Winsley, Keiser, Carlson, Honeyford, McAuliffe, Mulliken, Kohl-Welles, Hale, Roach, Esser, Brandland and Eide

Offering health care benefit plans to school district employees.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5236 was substituted for Senate Bill No. 5236 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5236.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5096, by Senators Regala, Winsley, Carlson, Spanel, Jacobsen, Fraser, B. Sheldon, Kohl-Welles and Rasmussen (by request of Joint Committee on Pension Policy)

Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 5096 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5096.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5096 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5095, by Senators Spanel, Jacobsen, Carlson, B. Sheldon and Rasmussen (by request of Joint Committee on Pension Policy)

Allowing a member holding state elective office the option during each term of office of membership or retirement and beginning their retirement allowance in the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5095 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5095.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5095 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Benton, Mulliken, Parlette and Stevens - 4.

SENATE BILL NO. 5095, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5244, by Senator Hewitt

Authorizing additional powers for unclassified cities.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5244 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5244.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5244 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5271, by Senators Honeyford, Hewitt and Parlette (by request of Department of Labor and Industries)

Regarding industrial insurance hearing loss claims.

The bill was read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Franklin be adopted:

On page 2, after "within" on line 3, delete "two" and insert the following: "ten"

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Keiser and Franklin on page 2, line 3, to Senate Bill No. 5271.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Franklin be adopted:

On page 2, after "worker's" on line 3, delete everything through "title" on line 5 and insert the following:

"initial application for Social Security retirement benefits or other pension benefits"

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Keiser and Franklin on page 2, line 3, to Senate Bill No. 5271.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

On motion of Senator Honeyford, the rules were suspended Senate Bill No. 5271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5271.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 28.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 21.

SENATE BILL NO. 5271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5165, by Senators Kohl-Welles, Kline, McCaslin and Franklin

Regulating vehicular pursuit.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5165 was substituted for Senate Bill No. 5165 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5165 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5165.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5165 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5017, by Senators Hewitt, Mulliken, Morton, Stevens, Zarelli, Hale, Deccio and Parlette

Excluding minors working in family businesses from industrial insurance provisions.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 5017 was substituted for Senate Bill No. 5017 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the following amendment by Senators Prentice and Honeyford was adopted:

On page 2, after "parents" on line 5, insert the following: ", upon providing written evidence to the department that the child is covered by health insurance"

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 5017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PERSONAL PRIVILEGE

Senator Kline: "A point of personal privilege, Madam President. These matters are relayed to the state on TVW and they are seen in the Thirty-seventh District, which I represent. I would like my constituents in the Thirty-seventh to know that the gentleman whose face they see in the lower part of their screen is not a member of my political party. I know the aisle is over here and he appears visually to be on my side of the aisle. However, I would like all of the residents of the Thirty-seventh to know that this is simply an anomaly in our seating and I would thank them for their patience. Thank you."

PERSONAL PRIVILEGE:

Senator Hewitt: "A point of personal privilege, Madam President. I would like everyone to know that we do have similar interests in certain things."

Debate ensued on the final passage of Engrossed Substitute Senate Bill No. 5017.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5017.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5017 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate will immediately consider Senate Bill No. 5161.

SECOND READING

SENATE BILL NO. 5161, by Senators Hewitt, Rasmussen, Honeyford, T. Sheldon, Hale, Hargrove, Horn, Haugen, Mulliken, Oke, Sheahan, Roach, McCaslin, Benton, Brandland, Deccio, Esser, Johnson, Parlette, Rossi and Schmidt

Repealing ergonomics rules.

MOTION

On motion of Senator Keiser, the following striking amendment by Senators Keiser and Doumit was withdrawn:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW to read as follows:

The department of labor and industries shall:

(1) establish an ergonomics resource center, to provide expertise and assistance to employers within the state of Washington who seek training, consultation, and technical assistance to comply with the ergonomics rule adopted by the department. To make ergonomics information widely available, the center shall partner with economic development councils, local chambers of commerce, and the Washington manufacturing service. The center shall develop industry-by-industry best-practices guides to assist businesses and workers in applying ergonomics in the workplace. The department shall consult with the Washington Industrial Safety and Health Act advisory committee and determine whether the resource center should rely upon a public-private partnership as its permanent organizational home;

(2) create an ergonomics clearinghouse, to encourage businesses and workers to share proven methods of reducing hazards and preventing injuries. The clearinghouse shall expand the internet-based ergonomics ideas bank, and include compliance guides, checklists, tip sheets, and demonstration projects. The department shall encourage businesses, workers, and health and safety professionals to: (a) provide information regarding hazard reduction and injury prevention for inclusion by the Clearinghouse, and (b) to apply such information in the workplace;

(3) establish a small business ergonomics task force, in consultation with the governor's small business improvement council. The department and the task force shall produce a small business ergonomics assistance guide, make it readily available to businesses, and evaluate the effectiveness of the guide;

(4) appoint an ergonomics ombudsman. Working with safety and health professionals, the ombudsman shall assist employers and employees with problems implementing the ergonomics rule in the workplace;

(5) establish by administrative rule a two-year demonstration project, providing ergonomic assistance awards as approved by the director, up to five thousand dollars per award, to small businesses seeking to reduce hazards and prevent injuries through application of the ergonomic rule, to wholly or partially offset the cost of ergonomic workplace improvement. The department shall provide up to one million dollars out of existing resources to fund the awards. The department shall require an outside evaluation of the demonstration;

(6) establish an ergonomics enforcement review board. The board shall consist of nine members appointed for two years by the director, three of whom shall be representatives of business, three of whom shall be representatives of labor, and three of whom shall be safety and health professionals. The director or his designee will serve as an ex officio member and chair of the board. The board shall report its activities and experience to the department and the Washington Industrial Safety and Health Act advisory committee upon the completion of its two-year term.

Prior to any direct or indirect enforcement of the ergonomics rule, the board shall: (a) develop clear inspection procedures that can be applied fairly and consistently, (b) test these procedures with volunteer employers, (c) develop final inspection procedures based on available feedback from employers and employees, and (d) ensure that department inspectors are fully trained in the final inspection procedures before conducting required non-volunteer inspections. The board shall review all ergonomic inspections involving issues of feasibility prior to the department issuing citations, and make recommendations to the department upon completing its review. The department shall reject the recommendations of the board only for good cause;

(7) Conduct periodic internal audits to ensure that workplace inspections are performed consistently and in accordance with the department's enforcement procedures. All proposed ergonomics citations that could result in the imposition of fines or penalties shall be reviewed by the office of the assistant director for the Washington Industrial Safety and Health Act; and

(8) Adopt any rules necessary to implement this section."

MOTION

Senator Hargrove moved that the striking amendment by Senators Keiser and Doumit be adopted.

MOTION

Senator Hewitt moved that the following amendments by Senators Hewitt and Hargrove to the striking amendment moved by Senator Hargrove (Keiser and Doumit) be considered simultaneously and be adopted:

On page 1, at the beginning of line 3 of the amendment, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW to read as follows:

Rules dealing with musculoskeletal disorders, filed on May 26, 2000, by the director, and codified as WAC 296-62-05101 through 296-62-05176, shall have no force and effect, but shall remain in place for use only as voluntary guidelines for employers. The director shall not adopt any new or amended rules dealing with musculoskeletal disorders that are substantially the same as these rules until and unless required by congress or the federal occupational safety and health administration."

On page 2, line 4, after "workplace;" insert "and"
On page 2, line 12, after "demonstration" strike all material through page 3, line 1, and insert ".".
Renumber the sections consecutively and correct any internal references accordingly.
Debate ensued.
Senator Eide demanded a roll call and the demand was sustained.
Further debate ensued.

POINT OF ORDER

Senator Spanel: "A point of order, Madam President. The previous speaker has pointed out some inconsistencies and frankly I cannot see where the line--is not drawn up correct--you cannot follow it on the striking amendment on what changes are going to be made."

MOTION

Senator Betti Sheldon moved that further consideration of Senate Bill No. 5161 be deferred.
Debate ensued.
The President Pro Tempore declared the question before the Senate to be the motion by Senator Betti Sheldon to defer further consideration of Senate Bill No. 5161.
The motion failed to defer further consideration of Senate Bill No. 5161.

The President Pro Tempore announced changes in page numbers and lines to the amendments to be consistent to the striking amendment to Senate Bill No. 5161.
Further debate ensued.

POINT OF ORDER

Senator Brown: "A point of order, Madam President. The amendment is still not correctly drawn to the amendment that it is trying to amend. I don't think that we want to proceed here with an incorrect amendment. I point out on 'page 2, line 4, after workplace.' There is no 'workplace' on page 2, line 4. We need to set this amendment down and get it correctly drawn so that the members can see what is in front of them. The amendment is incorrectly drawn. It is gobbledegook. We need to set the amendments down and have new amendments drawn that accurately reflect the amendments to the amendment. We can't proceed with an amendment that does not make sense."

At 11:31 a.m., the President Pro Tempore declared the Senate to be at ease.
The Senate was called to order at 11:40 a.m. by President Pro Tempore Winsley.

MOTION

On motion of Senator Hewitt, the amendments by Senators Hewitt and Hargrove on page 1, line 3; page 2, lines 4 and 14; and page 3, line 5; to the striking amendment moved by Senator Hargrove to Senate Bill No. 5161 were withdrawn.

MOTION

Senator Hewitt moved that the following amendments by Senators Hewitt and Hargrove to the striking amendment moved by Senator Hargrove be considered simultaneously and be adopted:

On page 1, at the beginning of line 3 of the amendment, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW to read as follows:

Rules dealing with musculoskeletal disorders, filed on May 26, 2000, by the director, and codified as WAC 296-62-05101 through 296-62-05176, shall have no force and effect, but shall remain in place for use only as voluntary guidelines for employers. The director shall not adopt any new or amended rules dealing with musculoskeletal disorders that are substantially the same as these rules until and unless required by congress or the federal occupational safety and health administration."

On page 2, line 6, after "workplace;" insert "and"

On page 2, line 14, after "demonstration" strike all material through page 3, line 5, and insert ".".

Renumber the sections consecutively and correct any internal references accordingly.

Senator Edie demanded a roll call and the demand was sustained.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Hewitt and Hargrove on page 1, line 3; page 2, lines 6 and 14; and page 3, line 5; to the striking amendment moved by Senator Hargrove to Senate Bill No. 5161.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment were adopted by the following vote: 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 28.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 21.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment moved by Senator Hargrove, as amended, to Senate Bill No. 5161.

Debate ensued.

The striking amendment, as amended, was adopted by voice vote.

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Senate Bill No. 5161 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators West, Zarelli and Hale demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5161.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5161 and the bill passed the Senate by the following vote: 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, McAuliffe, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 30.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 19.

ENGROSSED SENATE BILL NO. 5161, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the bill.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Madam President. This isn't lunch. This relieves itching, burning and spread of eczema, psoriasis, acne and other skin disorders and I resent it. I don't have psoriasis; the rest of them, I have. It soothes the pain of rheumatism, arthritis and bursitis. I do want to apologize to our new Senator. I thought it was Senator Hochstatter. She is much better looking than Senator Hochstatter. You know I have to stand up here and say something about her, but I don't know anything about her, except some told me she was a biker. I don't know what that means, whether it is a peddle pusher or a real motorcycle. Then you owned a tavern? Couldn't you have thought of a better gift, having owed a tavern? Some of you young people should resent this, because you don't look scabby to me. You look pretty good, even us bald headed people. I was wondering why a House member was making speeches on the Senate floor and then Senator Zarelli told me you had been elected to the Senate. I do want to congratulate you and welcome you. For your second speech, you can pass out a six-pack to all of us."

PERSONAL PRIVILEGE

Senator Mulliken: "A point of personal privilege, Madam President. Actually, I did want to tell you a little bit--the good gentleman just kind of gave away my speech. This also soothes the pain of rheumatism, arthritis and bursitis. This is condensed Soap Lake water. I bet you all thought you were going to get a baked potato or maybe a box of apples or maybe some carrots or some other wonderful agriculture products that the Thirteenth District has. I wanted you to know that I have a lake that is know around the world. It is a mineral lake and it is all in the water. It is in Soap Lake! It is known as a sudsy, soapy lake. Sometimes, if you swim in it, you can get cooties, so you want to take a fresh water shower right away. If you don't want to use any of this condensed water for any of the diseases that are mentioned on it, you dip your finger in it and taste it. It won't hurt you; it will clean things out if you want to drink it. I have been told that if you don't have eczema, psoriasis or acne and you put this on your skin, you may get them.

"The other gift that I have is--I do want to brag about the Trout Lodge. I have three facilities of Trout Lodge in the Thirteenth District. It is a fifty-eight year old farm--family fish farm, owned and founded by Edward McClery--that many of you know--eighty-five years old, who is still active. He wanted all of us to enjoy the product of the Trout Lodge facilities--and this is excellent.

"So, with that, I thank you, Madam President."

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Madam President. With these forty-nine bottles, Soap Lake is now extinct."

MOTION

At 12:41 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Wednesday, February 19, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate.

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 18, 2003

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

THIRTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, February 19, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5074 Prime Sponsor, Senator Morton: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Ways and Means February 17, 2003

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5074 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

SB 5140 Prime Sponsor, Senator Carlson: Using revenues under the county conservation futures levy. Reported by Committee on Parks, Fish and Wildlife February 18, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5140 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

HOLD.

SB 5157 Prime Sponsor, Senator Morton: Changing qualifications for appointment to the veterinary board of governors. Reported by Committee on Agriculture February 18, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5157 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

SB 5175 Prime Sponsor, Senator Doumit: Increasing the monthly pensions for volunteer fire fighters and reserve officers. Reported by Committee on Ways and Means February 17, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 18, 2003

SB 5196 Prime Sponsor, Senator Swecker: Regulating the sale, processing, or purchase of agricultural products. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 5196 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 18, 2003

SB 5205 Prime Sponsor, Senator Roach: Providing for electronic monitoring for all level 2 and level 3 sex offenders. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5205 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove and McAuliffe.

Referred to Committee on Ways and Means.

February 18, 2003

SB 5215 Prime Sponsor, Senator Hargrove: Modifying the personal use shellfish license fee. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5215 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Referred to Committee on Ways and Means.

February 18, 2003

SB 5223 Prime Sponsor, Senator Keiser: Authorizing mental health advance directives. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5223 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 18, 2003

SB 5234 Prime Sponsor, Senator Shin: Requiring helmets within public skate parks. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5234 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 18, 2003

SB 5358 Prime Sponsor, Senator West: Authorizing issuance of high school diplomas to veterans of the Korean conflict who were honorably discharged and left high school before graduation to serve in the Korean conflict. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5358 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 17, 2003
SB 5409 Prime Sponsor, Senator Mulliken: Providing for direct petition annexations. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5409 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 17, 2003
SB 5472 Prime Sponsor, Senator Mulliken: Providing a tax exemption for property that has declined in value due to shoreline regulation. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Referred to Committee on Ways and Means.

February 18, 2003
SB 5542 Prime Sponsor, Senator Hargrove: Limiting liability for specified state workers for errors of judgment. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 17, 2003
SB 5545 Prime Sponsor, Senator Esser: Using fees to develop and maintain a web-based vital records system. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Reardon, Schmidt and Stevens.

Referred to Committee on Ways and Means..

February 17, 2003
SB 5574 Prime Sponsor, Senator Finkbeiner: Clarifying district court jurisdiction over actions involving commercial electronic mail. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

February 18, 2003
SB 5673 Prime Sponsor, Senator Brandland: Clarifying that confinement facilities are not liable for former confined persons' acts after release. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 17, 2003
SB 5680 Prime Sponsor, Senator Mulliken: Allowing counties with low population densities to be exempt from GMA review requirements. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5680 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 17, 2003

SB 5690 Prime Sponsor, Senator Rossi: Limiting the taxability of certain internet transactions. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

Referred to Committee on Ways and Means.

February 18, 2003

SB 5775 Prime Sponsor, Senator Oke: Providing funding for state parks and outdoor recreation facilities. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5775 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Referred to Committee on Ways and Means.

February 17, 2003

SB 5802 Prime Sponsor, Senator Mulliken: Transferring the assets and liabilities of certain fire protection districts. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 17, 2003

SB 5846 Prime Sponsor, Senator Sheahan: Establishing a civil equal justice surcharge of ninety dollars on superior court filings, dedicating the use of the state's share of such a surcharge to civil indigent representation, creating a civil equal justice account in the treasury, and providing support for local county law libraries. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Judiciary without recommendation. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Poulsen, Roach, Sheahan, B. Sheldon and Winsley.

Referred to Committee on Judiciary.

MOTIONS

On motion of Senator Sheahan, Senate Bill No. 5205, Senate No. 5215, Senate Bill No. 5472, and Senate Bill No. 5775 were referred to the Committee on Ways and Means.

On motion of Senator Sheahan, Senate Bill No. 5140 was held at the desk.

MESSAGES FROM STATE AGENCIES

AUDIT SUMMARY

Olympic Community College
July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent accountability audit of Olympic Community College for the period July 1, 2001, through June 30, 2002.

We performed audit procedures to determine whether the College complied with state laws and regulations and its own policies and procedures. We also evaluated the internal controls established by College management. Our work focused on specific areas that have potential for abuse or misuse of public resources.

RESULTS

In most areas, the College complied with state laws and regulations and its own policies and procedures. However, we identified one condition significant enough to report as a finding:

* Weak cash receipting internal controls at the Food Service Department increased the risk that errors and irregularities could occur and not be detected by management in a timely manner.

The College has a proactive approach to responding to audit concerns and is committed to resolving the issues we identified.

RELATED REPORTS

In accordance with the Single Audit Act Amendments of 1996, we annually audit major federal programs administered by the state of Washington. Rather than perform a single audit at each agency, we audit the state as a whole and publish the results in a separate statewide single audit report.

Our opinion on the state's general purpose financial statements is expressed in the Washington State Comprehensive Annual Financial Report issued by the Office of Financial Management. In providing our opinion, we limit our audit scope to those agencies that have large account balances.

The College is part of the state community and technical college system. All public community and technical colleges submit their financial information to the State Board for Community and Technical Colleges where the information is combined and we examine the large consolidated account balances as part of our audit of the state's general purpose financial statements.

CLOSING REMARKS

We appreciate the College's prompt attention and commitment to address the condition reported in this audit. We also thank College officials and personnel for their assistance and cooperation.

The State Auditor's Audit Summary Report for Olympic Community College is on file in the Office of the Secretary of the Senate.

AUDIT SUMMARY

Yakima Valley Community College
July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent audit of Yakima Valley Community College for the period July 1, 2001, through June 30, 2002.

We performed audit procedures to determine whether the College complied with state laws and regulations and its own policies and procedures. We also evaluated the internal controls established by College management. Our work focused on specific areas that have potential for abuse and misuse of public resources.

RESULTS

Yakima Valley Community College complied with state laws and regulations and its own policies and procedures in the areas we examined. Internal controls were adequate to safeguard public assets.

RELATED REPORTS

Yakima Valley Community College is included in the State of Washington Comprehensive Annual Financial Report issued by the Office of Financial Management. The results of this audit will be issued in a separate report.

CLOSING REMARKS

We thank College officials and personnel for their assistance and cooperation during the audit.

The State Auditor's Audit Summary Report for Yakima Valley Community College is on file in the Office of the Secretary of the Senate.

AUDIT SUMMARY

Everett Community College
July 1, 2001 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent audit of Everett Community College for the period July 1, 2001, through June 30, 2002.

We performed audit procedures to determine whether the College complied with state laws and regulations and its own policies and procedures. We also evaluated the internal controls established by College management. Our work focused on specific areas that have a high potential for abuse and misuse of public resources.

RESULTS

In the areas examined, the College complied with state laws and regulations and its own policies and procedures.

CLOSING REMARKS

We thank College officials and personnel for their assistance and cooperation during the audit.

The State Auditor's Audit Summary Report for Everett Community College is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5893 by Senator Oke

AN ACT Relating to fish and wildlife automated recreational licensing; and amending RCW 77.32.050.

Referred to Committee on Parks, Fish and Wildlife.

SB 5894 by Senator Keiser

AN ACT Relating to voiding an election; and amending RCW 42.17.390.

Referred to Committee on Government Operations and Elections.

SB 5895 by Senators Rasmussen, Swecker, Shin and Sheahan

AN ACT Relating to requiring the apple commission board positions to be composed of fifteen members allocated on a geographic basis; and amending RCW 15.24.020 and 15.24.030.

Referred to Committee on Agriculture.

SB 5896 by Senators Schmidt, Prentice, Winsley, Fairley, Roach and Franklin

AN ACT Relating to vehicle brokers; and amending RCW 46.70.011 and 46.70.041.

Referred to Committee on Commerce and Trade.

SB 5897 by Senators Franklin, Hargrove, Stevens, McAuliffe, Regala, Kline, Rasmussen, Fairley, Spanel, Fraser, Keiser, Kohl-Welles and B. Sheldon

AN ACT Relating to genetic testing as a condition of employment; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Commerce and Trade.

SB 5898 by Senators Oke, Doumit, Esser, Jacobsen, Swecker, Fraser and Shin

AN ACT Relating to recreational boating; and creating a new section.

Referred to Committee on Parks, Fish and Wildlife.

SB 5899 by Senators Finkbeiner, Reardon, Esser, Hewitt and Schmidt

AN ACT Relating to the provision of wholesale telecommunications services by public utility districts; amending RCW 54.16.330; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Technology and Communications.

SB 5900 by Senators Horn, Reardon, Rossi, T. Sheldon, Mulliken, Esser and Schmidt (by request of Governor Locke)

AN ACT Relating to changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness; adding new sections to chapter 35.21 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5901 by Senators Kohl-Welles, Jacobsen, Schmidt, Shin, Kline and B. Sheldon

AN ACT Relating to the payment of part-time faculty at colleges and four-year institutions; and amending RCW 42.16.010.

Referred to Committee on Higher Education.

SB 5902 by Senators Kohl-Welles and Schmidt

AN ACT Relating to fiscal reform; amending RCW 82.03.130, 82.03.140, 2.10.180, 2.12.090, 6.13.030, 41.24.240, 41.35.100, 41.40.052, 41.44.240, and 43.43.310; reenacting and amending RCW 6.15.020, 41.32.052, and 41.26.053; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating a new section; repealing RCW 6.15.025; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

SB 5903 by Senators Hargrove, Stevens and Carlson

AN ACT Relating to juvenile offender sentences; amending RCW 13.40.160; reenacting and amending RCW 13.40.0357 and 13.40.165; adding new sections to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Children and Family Services and Corrections.

SB 5904 by Senators Deccio, Thibaudeau, Winsley, Franklin, Parlette, Keiser, Brandland, Benton, Carlson, Hale, Johnson, Kline, McAuliffe, McCaslin, Mulliken, Oke, Rasmussen, West, Finkbeiner, Kohl-Welles, Shin, Stevens, Esser and B. Sheldon

AN ACT Relating to prescription drug assistance programs for seniors; adding new sections to chapter 74.09 RCW; adding new sections to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health and Long-Term Care.

SB 5905 by Senators Swecker and Rasmussen

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

Referred to Committee on Agriculture.

SB 5906 by Senators Mulliken, Hargrove, Hewitt, Doumit, T. Sheldon, Finkbeiner, Haugen, Honeyford, Stevens, Morton, Johnson and Esser

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

Referred to Committee on Education.

SB 5907 by Senators Horn, Reardon, Doumit and Morton

AN ACT Relating to the establishment of the Washington maritime safety and improvement act; adding new sections to chapter 88.46 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5908 by Senators Zarelli, Rossi, Carlson, Kohl-Welles, Fairley, B. Sheldon, Keiser, McAuliffe, West and Winsley

AN ACT Relating to capital construction of and bonding for facilities for institutions of higher education; and adding a new chapter to Title 28B RCW.

Referred to Committee on Ways and Means.

SB 5909 by Senators Reardon, Rossi, Roach, Poulsen, Hewitt, Shin, Doumit, Zarelli, Eide, Kline, Stevens, Keiser, McCaslin, West, Hale, McAuliffe, Parlette, Rasmussen, Sheahan and Schmidt

AN ACT Relating to government accountability; adding a new section to chapter 43.88 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Ways and Means.

SB 5910 by Senators Roach, McCaslin, Rasmussen, T. Sheldon, Stevens, Mulliken, Oke and Schmidt

AN ACT Relating to sport shooting ranges; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5911 by Senators Kline, Fairley and Thibaudeau

AN ACT Relating to persistent offenders; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5912 by Senators Mulliken, Haugen, Sheahan, Horn, Parlette, Rasmussen and Spanel

AN ACT Relating to a state produce railcar pool; amending RCW 47.76.250; adding new sections to chapter 47.76 RCW; and creating a new section.

Referred to Committee on Highways and Transportation.

SJM 8017 by Senators Kohl-Welles, Thibaudeau, Regala and Kline

Requesting the federal government to create a national data base for ammunition identification.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8608

By Senators Mulliken, B. Sheldon, McAuliffe, Regala, Rasmussen, Deccio, Esser, Prentice, Rossi, Johnson and Sheahan

WHEREAS, Catholic School Educators have been teaching in Washington State for more than one hundred-forty years, beginning with the Sisters of Providence at Fort Vancouver; and

WHEREAS, Catholic Schools throughout the state of Washington and nation provide an outstanding quality education in a safe environment to thousands of students regardless of race, creed, color, gender, national origin, ethnicity, the presence of any sensory, mental, or physical disability, or economic status; and

WHEREAS, Catholic Schools have more than twenty-nine thousand students currently receiving their education in ninety-one elementary and secondary schools throughout the state of Washington; and

WHEREAS, The dedicated men and women who teach and administer these schools produce academically strong students who also commit themselves to service; and

WHEREAS, Catholic Schools have trained many of the finest leaders in professions and occupations throughout this state and nation; and

WHEREAS, Catholic Schools have been recognized by the United States Department of Education as "Schools of Excellence"; and

WHEREAS, Catholic Schools greatly help relieve the financial burdens placed on public school systems by providing options for parents and students seeking alternative educational opportunities; and

WHEREAS, Catholic Schools uphold the dignity and sanctity of human life; and

WHEREAS, All Catholic Schools around the entire country are celebrating "Catholic Schools 2003: Making a World of Difference";

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Catholic Schools of Washington State and honor their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, January 26, 2003, through February 1, 2003; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, and the Diocese of Yakima.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 8624

WHEREAS, Bob and Lynette Habersetzer Falkner, husband and wife, along with their children, are the fourth and fifth generations to practice forest stewardship on Custer Creek Tree Farm in Pacific County, Washington; and

WHEREAS, Custer Creek Tree Farm has been tended by Leonhard and Rosa Habersetzer, Cornelius Habersetzer, William and Elizabeth Habersetzer, Victor and Ruth Habersetzer, Bob and Lynette Habersetzer Falkner, and their children; and

WHEREAS, There is one tract of forested and agricultural land in the town of Frances, Pacific County, Washington, totaling eight hundred and thirty-seven acres; and

WHEREAS, Custer Creek Tree Farm is a Washington State Centennial Farm that has been in operation since 1888, before Washington gained statehood; and

WHEREAS, Custer Creek Tree Farm is a family tree farm with children, Kate Falkner, Tim Falkner, Mary Beth Falkner, and Elly Falkner, all involved in some aspect of the management of the forest land; and

WHEREAS, This body honors Bob and Lynette Habersetzer Falkner, who were named Washington State's 2002 Outstanding Tree Farmer of the Year; and

WHEREAS, This prestigious honor is given to the top nonindustrial tree farmer who has demonstrated exemplary forest management skills, substantial interest in the Tree Farm Program, abilities in relating to other landowners, and special human interest; and

WHEREAS, Custer Creek Tree Farm was nominated for the finals from over 1,245 certified tree farmers statewide, who collectively own 4,994,038 acres, selected for the title from among six finalists, and will compete in the regional competition and, if successful, the national competition; and

WHEREAS, Custer Creek Tree Farm land is managed to promote healthy tree growth and to develop wildlife, fish, and water resources; and

WHEREAS, Custer Creek Tree Farm regards the land as a gift from God and takes the accompanying responsibility seriously in their management of the tree farm; and

WHEREAS, Custer Creek Tree Farm is active in environmental education with elementary schools and sponsors woods tours for various groups; and

WHEREAS, Custer Creek Tree Farm is a certified Green Tag Forest, the fourth to be so certified in the state of Washington, and the thirteenth in the nation, and is committed to producing timber that is environmentally friendly; and

WHEREAS, Bob and Lynette Habersetzer Falkner are members of the Washington Farm Forestry Association, Washington Contract Loggers Association, Northwest Woodlands Owners Association, National Woodland Owners Association, and the Washington Forest Protection Association; and

WHEREAS, Bob Falkner is a graduate of the Washington Agriculture and Forestry Leadership Program; and

WHEREAS, Private nonindustrial forestry is an exercise in democracy and the private enterprise system; and

WHEREAS, Washington's Tree Farm Program is part of the American Tree Farm System, a nationwide membership of nearly 62,000 landowners, who collectively own seventy-seven million acres; and 61,566 farms, with 77,886,140 acres; and

WHEREAS, The American Tree Farm System is a sixty year old network that brings together forest landowners who are committed to protective water and soil quality and providing wildlife habitat and quality recreation opportunities, at the same time they produce timber products; and

WHEREAS, Fifty-eight percent of the timber harvested in the United States comes from nonindustrial, private woodlands like Custer Creek Tree Farm;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend Bob and Lynette Falkner for being named Washington's Outstanding Tree Farmer of the Year and wish them the best of luck in the regional competition; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Bob and Lynette Falkner.

MOTION

At 12:08 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, February 20, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 19, 2003

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

THIRTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 20, 2003
The Senate was called to order at 12:00 noon by President Pro Tempore Winsley. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 2003
SB 5142 Prime Sponsor, Senator Carlson: Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5142 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 18, 2003
SB 5150 Prime Sponsor, Senator Benton: Providing for the election of library trustees. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5150 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

February 18, 2003
SB 5153 Prime Sponsor, Senator Benton: Establishing a procedure for the election of county commissioners by district. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Passed to Committee on Rules for second reading.

February 18, 2003
SB 5242 Prime Sponsor, Senator Swecker: Requiring libraries to offer filtering software for minor access to the internet. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5242 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 19, 2003
SB 5268 Prime Sponsor, Senator Oke: Concerning fish protection costs. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5268 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Doumit, Fraser and Regala.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5277 Prime Sponsor, Senator Swecker: Regarding certification of entities regulated by the utilities and transportation commission. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5277 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5278 Prime Sponsor, Senator Swecker: Clarifying authority over hazardous materials inspections. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5278 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

February 18, 2003

SB 5281 Prime Sponsor, Senator Roach: Requiring jail booking fees to be based on actual costs. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5281 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5319 Prime Sponsor, Senator T. Sheldon: Authorizing sales and use tax exemptions for call centers. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5319 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Rossi, Schmidt, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

February 19, 2003

SB 5367 Prime Sponsor, Senator Haugen: Apportioning railroad crossing installation and maintenance costs. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Kastama, Mulliken, Oke and Spanel.

Passed to Committee on Rules for second reading.

February 18, 2003

SB 5432 Prime Sponsor, Senator Roach: Modifying the sale of real property by water-sewer districts. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5432 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5435 Prime Sponsor, Senator Haugen: Regulating special license plates. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5435 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5437 Prime Sponsor, Senator Benton: Allowing all parties to appeal from adverse decisions of school district regional committees. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5450 Prime Sponsor, Senator Horn: Providing incentives to reduce air pollution through the use of neighborhood electric vehicles. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5459 Prime Sponsor, Senator Honeyford: Regulating motor vehicle manufacturer and dealer relationships. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5459 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5497 Prime Sponsor, Senator Esser: Modifying relocation assistance provisions. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5497 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5505 Prime Sponsor, Senator Carlson: Providing course study options for public high schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5505 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5549 Prime Sponsor, Senator Prentice: Creating a joint legislative oversight committee on trade policy. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5549 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5583 Prime Sponsor, Senator Haugen: Promoting economic development through tax credits and exemptions. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Rossi, Schmidt, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

February 19, 2003

SB 5585 Prime Sponsor, Senator Swecker: Expanding the authority of transportation benefit districts. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5585 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Kastama, Oke and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair; Jacobsen, Mulliken and Prentice.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5614 Prime Sponsor, Senator T. Sheldon: Extending the expiration date on the rural county sales and use tax deferral program. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Rossi, Schmidt and Shin.

MINORITY Recommendation: Do not pass. Signed by Senator Kohl-Welles.

Referred to Committee on Ways and Means.

February 19, 2003

SB 5650 Prime Sponsor, Senator T. Sheldon: Extending expiration dates on tax credits, exemptions, and deferrals. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Rossi and Schmidt.

Referred to Committee on Ways and Means.

February 18, 2003

SB 5654 Prime Sponsor, Senator McCaslin: Authorizing multiple fire districts to annex portions of a newly incorporated city or town. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5662 Prime Sponsor, Senator Hale: Clarifying community economic revitalization board membership provisions. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Rossi, Schmidt and Shin.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5687 Prime Sponsor, Senator Prentice: Exempting the installation, maintenance, and repair of certain medical devices from electrician licensing requirements. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5687 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 19, 2003

SB 5723 Prime Sponsor, Senator Haugen: Adjusting procedures for postconviction DNA testing. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 18, 2003

SB 5766 Prime Sponsor, Senator Roach: Providing businesses with notice of certain administrative rules. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5766 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 19, 2003

SCR 8402 Prime Sponsor, Senator Shin: Encouraging legislator trade mission participation. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8402 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 19, 2003

HJM 4005 Prime Sponsor, Representative Morris: Supporting the Vancouver 2010 Olympic bid.

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

February 19, 2003

GA 9089 BILL PALMER, appointed April 10, 2000, for a term ending at the Governor's pleasure as Director of the Department of Services for the Blind.
Reported by Committee on Government Operations and Elections.

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and McCaslin.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:
The House has passed:
HOUSE BILL NO. 1032,
ENGROSSED HOUSE BILL NO. 1148,

February 19, 2003

SUBSTITUTE HOUSE BILL NO. 1334,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1367,
SUBSTITUTE HOUSE BILL NO. 1550, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

February 19, 2003

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1376, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5913 by Senators Carlson, Kohl-Welles, B. Sheldon and Schmidt

AN ACT Relating to a master plan for education prekindergarten through university; and creating new sections.
Referred to Committee on Higher Education.

SB 5914 by Senators Carlson and Kohl-Welles

AN ACT Relating to higher education.
Referred to Committee on Higher Education.

SB 5915 by Senators T. Sheldon, Swecker, Kline, Fraser, Rasmussen and Shin

AN ACT Relating to the community economic revitalization board; and amending RCW 43.160.030.
Referred to Committee on Economic Development.

SB 5916 by Senators Esser, Hargrove, Finkbeiner, Haugen, Prentice, Kastama, Reardon, Brandland and McCaslin

AN ACT Relating to construction liability; and adding a new section to chapter 4.16 RCW.
Referred to Committee on Judiciary.

SB 5917 by Senators Schmidt, Kohl-Welles, Winsley, Regala and Shin

AN ACT Relating to preschool and elementary school students assisting in school kitchens; and adding a new section to chapter 28A.235 RCW.

Referred to Committee on Education.

SB 5918 by Senators Kastama, Franklin, Oke, Benton, Deccio and McCaslin

AN ACT Relating to the state building code; and amending RCW 19.27.031.
Referred to Committee on Government Operations and Elections.

SB 5919 by Senators Kastama, Franklin, Oke, Benton, Deccio and McCaslin

AN ACT Relating to the state building code; and amending RCW 19.27.031.
Referred to Committee on Government Operations and Elections.

SB 5920 by Senators West, Brown, Deccio, Franklin, Winsley, Sheahan, Doumit, Hewitt, Morton, Poulsen, Regala, Reardon, Parlette, Carlson, Brandland, Fairley, Hale, Schmidt, Shin and Thibaudeau

AN ACT Relating to the local public health trust fund; amending RCW 84.52.065 and 84.55.010; adding a new section to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; adding a new section to chapter 70.05 RCW; creating new sections; providing a contingent effective date; and providing for submission of this act to a vote of the people.
Referred to Committee on Ways and Means.

SB 5921 by Senator Brandland

AN ACT Relating to post judgment interest on tort judgments; and amending RCW 4.56.115 and 4.56.110.
Referred to Committee on Judiciary.

SB 5922 by Senator Brandland

AN ACT Relating to civil actions; and amending RCW 4.22.070 and 4.22.015.
Referred to Committee on Judiciary.

SB 5923 by Senators Stevens, Reardon and Esser

AN ACT Relating to access to appropriate care for patients under state programs; and adding a new section to chapter 41.05 RCW.
Referred to Committee on Health and Long-Term Care.

SB 5924 by Senators Roach, Kastama, Regala and Hale (by request of Washington State Patrol)

AN ACT Relating to laboratory records; and adding a new section to chapter 43.43 RCW.
Referred to Committee on Government Operations and Elections.

SB 5925 by Senators Finkbeiner, Kline, Hale and Esser

AN ACT Relating to commercial text messages; amending RCW 19.190.010 and 19.190.040; adding new sections to chapter 19.190 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Technology and Communications.

SB 5926 by Senators Esser, Poulsen, Schmidt, Eide, Finkbeiner and Oke

AN ACT Relating to seizing, shipping, and delivery of cigarettes through internet, telephonic, or other delivery services; adding a new chapter to Title 82 RCW; and prescribing penalties.
Referred to Committee on Technology and Communications.

SB 5927 by Senators Sheahan, Brown, B. Sheldon and Franklin

AN ACT Relating to the Lieutenant Colonel Michael P. Anderson Memorial Highway; and amending RCW 47.17.845.
Referred to Committee on Highways and Transportation.

SB 5928 by Senators Franklin and Winsley

AN ACT Relating to the retail sales and use taxation of candy; amending RCW 82.08.0293 and 82.12.0293; adding a new section to chapter 82.32 RCW; and creating a new section.
Referred to Committee on Ways and Means.

SB 5929 by Senators Franklin and Kline

AN ACT Relating to informed consent in the use of genetic information; and adding a new chapter to Title 7 RCW.
Referred to Committee on Children and Family Services and Corrections.

SB 5930 by Senators Franklin, Reardon, Keiser, Thibaudeau, Regala and Kline

AN ACT Relating to lead-based paint activities; and creating new sections.
Referred to Committee on Health and Long-Term Care.

SB 5931 by Senators Rasmussen, Prentice, Hargrove, McAuliffe, Shin and Kline

AN ACT Relating to early intervention services for children with disabilities; and amending RCW 28A.155.070.
Referred to Committee on Education.

SB 5932 by Senators Rasmussen, Kastama, Regala, Franklin, Eide and Schmidt

AN ACT Relating to designation of highways of statewide significance; and amending RCW 47.05.022.
Referred to Committee on Highways and Transportation.

SJM 8018 by Senators McAuliffe, Rasmussen, Fairley, Shin, Eide, Doumit, Kline and B. Sheldon

Petitioning Congress to adequately fund and pursue reform of the individuals with disabilities act, IDEA.

Referred to Committee on Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

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

Providing an ongoing funding source for the community economic revitalization board's financial assistance programs.

Referred to Committee on Economic Development.

EHB 1148 by Representatives Dickerson, Delvin and O'Brien

Adopting the revised interstate compact for juveniles.

Referred to Committee on Children and Family Services and Corrections.

SHB 1334 by House Committee on State Government (originally sponsored by Representatives Haigh, Armstrong, Kristiansen, Tom, Anderson, Shabro, Hatfield, Nixon, Hunt, Roach, Holmquist, Grant, O'Brien, Kagi, Kessler, Upthegrove and Morris)

Requiring cost and benefit assessments early in the rule-making process.

Referred to Committee on Government Operations and Elections.

ESHB 1367 by House Committee on State Government (originally sponsored by Representatives Rockefeller, Alexander, Morris, Jarrett, Conway, Murray, Clibborn, Kenney, Wallace, McIntire, Anderson, Upthegrove, Berkey, Campbell, Kagi, McDermott, Darneille, Wood, Hudgins, Simpson and Ruderman)

Authorizing the legislative accountability board to conduct expanded performance measure reviews.

Referred to Committee on Government Operations and Elections.

EHB 1376 by Representatives Romero, Dickerson, Schoesler, Hunt, Linville, Eickmeyer, Lantz, Wallace and Kenney

Exempting the use of certain water storage facilities from the water code permitting requirements.

Referred to Committee on Natural Resources, Energy and Water.

SHB 1550 by House Committee on State Government (originally sponsored by Representatives Linville, Armstrong, Haigh, Buck, Schual-Berke, McDermott and Conway)

Revising the duties of and renaming the office of permit assistance.

Referred to Committee on Government Operations and Elections.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8626

By Senator Sheahan

**WHEREAS, Twenty percent of the nation's potatoes are produced in the state of Washington; and
WHEREAS, Washington ranks second in the nation in the total production of potatoes and first in
per-acre yield of potatoes; and**

**WHEREAS, Potatoes contribute to our trade balance and the overall health of the state's economy
with over \$300 million of potatoes being exported annually through the ports in Tacoma and Seattle alone;
and**

**WHEREAS, Potatoes represent the state's third largest agricultural commodity with a farm gate
value of over \$500 million, and total value of processed potato products of \$2.5 billion; and**

**WHEREAS, Washington potato growers have won national awards for environmentally friendly and
efficient use of water and fertilizers;**

**NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the men and
women in the state of Washington who work to make the Washington potato industry successful; and**

**BE IT FURTHER RESOLVED, That the Washington State Senate recognize the contribution that this
valuable industry makes to the strength and vitality of the state's economy and wishes to thank the
Washington Potato Commission for the opportunity to sample the great WATATO today on the Capitol
Campus.**

MOTION

On motion of Senator Sheahan, Rule 46 was suspended for the remainder of the day.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

MOTION

At 12:06 p.m, the Senate was declared to be at ease until 12:30 p.m. to board buses to the Olympia High School Performing Arts Center for the Memorial Service Joint Session.

JOINT SESSION

Vice President Pro Tempore Deccio called the Joint Session to order at 1:00 p.m.

The Clerk of the House called the roll of the House

The Secretary of the Senate called the roll of the Senate.

Vice President Pro Tempore Deccio welcomed and introduced the state elected officials present: State Treasurer Mike Murphy, Insurance Commissioner Mike Kreidler and Superintendent of Public Instruction Terry Bergeson.

Vice President Pro Tempore Deccio welcomed and introduced Justice Barbara Madsen.

The Colors were presented by the Washington State Patrol Color Guard.

Vice President Pro Tempore Deccio led the body in the Pledge of Allegiance.

The Clerk of the House called the roll of the former members of the Senate and House who were present: Speaker Wayne Ehlers, Speaker John L. O'Brien, Representative Marlin Appelwick, Representative David Ceccarelli, Senator Barney Goltz, Senator Jeanette Hayner, Representative Denny Heck, Representative Doris Johnson, Representative and Mrs. Duane Kaiser, Senator R. H. Bob Lewis, Senator Gene Lux, Senator Auggie Mardesich, Representative Ron Meyers, Representative Don Miles, Representative Betty Sue Morris, Senator Gary Nelson, Representative and Mrs. Michael Parker, Senator Eugene Prince, Representative Oliver Ristuben, Senator Ray Schow, Representative Paul Sanders, Representative Joe Taller, Senator Frank Warnke, Representative Sim Wilson, Senator Lorraine Wojahn, Representative John Wynne, Representative and Mrs. Bill Young, Senator Gary Strannigan, Secretary of State Ralph Munro, State Auditor and Mrs Bob Graham, Sergeant at Arms and Mrs. Ross Young.

REMARKS BY VICE PRESIDENT PRO TEMPORE DECCIO

Vice President Pro Tempore Deccio: "Honored members of the Legislature, ladies and gentlemen. The purpose of this Joint Session is to honor our departed former legislators. On behalf of the Senate and the House of Representatives, I would like to extend a warm welcome to all the family members who have joined us today. At this time, I would like to respectfully present the gavel to the Honorable John Lovick, Speaker Pro Tempore of the House of Representatives."

Vice President Pro Tempore Deccio presented the gavel to Speaker Pro Tempore Lovick.

Speaker Pro Tempore Lovick introduced President Pro Tempore of the Senate, Shirley Winsley.

REMARKS BY PRESIDENT PRO TEMPORE WINSLEY

President Pro Tempore Winsley: "We are assembled today to pay tribute to the lives and services of the distinguished former members of the Senate and House of Representative of the state of Washington who are no longer with us. On behalf of the people of our state, the Fifty-eighth Legislature of the state of Washington conveys its respects to those deceased legislators who once sat in the Chambers of the House and Senate, answered roll calls on sometimes critical perplexing bills, attended committee meetings and above all else, served to the best of their abilities in order to make our state a better and more enriching place in which to live. While their journey in this life is completed, their achievements, records and valued services have been recorded in the Journals of the Senate and House and are now a permanent part of the history of the state of Washington.

"We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served well beyond their call of duty and responsibilities and truly loved this great state of Washington. They have indeed left a legacy of dedicated service that will remain forever etched in our hearts, our memories and our legislative records."

Speaker Pro Tempore Lovick and President Pro Tempore Winsley called the roll for the deceased former members of the Senate and House of Representatives.

MEMORIAL PROGRAM

Presiding: Vice President Pro Tempore of the Senate Alex Deccio

**President Pro Tempore Shirley Winsley
Speaker Pro Tempore John Lovick**

**PIANIST
Barbara Ruble**

**INVOCATION
by
Rabbi Zari Weiss**

Amazing Grace
**Legislative Choir
Guest Director, Irvin Martin
Accompanist, Barbara Ruble**

**ROLL CALL
Speaker Pro Tempore Lovick
President Pro Tempore Winsley**

CANDLE SERVICE

IN MEMORIAM

**ALBERT F. CANWELL
Fifth District, Served in the House from 1947 to 1949
Memorialized by Representative Brad Benson**

**GRACE E. COLE
First and Thirty-second Districts, Served in the House from 1982, 1985-1999
Memorialized by Senator Paull Shin**

**SHIRLEY L. DOTY
Fourteenth District, Served in the House from 1985 to 1991
Memorialized by Representative Mary Skinner**

**JACK ENGLAND
Thirty-second District, Served in the House from 1961 to 1963
Served in the Senate from 1965-1969
Memorialized by Senator Rosa Franklin**

WILLIAM A. GISSBERG
Thirty-ninth District, Served in the Senate from 1953 to 1973
Memorialized by Senator Stephen Johnson

CARLTON A. GLADDER
Seventh District, Served in the House from 1967 to 1973
Memorialized by Representative John Ahern

GENE GOTOVAC
Sergeant at Arms in the Senate from 1999-2002
Memorialized by Representative Brian Hatfield

WALT O. KNOWLES
Fourth District, Served in the House from 1971 to 1981
Memorialized by Senator Bob McCaslin

BRIAN J. LEWIS
Forty-first District and Forty-fourth District, Served in the House from 1967 to 1969
Served in the Senate from 1969 to 1971
Memorialized by Senator Jim Horn

FRED MASON
Seventeenth District , Served in the House from 1943 to 1945, 1947 to 1949, 1953 to 1955
Memorialized by Representative Deb Wallace

MARYANN MITCHELL
Thirty-ninth District, Served in the House from 1991 to 1993, 1995 to 2002
Memorialized by Representative Beverly Woods

CHARLES MOON
Thirty-Ninth District, Served in the House from 1963 to 1977, 1983 to 1985
Memorialized by Representative Sam Hunt

IRVING NEWHOUSE
Eight and Fifteenth Districts, Served in the House from 1965 to 1980
Served in the Senate from 1980 to 1999
Memorialized by Representative Dan Newhouse

DARWIN R. NEALEY
Ninth District, Served in the House from 1983 to 1993
Memorialized by Senator Larry Sheahan

ROY R. RITNER
Twenty-fourth District, Served in the House from 1959 to 1964
Memorialized by Representative Mark Schoesler

A. N. "BUD" SHINPOCH
Forty-seventh and Eleventh Districts, Served in the House from 1969 to 1977
Served in the Senate from 1977 to 1984
Memorialized by Representative Helen Sommers

CHARLES H. TODD
Forty-fourth District, Served in the House from 1941 to 1943
Served in the Senate from 1933 to 1939
Memorialized by Senator Dave Schmidt

GEORGE TRAUTMAN
Thirty-first District, Served in the House in 1966
Memorialized by Representative Jan Shabro

W. S. "Bill" TRAYLOR
Twenty-fourth District, Served in the House from 1965 to 1967
Memorialized by Representative Jim Buck

JONATHAN WHETZEL
Forty-third District, Served in the House from 1965 to 1971

Served in the Senate from 1971 to 1975
Memorialized by Senator Pat Thibaudeau

MEMORIAL PRAYER
by
Reverend Paul Lundborg, Pastor
Lutheran Church of the Good Shepherd, Olympia

Oh Lord God You are my Refuge
Legislative Choir

Amazing Grace
Washington State Patrol
Sergeant Barry W. Kirk (Bagpipes)
Sergeant Keith Huntley

Speaker Pro Tempore Lovick returned the gavel to Vice President Pro Tempore Deccio.

REMARKS BY VICE PRESIDENT PRO TEMPORE DECCIO

Vice President Pro Tempore Deccio: "Thank you Speaker Pro Tempore Lovick, President Pro Tempore Winsley and the other members of the memorial committee. Our warmest gratitude to those of you who have participated in the program today. We hope that the loved ones of those we honor will draw comfort from today's observance."

MOTION

On motion by Representative Lynn Kessler, the Joint Session was dissolved.

The Senate was called to order at 2:40 p.m. by President Pro Tempore Winsley.

MOTION

At 2:41 p.m., on motion of Senator Parlette, the Senate adjourned until 10:00 a.m., Friday, February 21, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 20, 2003

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

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 21, 2003

The Senate was called to order at 10:00 a.m. by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Fraser, Jacobsen and Poulsen. On motion of Senator Eide, Senators Fraser, Jacobsen and Poulsen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ashley LaMastus and Max Brown, presented the Colors. Mary Lynne Reiner, from the Temple Beth Hatfiloh in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 2003
SB 5012 Prime Sponsor, Senator Johnson: Authorizing charter schools. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5012 as recommended by Committee on Education be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Poulsen, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Doumit, Fairley, Fraser, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

February 19, 2003
SB 5077 Prime Sponsor, Senator Honeyford: Exempting certain withdrawals of water from the provisions of RCW 90.44.050. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

February 20, 2003
SB 5087 Prime Sponsor, Senator Honeyford: Creating the Washington water commission. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5087 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Doumit and Regala.

Referred to Committee on Ways and Means.

February 19, 2003
SB 5145 Prime Sponsor, Senator Mulliken: Concerning withdrawals of public ground waters. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Doumit, Fraser and Regala.

Passed to Committee on Rules for second reading.

February 20, 2003
SB 5342 Prime Sponsor, Senator Winsley: Concerning nursing facility payment method improvements. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Referred to Committee on Ways and Means.

February 20, 2003
SB 5360 Prime Sponsor, Senator West: Revising penalties for false industrial insurance claims. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5360 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 20, 2003
SB 5369 Prime Sponsor, Senator Winsley: Regulating automated traffic safety cameras. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Referred to Committee on Ways and Means.

February 20, 2003
SB 5451 Prime Sponsor, Senator Benton: Regulating escrow agents and officers. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5451 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Roach.

Passed to Committee on Rules for second reading.

February 20, 2003
SB 5460 Prime Sponsor, Senator Mulliken: Providing for determination of disability for special parking privileges by advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2003
SB 5461 Prime Sponsor, Senator Thibaudeau: Limiting disclosure of client information. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5461 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2003
SB 5473 Prime Sponsor, Senator Regala: Requiring the criminal justice training commission to train officers on interacting with developmentally disabled and mentally ill persons. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5473 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2003
SB 5536 Prime Sponsor, Senator Finkbeiner: Resolving claims relating to condominium construction. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5536 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson and Kline.

Passed to Committee on Rules for second reading.

February 20, 2003
SB 5561 Prime Sponsor, Senator Prentice: Concerning restrictions on assignments under UCC Article 9A. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5561 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5564 Prime Sponsor, Senator Deccio: Clarifying the definition of "research." Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5567 Prime Sponsor, Senator Deccio: Modifying medical assistance provisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5570 Prime Sponsor, Senator Brown: Expanding the crime of communicating with a minor for immoral purposes. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5578 Prime Sponsor, Senator Winsley: Allowing for bed hold for boarding home residents. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Parlette and Thibaudeau.

Referred to Committee on Ways and Means.

February 20, 2003

SB 5580 Prime Sponsor, Senator Winsley: Clarifying that boarding homes are not subject to taxation under chapter 82.04 RCW. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That it be referred to Committee on Ways and Means without recommendation. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

Referred to Committee on Ways and Means.

February 19, 2003

SB 5587 Prime Sponsor, Senator Fairley: Requiring voting devices to be accessible to individuals with disabilities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5597 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5601 Prime Sponsor, Senator McCaslin: Including charity care in the good samaritan law. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5601 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5631 Prime Sponsor, Senator Thibaudeau: Making it a crime to traffic in persons. Reported by Committee on Judiciary February 20, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5631 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5709 Prime Sponsor, Senator Deccio: Concerning nursing practices in community-based and in-home care. Reported by Committee on Health and Long-Term Care February 20, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5737 Prime Sponsor, Senator Benton: Reporting abandoned property. Reported by Committee on Financial Services, Insurance and Housing February 20, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Referred to Committee on Ways and Means.

SB 5793 Prime Sponsor, Senator Winsley: Changing on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities. Reported by Committee on Financial Services, Insurance and Housing February 20, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5793 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

SB 5904 Prime Sponsor, Senator Deccio: Concerning prescription drug assistance programs for seniors. Reported by Committee on Health and Long-Term Care February 20, 2003

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Referred to Committee on Ways and Means.

SJM 8012 Prime Sponsor, Senator Fraser: Asking the federal energy regulatory commission to withdraw a new pricing policy proposal. Reported by Committee on Natural Resources, Energy and Water February 20, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 19, 2003

SHB 1063 Prime Sponsor, House Committee on Capitol Budget: Concerning projects to be funded by loans from the public works assistance account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5369 and Senate Bill No. 5737 were referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 20, 2003

GA 9033 JAMES GARRISON, appointed August 1, 2002, for a term ending April 2, 2003, as a member of the State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and Shin.

Passed to Committee on Rules.

February 20, 2003

GA 9037 JENNIFER HAZEN, appointed June 28, 2002, for a term ending May 31, 2003, as a member of the Board of Trustees for Central Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and Shin.

Passed to Committee on Rules.

February 20, 2003

GA 9039 JOHN HIRSCH, appointed March 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Columbia Basin Community College District No. 19.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and Shin.

Passed to Committee on Rules.

February 20, 2003

GA 9047 JASON JOHNSON, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and Shin.

Passed to Committee on Rules.

February 20, 2003

GA 9110 ANITA SHEETY, appointed June 10, 2002, for a term ending May 31, 2003, as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and Shin.

Passed to Committee on Rules.

February 20, 2003

GA 9125 BETH THEW, appointed August 1, 2002, for a term ending June 30, 2006, as a member of the Work Force Training and Education Coordinating Board.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and Shin.

Passed to Committee on Rules.

February 20, 2003

GA 9179 ELMER J. WARD, appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Yakima Valley Community College District No. 16.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and Shin.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5933 by Senators Hargrove, Franklin and Kline

AN ACT Relating to cigarette tax contracts; and amending RCW 43.06.460.

Referred to Committee on Commerce and Trade.

SB 5934 by Senators Esser, McCaslin and Kline

AN ACT Relating to assumption by a code city of a water-sewer district by mutual consent of the city council and district board; and adding a new section to chapter 35.13A RCW.

Referred to Committee on Land Use and Planning.

SB 5935 by Senators Brandland, Oke, Swecker, Hale, Rasmussen, Schmidt and Winsley (by request of Washington State Patrol)

AN ACT Relating to consolidation of state declared fire mobilization responsibilities within the Washington state patrol; amending RCW 38.54.010, 38.54.020, 38.54.030, and 38.54.050; adding new sections to chapter 43.43 RCW; and recodifying RCW 38.54.010, 38.54.020, 38.54.030, 38.54.040, 38.54.050, and 38.54.900.

Referred to Committee on Government Operations and Elections.

SB 5936 by Senator Haugen

AN ACT Relating to penalties for improper use of high-occupancy vehicle lanes; amending RCW 46.61.165; reenacting and amending RCW 46.63.110; and prescribing penalties.

Referred to Committee on Highways and Transportation.

SB 5937 by Senators Parlette, Jacobsen, Haugen, Sheahan and Shin

AN ACT Relating to additions to the scenic and recreational highway system; and amending RCW 47.39.020.

Referred to Committee on Highways and Transportation.

SB 5938 by Senators Finkbeiner and Esser

AN ACT Relating to financial responsibility requirements for vessels; amending RCW 88.40.011, 88.40.020, and 88.40.040; and creating a new section.

Referred to Committee on Highways and Transportation.

SB 5939 by Senators Johnson and Kline

AN ACT Relating to civil legal services funding, administration, and oversight; amending RCW 43.08.260, 43.08.270, and 2.56.030; reenacting and amending RCW 43.08.250; adding a new chapter to Title 2 RCW; and recodifying RCW 43.08.260 and 43.08.270.

Referred to Committee on Judiciary.

SB 5940 by Senators Benton, Prentice and Keiser

AN ACT Relating to conducting the business of an escrow agent; amending RCW 18.44.021; and repealing RCW 48.29.190 and 48.29.200.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5941 by Senators Swecker, Haugen, Horn, Oke and Shin

AN ACT Relating to the Washington commerce corridor; creating new sections; and providing an expiration date.

Referred to Committee on Highways and Transportation.

SB 5942 by Senators Reardon, Hewitt, Prentice and Honeyford

AN ACT Relating to licensing requirements for elevator mechanics and contractors; amending RCW 70.87.010, 70.87.180, 70.87.200, and 70.87.220; adding a new section to chapter 70.87 RCW; and creating a new section.

Referred to Committee on Commerce and Trade.

SB 5943 by Senator Roach

AN ACT Relating to requiring financial institutions to verify its customers' identification; adding a new section to chapter 30.22 RCW; and creating a new section.

Referred to Committee on Financial Services, Insurance and Housing.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 8610

By Senators Rasmussen, Sheahan, Brown, Spanel, Johnson, Kohl-Welles, Mulliken, Regala, Roach, Schmidt and Zarelli

***WHEREAS, The 4-H Youth Development Program of Washington State University has helped young people in Washington develop useful "life skills" since it was established in 1914; and
WHEREAS, The program centers on teaching young people to become productive members of society by fostering self esteem and communication and decision-making skills; and
WHEREAS, 90,000 young people throughout Washington participated in 4-H Youth Development Programs in 2002; and***

WHEREAS, These programs help participants learn about a wide variety of subjects including science, family living, and applied arts; and

WHEREAS, In addition to working with traditional community clubs, the programs reach youth through urban groups, special interest groups, nutrition programs, after school programs, camping, and interagency learning experiences. In its 2002 Centennial Year, the program pledged over 2.6 million hours of community service to Washington residents; and

WHEREAS, The 4-H Youth Development Program promotes volunteer service by enlisting more than 10,000 volunteers statewide, who donate an average of two hundred hours of their time during the year; and

WHEREAS, In 2002, the program achieved its goal of reaching a more diverse audience as twenty-five percent of participants came from ethnic minority groups; and

WHEREAS, More than three hundred-fifty 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide education program titled "4-H Know Your Government";

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Pat Boyes, the State 4-H Leader for the Washington 4-H Youth Development Program.

Senators Rasmussen, Betti Sheldon, Prentice, Sheahan, Benton and, Spanel spoke to Senate Resolution 8610.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Mrs. Heidi Becker, Pierce County 4-H Coordinator and Chaperone, as well as 4-H Leaders, Ian Becker, Michael Korchnoss and Kari Hicks, who were seated in the back of the Chamber.

MOTION

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

SECOND READING

SENATE BILL NO. 5093, by Senators Spanel, Carlson, Fraser, B. Sheldon, Kohl-Welles, Haugen and Rasmussen (by request of Joint Committee on Pension Policy)

Allowing members of the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system to begin receiving benefits without leaving service at age seventy and one-half.

The bill was read the second time.

MOTION

On motion of Senator Spanel, the rules were suspended, Senate Bill No. 5093 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5093.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5093 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudreau, West, Winsley and Zarelli - 45.

Voting nay: Senator Benton - 1.

Excused: Senators Fraser, Jacobsen and Poulsen - 3.

SENATE BILL NO. 5093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5180, by Senators Hewitt, B. Sheldon, Hale, Benton, Rasmussen and Shin (by request of Lieutenant Governor Owen)

Renaming the legislative committee on economic development the legislative committee on economic development and international relations.

The bill was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 5180 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5180.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5180 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Fraser, Jacobsen and Poulsen - 3.

SENATE BILL NO. 5180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5198, by Senators Parlette, Winsley, Deccio, Thibaudeau, Keiser, Franklin and Brandland

Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses.

MOTION

On motion of Senator Parlette, Senate Bill No. 5198 was not substituted.
Debate ensued.

MOTION

On motion of Senator Sheahan, further consideration of Senate Bill No. 5198 was deferred.

SECOND READING

SENATE BILL NO. 5063, by Senators Doumit, Zarelli and Rasmussen

Providing for elections for flood control zone district supervisors.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5063 was substituted for Senate Bill No. 5063 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5063.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5063 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Fraser, Jacobsen and Poulsen - 3.

SUBSTITUTE SENATE BILL NO. 5063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5290, by Senators West, Rasmussen, Hale and Winsley (by request of Horse Racing Commission)

Authorizing the horse racing commission to continue receiving criminal history information.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5290 was substituted for Senate Bill No. 5290 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5290 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5290.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5290 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Benton - 1.

Excused: Senators Jacobsen and Poulsen - 2.

SUBSTITUTE SENATE BILL NO. 5290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5122, by Senators Johnson, Kline and Esser

Revising provisions of the state trademark law.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5122.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Fraser, Jacobsen and Poulsen - 3.

SENATE BILL NO. 5122, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5265, by Senators Thibaudeau, Honeyford, Jacobsen, Kohl-Welles, Johnson, Kline, McAuliffe, Rasmussen, Regala, B. Sheldon, Spanel, Winsley and Kastama

Allowing limited marketing of bottled wine at farmers markets.

MOTIONS

On motion of Senator Thibaudeau, Substitute Senate Bill No. 5265 was substituted for Senate Bill No. 5265 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5265 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5265.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5265 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senator Sheldon, B. - 1.

Excused: Senators Fraser, Jacobsen and Poulsen - 3.

SUBSTITUTE SENATE BILL NO. 5265, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5100, by Senators Fraser, Carlson, Winsley, Spanel, Parlette and Rasmussen (by request of Joint Committee on Pension Policy)

Paying survivor benefits in accordance with Title 26 U.S.C. Sec. 101(h) as amended by the Fallen Hero Survivor Benefit Fairness Act of 2001.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 5100 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5100.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5100 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Fraser, Jacobsen and Poulsen - 3.

SENATE BILL NO. 5100, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5176, by Senators Roach and Doumit

Providing wildland fire fighting training.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5176 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5176.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5176 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Fraser, Jacobsen and Poulsen - 3.

SENATE BILL NO. 5176, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5389, by Senators Benton, Prentice, Winsley, Reardon, Roach, Shin, Zarelli, Regala and T. Sheldon

Managing clean and sober housing.

The bill was read the second time.

MOTION

Senator Benton moved that the following amendments by Senators Benton and Reardon be considered simultaneously and be adopted:

On page 1, line 12, after "Title 24 RCW" strike "or" and insert ", a section 501(c) (3) tax-exempt nonprofit organization under the internal revenue code,"

On page 1, line 12, after "chapter 35.82 RCW" insert ", or a for-profit business entity"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the two amendments by Senators Benton and Reardon on page 1, line 12.

The motion by Senator Benton carried and the amendments were adopted:

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Senate Bill No. 5389 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5389.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5389 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senator Honeyford - 1.

Excused: Senators Fraser, Jacobsen and Poulsen - 3.

ENGROSSED SENATE BILL NO. 5389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. My age group used to watch these movies with Jimmy Cagney and Edward G. Robinson and they would capture them and then they would get one of their cohorts in and they would beat them with a rubber hose and they would never talk--never talk. Now, the Senate is different. As soon as Senator Reardon got up, I saw more fingers pointing at him, saying, 'It is his first time, it's the first time.'

“Anyway, I don’t think I would want to commit a crime with anyone of you in here. Aaron, are you from the Twenty-eighth or Thirty-eighth? Thirty-eighth, thank you. I had to look through my bifocals to see that. I offered Senator Brown--where is she? I asked her if I came into her caucus, would you go into our caucus and she said, ‘No, we like good looking young men, not homely old ones.’ So, I was a little embarrassed about that and I will never forgive Senator Brown.

“I don’t know if Senator Reardon is prepared to give us a gift and I was talking to him earlier, not knowing he was going to make his maiden speech. I said, ‘If you don’t have food, I think we will all take money,’ won’t we? Is that okay, but not lotto tickets? I am still waiting for something decent to be passed out. You know, you shamed me, you really did. We got fish; we got toilet paper. By the way, I ran out. Do you have any more, Senator Brandlund? I would appreciate it. So, I am really, really looking forward to what this young handsome--that is about as far as I am going, Senator. I’ve never had that rumor about me. I don’t know about you. But anyway, we all look forward to his gift. Do you have anything to comment on or for rebuttal? The next time you buy a suit, get the right size, would you?”

PERSONAL PRIVILEGE

Senator Reardon: “A point of personal privilege, Madam President. I recognize fully that I am a huge disappointment to this body. I apologize for my shortcomings. However, Senator, you will be getting a five by seven glossy of me later on this afternoon. I have a huge amount of respect for Senator Schmidt and I do not want to upstage him with his wonderful lottery tickets, which I still have not figured out if I have won or lost either. I was not prepared to speak on the amendment this morning. I apologize, but I will be providing a gift in addition to the five by seven glossy on Monday. In addition to that, you are most welcome to come into my office today and get a picture of me personally, which I will sign and provide a frame. Thank you”

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore introduced Anna and Connor Finkbeiner, children of Senator Bill Finkbeiner, who were seated on the rostrum.

MOTION

At 11:16 a.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon , Monday, February 24, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 21, 2003

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FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 24, 2003
The Senate was called to order at 12:00 noon by President Pro Tempore Winsley. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2003
SB 5118 Prime Sponsor, Senator Prentice: Providing funds to deter, investigate, and prosecute real estate fraud crimes.
Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5118 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Referred to Committee on Ways and Means.

February 20, 2003

SB 5192 Prime Sponsor, Senator Zarelli: Promoting job creation through state investments. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5192 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5193 Prime Sponsor, Senator Benton: Prohibiting insurers from canceling, denying, or refusing to renew property insurance policies due to claims made for malicious harassment. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5193 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5226 Prime Sponsor, Senator Hale: Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5226 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5310 Prime Sponsor, Senator Morton: Establishing bond requirements for title insurance agent licenses. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5310 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5325 Prime Sponsor, Senator Winsley: Allocating money to cities and towns that provide services for state hospitals. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5325 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Referred to Committee on Ways and Means.

February 20, 2003

SB 5341 Prime Sponsor, Senator Winsley: Establishing a quality maintenance fee on nursing facilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5341 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Keiser and Parlette.

Referred to Committee on Ways and Means.

February 21, 2003

SB 5364 Prime Sponsor, Senator Zarelli: Promoting economic development and community revitalization. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5364 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Schmidt and Shin.

Referred to Committee on Ways and Means.

February 21, 2003

SB 5500 Prime Sponsor, Senator Johnson: Facilitating interlocal agreements for court services among municipalities. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5500 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Roach and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5515 Prime Sponsor, Senator Johnson: Allowing judicial members on the board of industrial insurance appeals. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5562 Prime Sponsor, Senator Deccio: Revising the provision for increasing the direct care component rate allocation for residents with exceptional care needs. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5562 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5563 Prime Sponsor, Senator Deccio: Requiring the department of social and health services to inspect boarding homes at least every eighteen months. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5563 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

MINORITY Recommendation: Do not pass. Signed by Senator Franklin.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5586 Prime Sponsor, Senator Hargrove: Granting authority to the department of ecology to address concerns with lead-based paint activities. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5586 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5588 Prime Sponsor, Senator Kline: Requiring a plan to establish pilot regional correctional facilities. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5588 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5596 Prime Sponsor, Senator Stevens: Requiring that custodial assaults at juvenile rehabilitation facilities and institutions be reported to law enforcement. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5596 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5612 Prime Sponsor, Senator Honeyford: Requiring revenue transfers for the treatment of pathological gambling. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5612 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Referred to Committee on Ways and Means.

February 21, 2003

SB 5613 Prime Sponsor, Senator Honeyford: Promoting education on compulsive gambling. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5616 Prime Sponsor, Senator Benton: Concerning insurer foreign investments. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5616 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5641 Prime Sponsor, Senator Benton: Providing civil and criminal penalties for the unlawful transaction of insurance or health coverage. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5641 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5652 Prime Sponsor, Senator Stevens: Tightening requirements for adoption-related advertising. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5652 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5686 Prime Sponsor, Senator Keiser: Establishing a formula for deductions from workers' compensation benefits of inmates and providing for benefits to be sent to department of corrections. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5686 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5714 Prime Sponsor, Senator Benton: Providing financial institution law parity. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5716 Prime Sponsor, Senator Prentice: Prohibiting manufacture or sale of fraudulent drivers' licenses and identicards. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5716 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2003

SB 5720 Prime Sponsor, Senator Winsley: Allowing merchants to require additional identification when conducting credit and debit card sales. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5725 Prime Sponsor, Senator Zarelli: Providing tax incentives to support the state's semiconductor cluster. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Rossi, Schmidt and Shin.

Referred to Committee on Ways and Means.

February 21, 2003

SB 5749 Prime Sponsor, Senator Hargrove: Revising procedures for hearings concerning violations by sex offenders of postrelease conditions. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5749 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5779 Prime Sponsor, Senator Stevens: Preserving sibling relationships for dependent children. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5779 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5780 Prime Sponsor, Senator Stevens: Revising method for making distributions under the municipal criminal justice assistance account. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5780 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 21, 2003

SB 5800 Prime Sponsor, Senator Brown: Establishing the economic development commission. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5800 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

SB 5810 Prime Sponsor, Senator Benton: Borrowing money by domestic mutual insurers. Reported by Committee on Financial Services, Insurance and Housing February 20, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

SB 5811 Prime Sponsor, Senator Hargrove: Requiring greater opportunities for involvement of birth families in foster care. Reported by Committee on Children and Family Services and Corrections February 21, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5811 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

SJM 8010 Prime Sponsor, Senator McAuliffe: Petitioning the Department of Social and Health Services and the Superintendent of Public Instruction to improve access to information regarding organizations dedicated to improving child protection. Reported by Committee on Children and Family Services and Corrections February 21, 2003

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8010 be substituted therefor, and the substitute joint memorial bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

SHB 1121 Prime Sponsor, House Committee on Transportation: Implementing performance audits of transportation-related agencies. Reported by Committee on Rules February 21, 2003

MAJORITY Recommendation: That the bill be referred to Committee on Government Operations and Elections. Signed by Senators Winsley, Benton, Finkbeiner, Franklin, Hale, Hewitt, Honeyford, Parlette, Schmidt, Sheahan, West and Zarelli.

Referred to Committee on Government Operations and Elections.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5118 was referred to the Committee on Ways and Means.

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1079, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1069,

HOUSE BILL NO. 1072, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5944 by Senators Thibaudeau, Keiser, Franklin and Kohl-Welles

AN ACT Relating to the basic health plan; amending RCW 70.47.060 and 48.14.0201; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5945 by Senators Finkbeiner, Fraser, Swecker, Carlson, Fairley, Kohl-Welles, Esser, Regala and Kline

AN ACT Relating to voluntary registration of greenhouse gas emissions; and adding a new chapter to Title 70 RCW.

Referred to Committee on Natural Resources, Energy and Water.

SB 5946 by Senators Kastama and Kohl-Welles

AN ACT Relating to creating an office of mental health ombudsman; adding a new chapter to Title 43 RCW; creating a new section; and providing an effective date.

Referred to Committee on Children and Family Services and Corrections.

SB 5947 by Senators Kohl-Welles, McCaslin, Swecker, Thibaudeau, Brandland and Franklin (by request of Lieutenant Governor Owen)

AN ACT Relating to medical use of marijuana; amending RCW 69.51A.040; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5948 by Senators Honeyford, B. Sheldon and Johnson

AN ACT Relating to bundled telecommunications services; and amending RCW 82.08.0289 and 82.08.0289.

Referred to Committee on Technology and Communications.

SB 5949 by Senators Deccio and Thibaudeau

AN ACT Relating to hospital emergency services; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5950 by Senators Prentice, Kline and Kohl-Welles

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

Referred to Committee on Financial Services, Insurance and Housing.

SB 5951 by Senators Prentice, Kastama, Franklin and Rasmussen

AN ACT Relating to the duty of a residential real property buyer to check for public information regarding known criminals or criminal activity; and amending RCW 64.06.020.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5952 by Senators Prentice, Kastama, Franklin and Rasmussen

AN ACT Relating to debarment of contractors; adding new sections to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Government Operations and Elections.

SB 5953 by Senators Finkbeiner, Esser, Horn, Stevens, Rossi and Honeyford

AN ACT Relating to the disruption of traffic by pedestrians; amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Highways and Transportation.

SB 5954 by Senator Roach

AN ACT Relating to performance audits for state government.

Referred to Committee on Government Operations and Elections.

SB 5955 by Senator Benton

AN ACT Relating to the personal reemployment account program; and adding a new chapter to Title 43 RCW.

Referred to Committee on Economic Development.

SB 5956 by Senator Swecker

AN ACT Relating to livestock identification; amending RCW 16.57.010, 16.57.015, 16.57.020, 16.57.023, 16.57.025, 16.57.030, 16.57.040, 16.57.050, 16.57.080, 16.57.090, 16.57.100, 16.57.120, 16.57.130, 16.57.140, 16.57.150, 16.57.160, 16.57.165, 16.57.170, 16.57.180, 16.57.200, 16.57.210, 16.57.220, 16.57.230, 16.57.240, 16.57.260, 16.57.270, 16.57.275, 16.57.280, 16.57.290, 16.57.300, 16.57.310, 16.57.320, 16.57.330, 16.57.340, 16.57.360, 16.57.370, 16.57.400, 16.57.410, 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070, 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.140, 16.58.150, 16.58.160, 16.58.170, 16.65.010, 16.65.015, 16.65.020, 16.65.030, 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080, 16.65.090, 16.65.100, 16.65.140, 16.65.170, 16.65.190, 16.65.200, 16.65.235, 16.65.260, 16.65.270, 16.65.280, 16.65.300, 16.65.340, 16.65.350, 16.65.380, 16.65.390, 16.65.400, 16.65.420, 16.65.422, 16.65.424, 16.65.440, and 16.65.445; adding new sections to chapter 16.57 RCW; adding a new section to chapter 16.65 RCW; adding a new section to chapter 42.17 RCW; repealing RCW 16.65.110, 16.65.423, 16.57.380, and 16.58.130; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5957 by Senators Hargrove, Rasmussen, Morton, Swecker, Doumit, Sheahan, Oke and Brandland

AN ACT Relating to the collection and use of water quality data; adding new sections to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Natural Resources, Energy and Water.

SB 5958 by Senator McAuliffe

AN ACT Relating to the taxation of lodging; and amending RCW 67.28.181.

Referred to Committee on Government Operations and Elections.

SJM 8019 by Senators Benton, Haugen, Sheahan, T. Sheldon, Roach, Shin, Reardon, Schmidt, Carlson, Swecker, Honeyford, Rossi, Oke, Zarelli, Esser, Morton, Stevens, West and Hale

Requesting Congress to expeditiously build and deploy a missile defense system.

Referred to Committee on Government Operations and Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1069 by House Committee on Finance (originally sponsored by Representatives Pflug, Gombosky, Anderson, Cairnes and Sullivan)

Authorizing a waiver of interest and penalties for property tax bills not sent to the taxpayer due to error by the county.

Referred to Committee on Ways and Means.

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

Increasing options in ethics investigations.

Referred to Committee on Government Operations and Elections.

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

Expanding the definition of resident student for higher education purposes.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8621

By Senators Mulliken, Hewitt, Sheahan, Hale, Deccio, Rossi, Honeyford, Finkbeiner, Stevens, Esser, Zarelli, Schmidt, Johnson, McCaslin, Morton, Benton and Parlette

WHEREAS, Washington State has a vital interest in promoting positive international relations and in developing our international trade market share; and

WHEREAS, Increasing international trade opportunities in Washington State will result in job creation; and

WHEREAS, Grant County International Airport has nearly one hundred million dollars of infrastructure improvements invested at its Grant County International Airport/Moses Lake Air Cargo Facilities, including industrial parks, and roads, creating an important resource that could be used to attract foreign trade, especially with trading partners such as the People's Republic of China; and

WHEREAS, The Grant County International Airport/Moses Lake Air Cargo Facility has the largest commercial runway in the Pacific Northwest; and

WHEREAS, Grant County International Airport/Moses Lake Air Cargo Facilities can serve as a primary foreign trade distribution center for the United States and far eastern air freight carriers moving air cargo into and out of the United States; and

WHEREAS, Grant County, the city of Moses Lake, and the Port of Moses Lake together stand in strong support of the Grant County International Airport/Moses Lake Air Cargo Facilities as a primary foreign trade distribution center; and

WHEREAS, The citizens of the state of Washington, local businesses, and community and civic groups recognize the benefits of international trade and support the effort to establish a primary foreign trade distribution center for the Pacific Northwest at the Grant County International Airport/Moses Lake Air Cargo Facilities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington strongly encourage the advancement of our state's market share of international trade by promoting the Grant County International Airport/Moses Lake Air Cargo Facilities as a key foreign trade distribution center for air cargo trade into and out of the Pacific Northwest.

MOTION

At 12:04 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Tuesday, February 25, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 24, 2003

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FORTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, February 25, 2003
The Senate was called to order at 12:00 noon by President Pro Tempore Winsley. No roll call was taken.

MOTION

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

MESSAGE FROM STATE AGENCY
AUDIT SUMMARY

Lower Columbia Community College
July 1, 2000 through June 30, 2002

ABOUT THE AUDIT

This report contains the results of our independent audit of Lower Columbia Community College for the period July 1, 2000, through June 30, 2002.

We performed audit procedures to determine whether the College complied with state laws and regulations and its own policies and procedures. Our work focused on specific areas that have potential for abuse or misuse of public resources. Other areas are reviewed on a rotating basis over the course of several audits.

RESULTS

For fiscal year 2001 and 2002, the College complied with state laws and regulations and its own policies and procedures in the areas we examined.

RELATED REPORTS

College financial information is included in the audit of the State of Washington that is issued separately.

CLOSING REMARKS

We appreciate the College's prompt attention to resolving prior audit issues and its continuing commitment to ensuring compliance. We also thank College officials and personnel for their assistance and cooperation during the audit.

The State Auditor's Audit Summary Report for Lower Columbia Community College is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

February 24, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1036,
HOUSE BILL NO. 1064,
SUBSTITUTE HOUSE BILL NO. 1086,
HOUSE BILL NO. 1114,
HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1128
HOUSE BILL NO. 1150,
HOUSE BILL NO. 1225,
SUBSTITUTE HOUSE BILL NO. 1249,
HOUSE BILL NO. 1350,
HOUSE BILL NO. 1361,
HOUSE BILL NO. 1435,
SUBSTITUTE HOUSE BILL NO. 1832, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

February 24, 2003

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1252, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk.

INTRODUCTION AND FIRST READING

SB 5959 by Senators Esser, Poulsen, Schmidt, Eide, Stevens, T. Sheldon, Reardon and Finkbeiner

AN ACT Relating to allowing approaches to partially controlled limited access highways for the deployment of personal wireless facilities; amending RCW 47.52.001; and adding a new section to chapter 47.52 RCW.

Referred to Committee on Technology and Communications.

SB 5960 by Senator Benton

AN ACT Relating to prohibiting a regional transit authority from implementing a light rail transit system in certain areas; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5961 by Senators Horn, Haugen and Finkbeiner

AN ACT Relating to aircraft registration violation penalties; amending RCW 47.68.240; prescribing penalties; and providing an effective date.

Referred to Committee on Highways and Transportation.

SB 5962 by Senators Deccio, T. Sheldon and Keiser

AN ACT Relating to nursing home enforcement; adding a new section to chapter 18.51 RCW; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 5963 by Senator Honeyford

AN ACT Relating to the fair announcement of cash prices offered for concord grapes grown in Washington; adding a new section to chapter 20.01 RCW; and providing an effective date.

Referred to Committee on Agriculture.

SB 5964 by Senators Thibaudeau, Winsley and Kohl-Welles

AN ACT Relating to insurance coverage for injuries sustained because of alcohol or narcotic use; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; creating a new section; and repealing RCW 48.20.272.

Referred to Committee on Health and Long-Term Care.

SB 5965 by Senator McCaslin

AN ACT Relating to public facilities district boards of directors in counties in which the largest city has at least forty percent of the population and the second largest city has at least fifteen percent of the population; and amending RCW 36.100.020.

Referred to Committee on Government Operations and Elections.

SB 5966 by Senators Deccio and Winsley

AN ACT Relating to increasing the supply of dentists and dental hygienists to meet the critical shortage of dental providers in this state and underserved areas; amending RCW 18.32.215, 18.29.190, and 18.29.200; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5967 by Senators Honeyford and Rasmussen

AN ACT Relating to providing interdistrict health benefits for educational employees; and amending RCW 28A.400.275.

Referred to Committee on Education.

SB 5968 by Senators Johnson and Finkbeiner (by request of Governor Locke)

AN ACT Relating to the assessment of essential academic learning requirements in communication, social studies, civics, arts, and health and fitness; and amending RCW 28A.655.060.

Referred to Committee on Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1036 by House Committee on Transportation (originally sponsored by Representatives Hatfield, Woods, Simpson, Cooper, Rockefeller and Mielke)

Modifying subagent authority to process mail-in vehicle registration renewals.

Referred to Committee on Highways and Transportation.

HB 1064 by Representatives Eickmeyer, Buck, Haigh and Blake

Authorizing the use of signs, banners, or decorations over highways under limited circumstances.

Referred to Committee on Highways and Transportation.

SHB 1086 by House Committee on Transportation (originally sponsored by Representatives Morris, Pearson, Sullivan, Miloscia and Kristiansen)

Moving mobile homes by mobile home park owners.

Referred to Committee on Highways and Transportation.

HB 1114 by Representatives Hinkle, Murray, Armstrong, Priest, Boldt, Lovick, Mielke and Haigh

Extending school or playground speed zones.

Referred to Committee on Highways and Transportation.

HB 1124 by Representatives Conway, Haigh, Bush, Mielke, Simpson, Kessler, Benson, Sump, Wallace, O'Brien, McDonald, Kenney, Wood, McCoy, Campbell and Upthegrove

Designating veterans' history awareness month.

Referred to Committee on Government Operations and Elections.

SHB 1128 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson, Simpson, Ruderman, Wallace, Hunt, McDermott, Pflug, Campbell and Upthegrove (by request of Insurance Commissioner Kreidler)

Prohibiting insurers from taking certain underwriting actions regarding property insurance policies due to claims made for malicious harassment.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1150 by Representatives Hatfield, Cairnes, Roach, Cooper, Benson, Haigh, Schual-Berke and Simpson (by request of Insurance Commissioner Kreidler)

Selling single premium credit insurance.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1225 by Representatives Lantz, Carrell, McMahan, Moeller, Campbell, Lovick and Chase (by request of Attorney General Gregoire)

Expanding the crime of communicating with a minor for immoral purposes.

Referred to Committee on Judiciary.

SHB 1249 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Rockefeller, Schoesler, Orcutt and Linville (by request of Commissioner of Public Lands Sutherland))

Authorizing the department of natural resources to enter contracts that indemnify another party against loss or damage.

Referred to Committee on Natural Resources, Energy and Water.

EHB 1252 by Representatives Linville, Schoesler, Rockefeller, Sump and Upthegrove (by request of Commissioner of Public Lands Sutherland)

Making technical, nonsubstantive, corrections to and recodifying various department of natural resources' public land statutes.

Referred to Committee on Natural Resources, Energy and Water.

HB 1350 by Representatives Flannigan and Moeller (by request of Office of the Code Reviser)

Repealing RCW 42.44.040.

Referred to Committee on Judiciary.

HB 1361 by Representatives Linville, Schoesler, Grant and Holmquist

Increasing the powers of the state agricultural commodity commissions.

Referred to Committee on Agriculture.

HB 1435 by Representatives Armstrong, Linville, Schoesler, McDermott, Hinkle, Wood, Newhouse, Grant, Quall, Holmquist and Condotta

Concerning the fruit and vegetable district fund.

Referred to Committee on Agriculture.

SHB 1832 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Wood, Kenney and Condotta (by request of Employment Security Department))

Correcting rate class 16 in schedule B by amending RCW 50.29.025 and making no other changes.

Referred to Committee on Commerce and Trade.

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Wednesday, February 26, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 25, 2003

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FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 26, 2003

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

The Sergeant at Arms Color Guard, consisting of Pages Michael Denison and Bradley Thrasher, presented the Colors. Senator Rosa Franklin offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 2003

SB 5062 Prime Sponsor, Senator Doumit: Creating the Puget Sound recreational fisheries enhancement oversight committee. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5062 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 24, 2003

SB 5108 Prime Sponsor, Senator Mulliken: Removing statutory authority for access to private property for governmental purposes. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5108 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Referred to Committee on Ways and Means.

February 24, 2003

SB 5305 Prime Sponsor, Senator Mulliken: Reviewing the state's need for construction aggregates. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5305 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 24, 2003

SB 5507 Prime Sponsor, Senator T. Sheldon: Clarifying who has standing regarding growth management hearings board hearings. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 24, 2003

SB 5651 Prime Sponsor, Senator Hargrove: Authorizing land banks in certain counties with low population densities. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 24, 2003

SB 5934 Prime Sponsor, Senator Esser: Providing a procedure for a water-sewer district to be assumed by a code city.
Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5108 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5140, which was held at the desk February 19, 2003, was referred to the Committee on Rules.

INTRODUCTION AND FIRST READING

SB 5969 by Senators Haugen, Swecker and Rasmussen

AN ACT Relating to natural resource protection in Skagit county; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture.

SB 5970 by Senator Hargrove

AN ACT Relating to correcting a technical error to clarify that the family law handbook shall be provided when a person applies for a marriage license; and amending RCW 2.56.180.

Referred to Committee on Children and Family Services and Corrections.

SB 5971 by Senators Fairley, Zarelli, Poulsen, Rossi, Hargrove, Deccio, Rasmussen and Winsley

AN ACT Relating to residential habilitation centers; amending RCW 28A.190.020, 71A.20.020, 71A.20.050, 71A.20.080, and 72.05.010; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.79 RCW; creating a new section; and repealing RCW 71A.20.030.

Referred to Committee on Ways and Means.

SB 5972 by Senator Benton

AN ACT Relating to prepaid legal service plans; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Financial Services, Insurance and Housing.

SB 5973 by Senators Hargrove and Kohl-Welles

AN ACT Relating to registration of athletic officials; and adding a new chapter to Title 18 RCW.

Referred to Committee on Children and Family Services and Corrections.

SB 5974 by Senators Benton, Haugen, Horn and Oke

AN ACT Relating to the exercise of sound business practices to enhance revenues for Washington State Ferries; and amending RCW 47.60.135, 47.60.140, 47.60.150, 47.60.326, and 47.60.330.

Referred to Committee on Highways and Transportation.

SB 5975 by Senators Reardon, Esser, Poulsen, Finkbeiner and Schmidt

AN ACT Relating to coordinating emergency communications systems by forming the strategic interoperability executive committee; amending RCW 43.105.041; reenacting and amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Technology and Communications.

SB 5976 by Senator Stevens

AN ACT Relating to adult day care services; amending RCW 70.128.030; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 5977 by Senators Esser, Schmidt, Eide, Finkbeiner, Poulsen, Reardon, Stevens, T. Sheldon and Shin

AN ACT Relating to the use of state highway rights of way for the deployment of personal wireless service facilities; amending RCW 47.04.010 and 47.52.001; adding a new section to chapter 47.44 RCW; adding a new section to chapter 47.04 RCW; and creating new sections.

Referred to Committee on Technology and Communications.

SB 5978 by Senators Prentice, Johnson, Shin and Winsley

AN ACT Relating to identifying the use of illegal drivers' licenses when renting a vehicle; adding a new section to chapter 43.43 RCW; and creating new sections.

Referred to Committee on Judiciary.

SB 5979 by Senators Honeyford, Mulliken, Hale, Hewitt and T. Sheldon

AN ACT Relating to creating a competitive industrial insurance system; adding a new chapter to Title 49 RCW; creating a new section; repealing RCW 51.04.010, 51.04.020, 51.04.030, 51.04.040, 51.04.050, 51.04.060, 51.04.070, 51.04.080, 51.04.082, 51.04.085, 51.04.090, 51.04.100, 51.04.105, 51.04.110, 51.04.120, 51.04.130, 51.04.140, 51.08.010, 51.08.012, 51.08.013, 51.08.014, 51.08.015, 51.08.018, 51.08.020, 51.08.030, 51.08.040, 51.08.050, 51.08.060, 51.08.070, 51.08.095, 51.08.100, 51.08.110, 51.08.140, 51.08.142, 51.08.150, 51.08.160, 51.08.173, 51.08.175, 51.08.177, 51.08.178, 51.08.180, 51.08.185, 51.08.195, 51.12.010, 51.12.020, 51.12.025, 51.12.035, 51.12.045, 51.12.050, 51.12.060, 51.12.070, 51.12.080, 51.12.090, 51.12.095, 51.12.100, 51.12.102, 51.12.110, 51.12.120, 51.12.130, 51.12.140, 51.12.150, 51.12.160, 51.12.170, 51.14.010, 51.14.020, 51.14.030, 51.14.040, 51.14.050, 51.14.060, 51.14.070, 51.14.073, 51.14.077, 51.14.080, 51.14.090, 51.14.095, 51.14.100, 51.14.110, 51.14.120, 51.14.130, 51.14.140, 51.14.150, 51.14.160, 51.16.035, 51.16.040, 51.16.042, 51.16.060, 51.16.070, 51.16.090, 51.16.100, 51.16.105, 51.16.110, 51.16.120, 51.16.130, 51.16.140, 51.16.150, 51.16.155, 51.16.160, 51.16.170, 51.16.180, 51.16.190, 51.16.200, 51.16.210, 51.18.005, 51.18.010, 51.18.020, 51.18.030, 51.18.040, 51.18.050, 51.18.060, 51.18.900, 51.24.020, 51.24.030, 51.24.035, 51.24.040, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.24.100, 51.24.110, 51.24.120, 51.24.900, 51.24.902, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.28.040, 51.28.050, 51.28.055, 51.28.060, 51.28.070, 51.28.080, 51.28.090, 51.32.010, 51.32.015, 51.32.020, 51.32.025, 51.32.030, 51.32.040, 51.32.045, 51.32.050, 51.32.055, 51.32.060, 51.32.067, 51.32.072, 51.32.073, 51.32.075, 51.32.080, 51.32.090, 51.32.095, 51.32.098, 51.32.100, 51.32.110, 51.32.112, 51.32.114, 51.32.120, 51.32.130, 51.32.135, 51.32.140, 51.32.150, 51.32.160, 51.32.180, 51.32.185, 51.32.190, 51.32.195, 51.32.200, 51.32.210, 51.32.215, 51.32.220, 51.32.225, 51.32.230, 51.32.240, 51.32.250, 51.32.260, 51.32.300, 51.32.350, 51.32.360, 51.32.370, 51.36.010, 51.36.015, 51.36.020, 51.36.030, 51.36.040, 51.36.050, 51.36.060, 51.36.070, 51.36.080, 51.36.085, 51.36.090, 51.36.100, 51.36.110, 51.36.120, 51.36.130, 51.44.010, 51.44.020, 51.44.030, 51.44.033, 51.44.040, 51.44.050, 51.44.060, 51.44.070, 51.44.080, 51.44.090, 51.44.100, 51.44.110, 51.44.120, 51.44.140, 51.44.150, 51.44.160, 51.44.170, 51.48.010, 51.48.017, 51.48.020, 51.48.025, 51.48.030, 51.48.040, 51.48.050, 51.48.060, 51.48.080, 51.48.090, 51.48.100, 51.48.103, 51.48.105, 51.48.110, 51.48.120, 51.48.131, 51.48.140, 51.48.150, 51.48.160, 51.48.170, 51.48.180, 51.48.190, 51.48.200, 51.48.210, 51.48.220, 51.48.230, 51.48.240, 51.48.250, 51.48.260, 51.48.270, 51.48.280, 51.48.290, 51.52.010, 51.52.020, 51.52.030, 51.52.040, 51.52.050, 51.52.060, 51.52.070, 51.52.080, 51.52.090, 51.52.095, 51.52.100, 51.52.102, 51.52.104, 51.52.106, 51.52.110, 51.52.112, 51.52.113, 51.52.115, 51.52.120, 51.52.130, 51.52.132, 51.52.135, 51.52.140, 51.52.150, 51.52.160, 51.52.200, 51.98.010, 51.98.020, 51.98.030, 51.98.050, 51.98.060, 51.98.070, and 51.98.080; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce and Trade.

SB 5980 by Senators Honeyford and McCaslin

AN ACT Relating to bar association membership fees for legislative attorneys; amending RCW 2.48.130 and 2.48.140 and adding a new section to chapter 2.48 RCW.

Referred to Committee on Judiciary.

SB 5981 by Senators Haugen, Rasmussen and Swecker

AN ACT Relating to construction projects in state waters; amending RCW 77.55.060, 77.55.100, 77.55.110, 77.55.280, 77.55.290, 77.55.300, and 77.55.310; adding new sections to chapter 77.55 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Agriculture.

SB 5982 by Senators Prentice, Hewitt, Doumit, Horn and Reardon

AN ACT Relating to the liquor control board fully implementing a retail business plan; amending RCW 66.08.030 and 66.08.060; adding new sections to chapter 66.08 RCW; creating a new section; and repealing RCW 66.16.080.

Referred to Committee on Ways and Means.

SB 5983 by Senators Shin, T. Sheldon, Reardon, Prentice, Franklin, McAuliffe, Rasmussen and B. Sheldon

AN ACT Relating to including international companies investing in Washington in the definition of "person" for the purposes of excise tax incentives; amending RCW 82.04.030; and creating a new section.

Referred to Committee on Economic Development.

SB 5984 by Senators Shin, Prentice, T. Sheldon, Franklin, Rasmussen and Winsley

AN ACT Relating to employment training; and adding a new chapter to Title 28B RCW.

Referred to Committee on Economic Development.

SJR 8218 by Senators Hale, Rasmussen, McCaslin, Haugen, Deccio, Parlette, Hewitt, Jacobsen, Honeyford, Horn, Oke, Morton, Carlson, Franklin, Sheahan, Poulsen, Mulliken, Reardon, Fairley, West, Doumit, Kline, Kohl-Welles, McAuliffe, Schmidt, B. Sheldon, Spanel, Swecker and Winsley

Requiring a three-fifths majority to approve ballot measures with fiscal impact.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5969 was referred to the Committee on Agriculture.

At 10:09 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 10:16 a.m. by President Owen.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 8628

By Senators Rasmussen, Sheahan, Fraser, Johnson, Mulliken, B. Sheldon, Spanel and Zarelli

WHEREAS, The state's dairy industry began in 1836 when cows were first brought to what was later to become the state of Washington; and

WHEREAS, The first creamery in Washington was started in Cheney in 1880, when cattle outnumbered territorial residents by a ratio of more than two to one; and

WHEREAS, The dairy industry presently consists of approximately six hundred-twenty farms that provide a home to nearly 250,000 cows; and

WHEREAS, All seven principal dairy cow breeds, found in North America, are present today in Washington. The breeds are Holstein, Guernsey, Jersey, Ayrshire, Brown Swiss, Milking Shorthorn, and Dutch Belted; and

WHEREAS, Washington dairies produce more milk per cow than is produced in any other state, with a current average of 22,644 pounds of milk per cow per year; and

WHEREAS, Dairy ranks second only to apples among the largest agricultural industries in the state, with 4,000 jobs on dairy farms and another 40,000 jobs supporting the industry in processing, distribution, marketing, and support services; and

WHEREAS, Washington dairy farmers are recognized within the industry as being among the most efficient and technologically advanced in the world; and

WHEREAS, Washington State Dairy Ambassador Jennifer Rohrer of Ridgefield and Alternate Dairy Ambassadors Amy Moe of Mount Vernon and LeAnne Poier of Sultan, are representing the dairy industry with distinction as the reigning Washington State Dairy Ambassador and Ambassador Alternates; and

WHEREAS, Citizens throughout the state honor this special industry with the annual Dairy Day celebration;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate acknowledge and honor the women and men, whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our state's economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Jennifer Rohrer and Alternate Ambassadors Amy Moe and LeAnne Poier, and the Washington Dairy Products Commission.

Senators Rasmussen and Honeyford spoke to Senate Resolution 8628.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jennifer Rohrer, Dairy Ambassador from Ridgefield, Alternate Dairy Princesses, Amy Moe from Mount Vernon and LeAnne Poier from Sultan, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Dairy Ambassador Jennifer to address the Senate.

MOTION

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

SECOND READING

SENATE BILL NO. 5014, by Senator Honeyford

Authorizing a new subaccount in the public works assistance account.

The bill was read the second time.

MOTIONS

On motion of Senator Honeyford, the following amendment was adopted:

On page 1, after line 11, insert the following:

"Sec. 2. RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the water storage projects and water systems facilities subaccount of the public works assistance account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On motion of Senator Honeyford, the following title amendment was adopted:

On page 1, line 1 of the title, after "projects;" insert "reenacting and amending RCW 43.79A.040;"

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Senate Bill No. 5014 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5014.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5014 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5343, by Senators Parlette, Doumit, Mulliken, Hale and Deccio

Allowing WRIA 40 to be divided for the purposes of chapter 90.82 RCW.

The bill was read the second time.

MOTION

On motion of Senator Parlette, the following amendment was adopted:

On page 2, beginning on line 3, after "staffed." strike all material through "area." on line 9, and insert "For purposes of this chapter, WRIA 40 shall be divided such that the portion of the WRIA located entirely within the Stemilt and Squilchuck subbasins shall be considered WRIA 40a and the remaining portion shall be considered WRIA 40b. Planning may be conducted separately for WRIA 40a and 40b. WRIA 40a shall be eligible for one-half of the funding available for a single WRIA, and WRIA 40b shall be eligible for one-half of the funding available for a single WRIA."

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Senate Bill No. 5343 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5343.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5343 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5575, by Senators Parlette, Morton, Doumit, Honeyford and Hale

Concerning small irrigation impoundments.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5575 was substituted for Senate Bill No. 5575 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5575 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5575.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5575 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5575, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5083, by Senators Stevens, Benton, Mulliken, Roach, Oke, Esser, Swecker and T. Sheldon

Recognizing concealed weapon licenses issued by states that recognize Washington's concealed pistol license.

The bill was read the second time.

MOTION

Senator Kline moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.41 RCW to read as follows:

(1)(a) A person licensed to carry a handgun in a state the laws of which recognize and give effect in that state to a concealed pistol license issued under the laws of the state of Washington is authorized to carry a pistol in this state if:

(i) The licensing state does not issue concealed pistol licenses to persons under twenty-one years of age; and

(ii) The licensing state requires mandatory background checks for all persons who apply for a concealed pistol license.

(b) This section applies to a license holder from another state only while the license holder is not a resident of this state. A license holder from another state must carry the handgun in compliance with the laws of this state.

(2) The attorney general shall periodically publish a list of states the laws of which recognize and give effect in that state to a concealed pistol license issued under the laws of the state of Washington."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kline to Senate Bill No. 5083.

The motion by Senator Kline carried and the striking amendment was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 2 of the title, after "states;" strike the remainder of the title and insert "and adding a new section to chapter 9.41 RCW."

On motion of Senator McCaslin, the rules were suspended, Engrossed Senate Bill No. 5083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5083.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5083 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5198, which was deferred on February 21, 2003, after the motion by Senator Parlette carried to not substitute the bill.

SECOND READING

SENATE BILL NO. 5198, by Senators Parlette, Winsley, Deccio, Thibaudeau, Keiser, Franklin and Brandland

Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses.

The bill was read the second time.

MOTIONS

On motion of Senator Parlette, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.44.060 and 2001 c 76 s 1 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended; (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 and 70.44.130, as may hereafter be amended; or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed fifty cents per thousand dollars of assessed value, and an additional annual tax on all taxable property within such public hospital district not to exceed twenty-five cents per thousand dollars of assessed value, or such further amount as has been or shall be authorized by a vote of the people. Although public hospital districts are authorized to impose two separate regular property tax levies, the levies shall be considered to be a single levy for purposes of the limitation provided for in chapter 84.55 RCW. Public hospital districts are authorized to levy such a general tax in excess of their regular property taxes when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition or propositions to levy taxes in excess of its regular property taxes. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first day of November. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks, at least one time each week, in a newspaper printed and of general circulation in said county. On or before the fifteenth day of November the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is

authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians or other health care practitioners who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, which expenses may include expenses incurred by family members accompanying the candidate, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To ~~((make contracts,))~~ employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make all contracts useful or necessary to carry out the provisions of this chapter, including, but not limited to, (a) contracts with private or public institutions for employee retirement programs, and (b) contracts with current or prospective employees, physicians, or other health care practitioners providing for the payment or reimbursement by the public hospital district of health care training or education expenses, including but not limited to debt obligations, incurred by current or prospective employees, physicians, or other health care practitioners in return for their agreement to provide services beneficial to the public hospital district; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter."

On motion of Senator Parlette, the following title amendment was adopted:

On page 1, line 2 of the title, after "training;" strike the remainder of the title and insert "and amending RCW 70.44.060."

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Senate Bill No. 5198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5198.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5198 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5018, by Senators Roach, Winsley, Zarelli, Honeyford, Johnson, Carlson, Schmidt, Mulliken, Esser, T. Sheldon, Franklin, Fraser, McCaslin, Kastama, Keiser, Kline, Regala, Sheahan and Kohl-Welles

Revising laws against voyeurism.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5018 was substituted for Senate Bill No. 5018 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5018 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5018.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5018 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5452, by Senators Winsley, Benton, Prentice, Keiser and Reardon (by request of Governor Locke)

Regulating check cashers and sellers.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5452 was substituted for Senate Bill No. 5452 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5452 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5452.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5452 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5094, by Senators Carlson, Jacobsen, Spanel, Fraser, B. Sheldon and Rasmussen (by request of Joint Committee on Pension Policy)

Providing optional service credit for substitute service to members of the school employees' retirement system.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 5094 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5094.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5094 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5094, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5195, by Senators Swecker, Rasmussen, Sheahan, Jacobsen and Brandland (by request of Department of Agriculture)

Forwarding grain when an emergency storage situation exists.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5195.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5195 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8003, by Senators Fraser, Rossi, Kohl-Welles, Fairley, Jacobsen, Benton, Eide, Esser, Franklin, Hale, Haugen, Johnson, Kline, McAuliffe, Oke, Parlette, Rasmussen, Regala, Roach, Schmidt, B. Sheldon, Spanel, Stevens, Thibaudeau, Winsley and Zarelli

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

The joint memorial was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Senate Joint Memorial No. 8003 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8003.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8003 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8003, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5299, by Senators Stevens, Reardon, Esser, Finkbeiner, Johnson and T. Sheldon

Concerning promotional service offerings.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5299 was substituted for Senate Bill No. 5299 and the substitute bill was placed on second reading and read the second time.

Senator Esser moved that the following striking amendment by Senators Esser, Stevens, Reardon and Finkbeiner be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.04.130 and 2001 c 267 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, whenever any public service company shall file with the commission any schedule, classification, rule, or regulation, the effect of which is to change any rate, charge, rental, or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof (~~and~~). Pending such hearing and the decision thereon, the commission may suspend the operation of such rate, charge, rental, or toll for a period not exceeding ten months from the time the same would otherwise go into effect (~~and~~). After a full hearing, the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

(2)(a) The commission shall not suspend a tariff that makes a decrease in a rate, charge, rental, or toll filed by a telecommunications company pending investigation of the fairness, justness, and reasonableness of the decrease when the filing does not contain any offsetting increase to another rate, charge, rental, or toll and the filing company agrees to not file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year.

(i) The filing company shall file with any decrease sufficient information as the commission by rule may require to demonstrate the decreased rate, charge, rental, or toll is above the long run incremental cost of the service. A tariff decrease that results in a rate that is below long run incremental cost, or is contrary to commission rule or order, or the requirements of this chapter, shall be rejected for filing and returned to the company.

(ii) The commission may prescribe a different rate to be effective on the prospective date stated in its final order after its investigation, if it concludes based on the record that the originally filed and effective rate is unjust, unfair, or unreasonable.

~~((For the purposes of this section, tariffs for the following telecommunications services, that temporarily waive or reduce charges for existing or new subscribers for a period not to exceed sixty days in order to promote the use of the services shall be considered tariffs that decrease rates, charges, rentals, or tolls:~~

- ~~(a) Custom calling service;~~
- ~~(b) Second access lines; or~~
- ~~(c) Other services the commission specifies by rule.~~

~~The commission may suspend any promotional tariff other than those listed in (a) through (c) of this subsection.)~~

~~(b) The commission shall not suspend a promotional tariff. For the purposes of this section, "promotional tariff" means a tariff that, for a period of up to ninety days, waives or reduces charges or conditions of service for existing or new subscribers for the purpose of retaining or increasing the number of customers who subscribe to or use a service.~~

(3) The commission may suspend the initial tariff filing of any water company removed from and later subject to commission jurisdiction because of the number of customers or the average annual gross revenue per customer provisions of RCW 80.04.010. The commission may allow temporary rates during the suspension period. These rates shall not exceed the rates charged when the company was last regulated. Upon a showing of good cause by the company, the commission may establish a different level of temporary rates.

~~((2))~~ (4) At any hearing involving any change in any schedule, classification, rule, or regulation the effect of which is to increase any rate, charge, rental, or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

~~((3))~~ (5) The implementation of mandatory local measured telecommunications service is a major policy change in available telecommunications service. The commission shall not accept for filing a price list, nor shall it accept for filing or approve, prior to June 1, 2004, a tariff filed by a telecommunications company which imposes mandatory local measured service on any customer or class of customers, except that, upon finding that it is in the public interest, the commission may accept for filing a price list or it may accept for filing and approve a tariff that imposes mandatory measured service for a telecommunications company's extended area service or foreign exchange service. This subsection does not apply to land, air, or marine mobile service, or to pay telephone service, or to any service which has been traditionally offered on a measured service basis.

~~((4))~~ (6) The implementation of Washington telephone assistance program service is a major policy change in available telecommunications service. The implementation of Washington telephone assistance program service will aid in achieving the stated goal of universal telephone service.

~~((5))~~ (7) If a utility claims a sales or use tax exemption on the pollution control equipment for an electrical generation facility and abandons the generation facility before the pollution control equipment is fully depreciated, any tariff filing for a rate increase to recover abandonment costs for the pollution control equipment shall be considered unjust and unreasonable for the purposes of this section.

Sec. 2. RCW 80.36.110 and 1997 c 166 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, unless the commission otherwise orders, no change shall be made in any rate, toll, rental, or charge, that was filed and published by any telecommunications company in compliance with the requirements of RCW 80.36.100, except after notice as required in this subsection.

(a) For changes to any rate, toll, rental, or charge filed and published in a tariff, the company shall provide thirty days' notice to the commission and publication for thirty days as required in the case of original schedules in RCW 80.36.100(=which)). The notice shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, toll, or charge will go into effect, and all proposed changes shall be shown by printing, filing and publishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Proposed changes may be suspended by the commission within thirty days or before the stated effective date of the proposed change, whichever is later.

(b) For changes to any rate, toll, rental, or charge filed and published in a price list, the company shall provide ten days' notice to the commission and customers. The commission shall prescribe the form of notice.

(c) The commission for good cause shown may allow changes in rates, charges, tolls, or rentals without requiring the ~~((thirty days'))~~ notice and publication provided for in (a) or (b) of this subsection, by an order or rule specifying the change to be made and the time when it takes effect, and the manner in which the change will be filed and published.

(d) When any change is made in any rate, toll, rental, or charge, the effect of which is to increase any rate, toll, rental, or charge then existing, attention shall be directed on the copy filed with the commission to the increase by some character immediately preceding or following the item in the schedule, which character shall be in such a form as the commission may designate.

(2)(a) A telecommunications company may file a tariff that decreases any rate, charge, rental, or toll with ten days' notice to the commission and publication without receiving a special order from the commission when the filing does not contain an offsetting increase to another rate, charge, rental, or toll, and the filing company agrees not to file for an increase to any rate, charge, rental, or toll to recover the revenue deficit that results from the decrease for a period of one year.

(b) A telecommunications company may file a promotional offering to be effective, without receiving a special order from the commission, upon filing with the commission and publication. For the purposes of this section, "promotional offering" means a tariff or price list that, for a period of up to ninety days, waives or reduces charges or conditions of service for existing or new subscribers for the purpose of retaining or increasing the number of customers who subscribe to or use a service.

Sec. 3. RCW 80.36.320 and 1998 c 337 s 5 are each amended to read as follows:

(1) The commission shall classify a telecommunications company as a competitive telecommunications company if the services it offers are subject to effective competition. Effective competition means that the company's customers have reasonably available alternatives and that the company does not have a significant captive customer base. In determining whether a company is competitive, factors the commission shall consider include but are not limited to:

- (a) The number and sizes of alternative providers of service;
- (b) The extent to which services are available from alternative providers in the relevant market;
- (c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and
- (d) Other indicators of market power which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

The commission shall conduct the initial classification and any subsequent review of the classification in accordance with such procedures as the commission may establish by rule.

(2) Competitive telecommunications companies shall be subject to minimal regulation. Minimal regulation means that competitive telecommunications companies may file, instead of tariffs, price lists ~~((that shall be effective after ten days' notice to the commission and customers. The commission shall prescribe the form of notice))~~. The commission may also waive other regulatory requirements under this title for competitive telecommunications companies when it determines that competition will serve the same purposes as public interest regulation. The commission may waive different regulatory requirements for different companies if such different treatment is in the public interest. A competitive telecommunications company shall at a minimum:

- (a) Keep its accounts according to regulations as determined by the commission;
- (b) File financial reports with the commission as required by the commission and in a form and at times prescribed by the commission;
- (c) Keep on file at the commission such current price lists and service standards as the commission may require; and
- (d) Cooperate with commission investigations of customer complaints.

(3) When a telecommunications company has demonstrated that the equal access requirements ordered by the federal district court in the case of U.S. v. Atand T, 552 F. Supp. 131 (1982), or in supplemental orders, have been met, the commission shall review the classification of telecommunications companies providing inter-LATA interexchange services. At that time, the commission shall classify all such companies as competitive telecommunications companies unless it finds that effective competition, as defined in subsection (1) of this section, does not then exist.

(4) The commission may revoke any waivers it grants and may reclassify any competitive telecommunications company if the revocation or reclassification would protect the public interest.

(5) The commission may waive the requirements of RCW 80.36.170 and 80.36.180 in whole or in part for a competitive telecommunications company if it finds that competition will serve the same purpose and protect the public interest.

Sec. 4. RCW 80.36.330 and 1998 c 337 s 6 are each amended to read as follows:

(1) The commission may classify a telecommunications service provided by a telecommunications company as a competitive telecommunications service if the service is subject to effective competition. Effective competition means that customers of the service have reasonably available alternatives and that the service is not provided to a significant captive customer base. In determining whether a service is competitive, factors the commission shall consider include but are not limited to:

- (a) The number and size of alternative providers of services;
- (b) The extent to which services are available from alternative providers in the relevant market;
- (c) The ability of alternative providers to make functionally equivalent or substitute services readily available at competitive rates, terms, and conditions; and
- (d) Other indicators of market power, which may include market share, growth in market share, ease of entry, and the affiliation of providers of services.

(2) When the commission finds that a telecommunications company has demonstrated that a telecommunications service is competitive, the commission may permit the service to be provided under a price list ~~((effective on ten days' notice to the commission and customers. The commission shall prescribe the form of notice))~~. The commission may adopt procedural rules necessary to implement this section.

(3) Prices or rates charged for competitive telecommunications services shall cover their cost. The commission shall determine proper cost standards to implement this section, provided that in making any assignment of costs or allocating any revenue requirement, the commission shall act to preserve affordable universal telecommunications service.

(4) The commission may investigate prices for competitive telecommunications services upon complaint. In any complaint proceeding initiated by the commission, the telecommunications company providing the service shall bear the burden of proving that the prices charged cover cost, and are fair, just, and reasonable.

(5) Telecommunications companies shall provide the commission with all data it deems necessary to implement this section.

(6) No losses incurred by a telecommunications company in the provision of competitive services may be recovered through rates for noncompetitive services. The commission may order refunds or credits to any class of subscribers to a noncompetitive telecommunications service which has paid excessive rates because of below cost pricing of competitive telecommunications services.

(7) The commission may reclassify any competitive telecommunications service if reclassification would protect the public interest.

(8) The commission may waive the requirements of RCW 80.36.170 and 80.36.180 in whole or in part for a service classified as competitive if it finds that competition will serve the same purpose and protect the public interest."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Esser, Stevens, Reardon and Finkbeiner.

The motion by Senator Esser carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "tariff and price list notices; and amending RCW 80.04.130, 80.36.110, 80.36.320, and 80.36.330."

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Substitute Senate Bill No. 5299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5299.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5299 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5245, by Senators Horn, Haugen, Mulliken, Finkbeiner, Oke, Swecker, Esser, Prentice, Benton and Kohl-Welles

Involving legislators in transportation planning.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation amendment was adopted:

On page 2, after line 1, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 47.80 RCW to read as follows:

When voting on matters solely affecting Washington state, a regional transportation planning organization must obtain a majority vote of the Washington residents serving as members of the regional transportation planning organization before a matter may be adopted."

Renumber the sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 2 of the title, after "planning;" strike "and" and on line 2, after "47.80.040" insert "; and adding a new section to Chapter 47.80 RCW"

On motion of Senator Horn, the rules were suspended, Engrossed Senate Bill No. 5245 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5245.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5245 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senators Jacobsen, Kohl-Welles, Regala and Thibaudeau - 4.

ENGROSSED SENATE BILL NO. 5245, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5224, by Senators Benton, Prentice, Winsley, Zarelli, Johnson, T. Sheldon, Kohl-Welles, Hale, Roach and Esser

Adding a rental housing owner to the affordable housing advisory board.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5224 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5224.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5224 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Poulsen - 1.

SENATE BILL NO. 5224, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5396, by Senators McCaslin, Deccio, Thibaudeau, Eide and Brandland

Enforcing conditions in deferred prosecutions.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5396 was substituted for Senate Bill No. 5396 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5396.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5396 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8000, by Senators Fraser, Morton, Hewitt, Keiser and Hale

Requesting the federal energy regulatory commission to withdraw a proposal affecting electricity.

The joint memorial was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Joint Memorial No. 8000 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8000.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8000 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8000, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. At last ladies and gentlemen, we have reached the bottom of the barrel. I have never been good with words. Perhaps, I should rephrase that. The last freshman has made his initial maiden speech. I asked Senator West, 'Now that my job is done, could I go home?' He said, 'No, Senator Reardon hasn't passed out a gift yet.' So, the only thing that I can tell him is if you are waiting for a hot deal on e-bay, you best hurry, because, I understand that there is a bill in to tax those things.

"Now, back to Senator Esser. Could you identify yourself, please, so that I know who I am talking about? The Democrats hired a CIA Operative and this is what they found out. You are one of those few students who was on a ten year plan at the UW for a two year course, but I don't know if you would fit into Senator Carlson's bill about career students. He is also a free lance sports writer, so he gets to cover UW basketball games. Of course, the real reason is, I understand he likes girls' basketball--and I will stop right there. Who said that? Anyway, they are screaming for you, Senator.

"When he was in the House, Senator Esser went through something like four 'PIOs' in his four years. He finally found one that could write and he could understand his writing. Now, the current PIO in the Senate, if he can go more than a year with him, the Senate should give him or her a special bonus. Now, the last thing--not completely the last thing--because I

have a few other comments. With his deep powerful voice, you would think Senator Esser would have chosen a career in radio instead of print. Maybe someday, he will put that voice to good use and become a talking host. But, the Senate probably has reached its quota on talk show hosting members, because Senator Roach does an excellent job, so why should we even try Esser? I have a CD here; I have no idea what it is. Are you buying lunch--oh that is his? Can you play it? Do you have anything else? I am really not wild about chocolate.

"Here are the things I found out about Senator Esser: He is tall; He is lawyer--they didn't tell me if he is a good one or a bad one, but he is a lawyer; He has a mustache--does that bother girls when you kiss them--is it kind of ticklish; He has lots of hair--that hurts; He knows Senator Jim Horn--whoopee; He knows Senator Dino Rossi--that is more important, because he is in charge of the budget; He loves basketball--womens--especially. He loves wrestling--don't know if it is womens mud wrestling or just the regular wrestling. He comes from the Forty-eighth District. Now that is an interesting district, because years ago McDonald and Sanders had a conflict and McDonald won. Now, we have had a fight between Esser and Representative Van Luven--not a fight really--you guys got along. Anyway, we are happy you are here. We are happy for the chocolate you just passed out and you are going to have to pay to have my pants expanded."

PERSONAL PRIVILEGE

Senator Esser: "Thank you, Mr. President. I rise to a point of personal privilege. I hope the Senators will accept this small gift--this small treat--as a symbol of what a treat it is for me to be here with you in the Senate and to serve as the Chair of the Technology and Communications Committee. I would especially like to thank the distinguished chair of the Senate Judiciary Committee. I simply could not aspire to any greater height than to stand tall with you on the floor of the Senate. Thank you, Mr. President."

Further discussion occurred.

POINT OF INQUIRY

Senator Deccio: "Senator McCaslin, back in the pioneer days, what did you give as a result of your maiden speech?"

Senator McCaslin: "Senator Deccio, I can't remember yesterday; I can't remember that far back. I think it was Cadillacs or some car."

Senator Deccio: "I think it was a shovel to pile it higher and deeper."

MOTION

Senator Poulsen moved that the Senate advance to the ninth order of business to relieve the Committee on Judiciary of Senate Joint Resolution No. 8218 and to refer the bill to the Committee on Government Operations and Elections.

MOTION

At 12:05 p.m., Senator Sheahan moved that the Senate adjourn.

Debate ensued.

Senator Brown demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to adjourn.

ROLL CALL

The Secretary called the roll and the motion to adjourn failed by the following vote. Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 24.

Voting nay: Senators Benton, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheldon, B., Shin, Spanel and Thibaudeau - 25.

The President declared the question before the Senate to be the motion by Senator Poulsen to advance to the ninth order of business to relieve the Committee on Judiciary of Senate Joint Resolution No. 8218 and to refer the joint resolution to the Committee on Government Operations and Elections.

Debate ensued.

MOTION

At 12:15 p.m., Senator West moved that the Senate adjourn until 12:00 noon, Thursday, February 27, 2003.

Senator Brown demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator West to adjourn until 12:00 noon, Thursday, February 27, 2003.

The Secretary called the roll and the motion to adjourn carried by the following vote. Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Benton, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheldon, B., Shin, Spanel and Thibaudeau - 24.

At 12:17 p.m., the Senate adjourned until 12:00 noon, Thursday, February 27, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY , FEBRUARY 26, 2003

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FORTY-SIXTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, February 27, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5035 Prime Sponsor, Senator T. Sheldon: Formalizing special needs transportation contributions. Reported by
Committee on Highways and Transportation February 26, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5035 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

SB 5041 Prime Sponsor, Senator Morton: Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas. Reported by Committee on Ways and Means February 25, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair, Doumit, Hale, Honeyford, Johnson, Roach, Sheahan, B. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

SB 5047 Prime Sponsor, Senator Roach: Limiting siting of secure residential facilities for sexually violent predators to properties zoned for industrial use. Reported by Committee on Government Operations and Elections February 26, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5047 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Referred to Committee on Ways and Means.

February 25, 2003

SB 5052 Prime Sponsor, Senator Hale: Delaying the effect of significant legislative rules. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, McCaslin and Reardon.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and Kastama.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5053 Prime Sponsor, Senator Hale: Prohibiting agencies from adopting rules that exceed federal standards without legislative authority. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Kastama and Reardon.

Referred to Committee on Ways and Means.

February 26, 2003

SB 5061 Prime Sponsor, Senator Thibaudeau: Prohibiting money in the emergency medical services and trauma care system trust account from being transferred to other accounts. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Referred to Committee on Ways and Means.

February 25, 2003

SB 5067 Prime Sponsor, Senator Morton: Allowing garbage trucks to bypass weigh stations. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5067 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Kastama, Mulliken, Oke and Prentice.

Passed to Committee on Rules for second reading.

February 24, 2003

SB 5078 Prime Sponsor, Senator Shin: Regulating the authority of metropolitan municipal corporations to acquire property. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5105 Prime Sponsor, Senator Fraser: Ensuring the quality and availability of educational interpreters. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5105 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5117 Prime Sponsor, Senator Eide: Regulating the sale, distribution, and installation of air bags. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5117 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5138 Prime Sponsor, Senator Carlson: Allowing the use of the Washington assessment of student learning for additional purposes. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5138 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Referred to Committee on Ways and Means.

February 26, 2003

SB 5166 Prime Sponsor, Senator Esser: Allowing police cars to use HOV lanes. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5190 Prime Sponsor, Senator Jacobsen: Strengthening laws against fuel tax evasion. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5203 Prime Sponsor, Senator Oke: Allowing the department of fish and wildlife to use approved controlled substances for chemical capture programs. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5203 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5210 Prime Sponsor, Senator Honeyford: Modifying electrician certification provisions. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5212 Prime Sponsor, Senator Honeyford: Exempting certain work from the licensing requirements of chapter 19.28 RCW. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5212 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5237 Prime Sponsor, Senator Deccio: Regulating the catheterization of students. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5237 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5275 Prime Sponsor, Senator Roach: Managing confidential records. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5275 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5306 Prime Sponsor, Senator Roach: Revising campaign finance reporting requirements for out-of-state political committees. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 24, 2003

SB 5309 Prime Sponsor, Senator Mulliken: Requiring senate confirmation of appointees to growth management hearings boards. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5335 Prime Sponsor, Senator Zarelli: Defining "motorcycle helmet." Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5335 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Kastama, Mulliken and Oke.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5340 Prime Sponsor, Senator Horn: Modifying the commute trip reduction program. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen, Kastama and Spanel.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5346 Prime Sponsor, Senator Haugen: Requiring compensation for damage by required changes to tide gate operation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Hale, Honeyford, Johnson, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 24, 2003

SB 5351 Prime Sponsor, Senator Haugen: Requiring state agencies to first apply land use mandates to state lands. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5351 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5381 Prime Sponsor, Senator Sheahan: Including hydrogeology as a specialty of geology. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5392 Prime Sponsor, Senator Haugen: Increasing fees for pilots and aircraft. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5392 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Finkbeiner, Haugen, Jacobsen, Kastama, Oke and Prentice.

MINORITY Recommendation: Do not pass. Signed by Senator Benton, Vice Chair.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5407 Prime Sponsor, Senator Horn: Regulating motorsports vehicle dealer franchises. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5407 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5426 Prime Sponsor, Senator Oke: Concerning the direct retail sale of sturgeon and tuna. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5426 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5428 Prime Sponsor, Senator Finkbeiner: Allowing alternative means of renewing driver's licenses. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke and Prentice.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5434 Prime Sponsor, Senator Swecker: Concerning certified electricians. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5434 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5462 Prime Sponsor, Senator Mulliken: Adopting federal definitions for state wage and hour laws. Reported by
Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5462 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Referred to Committee on Ways and Means.

February 26, 2003

SB 5477 Prime Sponsor, Senator Shin: Requiring the delivery of endorsements by recording officers. Reported by
Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5491 Prime Sponsor, Senator Finkbeiner: Allowing advertising on bus shelters. Reported by Committee on Highways
and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5517 Prime Sponsor, Senator B. Sheldon: Clarifying the apportionment of business and occupation taxes on certain
businesses conducted both within and outside the state. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Hale, Honeyford, Johnson, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5522 Prime Sponsor, Senator T. Sheldon: Creating a pilot project to study the feasibility of privatizing liquor retailing.
Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5522 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5527 Prime Sponsor, Senator Horn: Creating the local transportation grant board. Reported by Committee on Highways
and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5527 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke and Prentice.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5528 Prime Sponsor, Senator Benton: Requiring senate confirmation of certain commission and department
appointments. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5553 Prime Sponsor, Senator Mulliken: Creating a procedure for landlords to immediately evict tenants involved in criminal activity. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Financial Services, Insurance and Housing without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Financial Services, Insurance and Housing.

February 24, 2003

SB 5658 Prime Sponsor, Senator Mulliken: Concerning use of the best available science under the growth management act. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5658 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5681 Prime Sponsor, Senator Sheahan: Modifying minimum wage provisions. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5681 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5690 Prime Sponsor, Senator Rossi: Limiting the taxability of certain internet transactions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5690 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Fairley, Hale, Honeyford, Johnson, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5694 Prime Sponsor, Senator Swecker: Creating a pilot project to develop an integrated environmental permit system. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5694 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Rossi, Schmidt, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

February 26, 2003

SB 5696 Prime Sponsor, Senator Honeyford: Concerning sheepherder housing. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

SB 5697 Prime Sponsor, Senator Hewitt: Modifying the inflationary adjustment to the minimum wage. Reported by
Committee on Commerce and Trade February 26, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5697 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

SB 5703 Prime Sponsor, Senator Hale: Modifying business and occupation tax credit qualification requirements. Reported by
Committee on Economic Development February 26, 2003

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Rossi, Schmidt, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

SB 5705 Prime Sponsor, Senator Winsley: Conforming the department of services for the blind provisions with federal law. Reported by
Committee on Government Operations and Elections February 26, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

SB 5713 Prime Sponsor, Senator Honeyford: Modifying provisions concerning electricians. Reported by
Committee on Commerce and Trade February 26, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senator Keiser.

Passed to Committee on Rules for second reading.

SB 5747 Prime Sponsor, Senator Schmidt: Requiring the supervisor of elections in charter counties to be an elected position. Reported by
Committee on Government Operations and Elections February 26, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

SB 5761 Prime Sponsor, Senator T. Sheldon: Modifying requirements for industrial projects of statewide significance. Reported by
Committee on Economic Development February 26, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5761 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5770 Prime Sponsor, Senator Horn: Regulating motorized foot scooters. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5770 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Mulliken, Oke and Prentice.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5783 Prime Sponsor, Senator Finkbeiner: Implementing the streamlined sales and use tax agreement. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5853 Prime Sponsor, Senator Rossi: Clarifying use tax provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5853 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Fairley, Hale, Honeyford, Johnson, Poulsen, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 25, 2003

SB 5871 Prime Sponsor, Senator Horn: Allowing the state purchasing and material control director to receive electronic and web-based bids. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5886 Prime Sponsor, Senator Stevens : Allowing voters to indicate abstention from voting on any particular office. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5929 Prime Sponsor, Senator Franklin: Requiring informed consent before an employer or insurer uses a person's genetic information. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 26, 2003

SB 5965 Prime Sponsor, Senator McCaslin: Revising the makeup of public facilities district boards of directors. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

February 26, 2003

ESHB 1053 Prime Sponsor, House Committee on State Government: Enhancing government accountability. Reported by Committee on Government Operations and Elections.

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama and McCaslin.

Referred to Committee on Ways and Means.

MINORITY Recommendation: Do not pass. Signed by Senator Reardon.

February 25, 2003

SHB 1075 Prime Sponsor, House Committee on Finance: Clarifying 2001 statutory changes made to forest tax statutes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

February 27, 2003

SHB 1832 Prime Sponsor, House Committee on Commerce and Labor: Correcting rate class 16 in schedule B by amending RCW 50.29.025 and making no other changes. Reported by Committee on Commerce and Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Sheahan, Senate Bill No. 5047 and Senate Bill No. 5053 were referred to the Committee on Ways and Means.

On motion of Senator Sheahan, Senate Bill No 5237 was referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 26, 2003

GA 9008 SHELLY BOUSE, appointed May 13, 2002, for a term ending June 20, 2006, as a member of the Academic Achievement and Accountability Commission. Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, McAuliffe, and Schmidt.

Passed to Committee on Rules.

February 25, 2003

GA 9016 MICHAEL F. CONNELLY, appointed April 2, 2002, for a term ending December 31, 2006, as a member of the Public Disclosure Commission. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules.

February 25, 2003

GA 9066 FRANCIS MARTIN, appointed June 21, 2002, for a term ending December 31, 2004, as a member of the Public Disclosure Commission. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules.

February 26, 2003

GA 9106 BRUCE ROMANISH, appointed June 27, 2002, for a term ending July 1, 2007, as a member of the Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

February 26, 2003

GA 9116 JIM SPADY, reappointed September 24, 2001, for a term ending June 30, 2005, as a member of the Academic Achievement and Accountability Commission.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Carlson, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

February 25, 2003

GA 9186 EARL TILLY, appointed January 1, 2003, for a term ending December 31, 2007, as a member of the Public Disclosure Commission.
Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules.

February 26, 2003

GA 9169 DAVE FISHER, reappointed January 17, 2003, for a term ending June 30, 2006, as a member of the Academic Achievement and Accountability Commission.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, McAuliffe and Schmidt.

Passed to Committee on Rules.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

April 12, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.
David Boerner, reappointed April 10, 2002, for a term ending August 2, 2004, as a member of the Sentencing Guidelines Commission

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Judiciary.

January 21, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:
I have the honor to submit the following reappointment, subject to your confirmation.

William P. Roehl, reappointed January 21, 2003, for a term ending December 31, 2008, as a member of the Fish and Wildlife Commission.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Parks, Fish and Wildlife.

MESSAGES FROM THE HOUSE

February 26, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

February 26, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1190,
SUBSTITUTE HOUSE BILL NO. 1232,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1258,
HOUSE BILL NO. 1264,
HOUSE BILL NO. 1287,
HOUSE BILL NO. 1352, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 5985 by Senator West

AN ACT Relating to ultranarrow vehicles; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Highways and Transportation.

SB 5986 by Senator West

AN ACT Relating to vehicles driven side by side in a single lane; and amending RCW 46.61.140.

Referred to Committee on Highways and Transportation.

SB 5987 by Senators Swecker, Haugen, Horn, Jacobsen, Prentice, Esser, Oke and Rasmussen

AN ACT Relating to the roles and responsibilities of transportation agencies; amending RCW 47.01.041, 47.01.071, 47.01.260, 47.01.081, 47.80.030, 47.80.060, 47.80.070, 47.05.030, 43.88.020, and 43.88.150; reenacting and amending RCW 47.01.101; adding a new section to chapter 47.06 RCW; adding new sections to chapter 43.88 RCW; creating new sections; repealing RCW 47.08.010; providing expiration dates; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 5988 by Senators Winsley, Prentice, McAuliffe and Roach

AN ACT Relating to criteria for coverage of spinal cord stimulators and drug infusion pumps by the department of labor and industries; adding new sections to chapter 51.36 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Commerce and Trade.

SB 5989 by Senators Haugen, Horn and Jacobsen

AN ACT Relating to pilot members of the board of pilotage commissioners; and amending RCW 88.16.010.

Referred to Committee on Highways and Transportation.

SB 5990 by Senators Hargrove, Stevens, McAuliffe, Carlson, Regala, Parlette, Rasmussen and Winsley

AN ACT Relating to times and supervision standards for release of offenders; amending RCW 9.94A.728, 9.94A.700, 9.94A.705, 9.94A.715, 9.94A.720, and 9.94A.545; reenacting and amending RCW 9.94A.728; adding new sections to chapter 9.94A RCW; creating a new section; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SB 5991 by Senators Stevens, Hargrove, Parlette, Regala, Carlson, McAuliffe and Winsley

AN ACT Relating to changing minimum requirements for the existing secure community transition facility; amending RCW 71.09.300; repealing RCW 71.09.270; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SB 5992 by Senators Eide, Esser, Prentice and Kline

AN ACT Relating to changing the number of district court judicial positions; and amending RCW 3.34.020, 3.34.100, 3.38.020, and 3.38.040.

Referred to Committee on Judiciary.

SB 5993 by Senators Deccio, Fairley and Rossi

AN ACT Relating to regulation of community residential programs; and amending RCW 71A.12.080.

Referred to Committee on Health and Long-Term Care.

SB 5994 by Senators Hewitt, Reardon, Honeyford, Haugen, Rossi, Hale, Mulliken and T. Sheldon

AN ACT Relating to removing suppliers and distributors of wine from the provisions of chapter 19.126 RCW; amending RCW 19.126.010 and 19.126.020; and declaring an emergency.

Referred to Committee on Commerce and Trade.

SB 5995 by Senators Honeyford and Keiser

AN ACT Relating to collective bargaining agreements concerning meal and rest periods; and amending RCW 49.12.187.

Referred to Committee on Commerce and Trade.

SB 5996 by Senators West, Brown, Kohl-Welles, T. Sheldon, Shin, Hale, Rossi, Fairley, Spanel, Franklin, Parlette, McAuliffe, Rasmussen and Winsley

AN ACT Relating to the creation of a committee to host the 2005 conference of the national conference of state legislatures; creating new sections; amending RCW 42.52.150; adding a new section to chapter 42.52 RCW; and providing an expiration date.

Referred to Committee on Economic Development.

SB 5997 by Senators Honeyford and Hargrove

AN ACT Relating to clarifying the economic development powers of cities, towns, and counties; amending RCW 35.21.703 and 36.01.085; and creating a new section.

Referred to Committee on Economic Development.

SCR 8406 by Senators Kohl-Welles, Carlson and Winsley

Creating a legislative work group to reach consensus regarding the master plan for higher education.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1002 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Hunt, Berkey, Cooper, Romero, Linville, Chase, Kagi, Wood, Simpson, Morrell, Rockefeller, Ruderman, Fromhold, Dickerson, Conway, Kessler, Cody, Jarrett, Veloria, O'Brien, Campbell, McDermott, Clibborn, Sullivan, Nixon, McIntire, Lantz, Moeller and Hudgins)

Reducing the release of mercury into the environment.

Referred to Committee on Natural Resources, Energy and Water.

ESHB 1076 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Lovick, McDonald, O'Brien, Moeller, Chase, Haigh, Carrell, Simpson and Kagi)

Revising provisions relating to attempting to elude a pursuing police vehicle.

Referred to Committee on Judiciary.

SHB 1190 by House Committee on Education (originally sponsored by Representatives Quall, Tom, Grant, Talcott, Benson, Ahern, Shabro, Lovick, Dunshee, Anderson, Delvin, McCoy, Cody, Miloscia, Eickmeyer, Mielke, Linville, Pearson, Kessler, Cairnes and Mastin)

Changing provisions for classified staff in alternative certification programs.

Referred to Committee on Education.

SHB 1232 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Kirby, Carrell and Flannigan)

Requiring jail booking fees to be based on actual costs.

Referred to Committee on Government Operations and Elections.

SHB 1257 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Carrell, Haigh, O'Brien and Shabro)

Using dogs for fighting.

Referred to Committee on Judiciary.

SHB 1258 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Carrell, Roach, Talcott, Kirby, Newhouse, Conway, McMahan, Kristiansen, Boldt, Flannigan, McDonald, Bush, Lantz, Cairnes, O'Brien, Shabro, Schindler, Ahern, Priest, Benson, Nixon, Chase and Anderson)

Committing sexually violent predators.

Referred to Committee on Children and Family Services and Corrections.

HB 1264 by Representatives Sump, Bush and Mielke

Defining "nonmineral ownership interest" with respect to dedicating plats and subdivisions.

Referred to Committee on Land Use and Planning.

HB 1287 by Representatives Lovick, Bush, Moeller, Campbell, McDonald and Cox (by request of Attorney General Gregoire)

Clarifying district court jurisdiction over actions involving commercial electronic mail.

Referred to Committee on Technology and Communications.

HB 1352 by Representatives Murray, Ericksen and Romero (by request of Utilities and Transportation Commission)

Apportioning railroad crossing installation and maintenance costs.

Referred to Committee on Highways and Transportation.

MOTION

At 12:04 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Friday, February 28, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 27, 2003

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

FORTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, February 28, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 26, 2003

SB 5039 Prime Sponsor, Senator Kastama: Concerning hepatitis C. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5039 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5051 Prime Sponsor, Senator Jacobsen: Removing the sale of strong beer from the exclusive jurisdiction of the liquor control board. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5051 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5125 Prime Sponsor, Senator Honeyford: Directing the department of ecology to conduct pilot rule making to establish and assign trust authorization credits. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5125 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5144 Prime Sponsor, Senator Morton: Protecting forest land from exotic forest insects or diseases. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5144 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5492 Prime Sponsor, Senator Mulliken: Revising provisions for sale of timeshares. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5492 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5509 Prime Sponsor, Senator B. Sheldon: Creating a voluntary organ and tissue donor registry. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5509 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5518 Prime Sponsor, Senator Hargrove: Limiting the purchase of land for habitat or ecosystem preservation by state agencies. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5518 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5569 Prime Sponsor, Senator Winsley: Requiring specific statements regarding implied warranties under the condominium act. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5569 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5655 Prime Sponsor, Senator Morton: Regarding rule-making of natural resources agencies. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5655 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Referred to Committee on Ways and Means.

February 27, 2003

SB 5726 Prime Sponsor, Senator Morton: Revising eligibility requirements for directors of cooperative associations. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5728 Prime Sponsor, Senator Brandland: Providing for omnibus civil liability reform. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5728 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen and Johnson.

Minority Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5773 Prime Sponsor, Senator Carlson: Modifying accountability requirements under the public accountancy act. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5792 Prime Sponsor, Senator Benton: Describing when insurance rate increases are not excessive. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5838 Prime Sponsor, Senator Winsley: Establishing liability for taxes on unlawful or delinquent insurers or taxpayers. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5838 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5867 Prime Sponsor, Senator Swecker: Modifying the taxation of environmental remediation services. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5867 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Doumit, Honeyford, Oke and Regala.

Referred to Committee on Ways and Means.

February 27, 2003

SB 5933 Prime Sponsor, Senator Hargrove: Authorizing the Quileute Tribe to enter cigarette tax contracts. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5933 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5940 Prime Sponsor, Senator Benton: Conducting the business of an escrow agent. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser and Prentice.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, Senate Bill No 5655 was referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

February 27, 2003

GA 9040 ROBERT HOLLOWAY, appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Big Bend Community College District No. 18.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 27, 2003

GA 9082 DON MUKAI, appointed April 1, 2002, for a term ending September 30, 2005, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 27, 2003

GA 9129 VIJAY VASHEE, appointed January 21, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for Bellevue Community College District No. 8.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 27, 2003

GA 9133 SHAUNA WEATHERBY, appointed April 10, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for Clover Park Technical College District No. 29.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 23, 2003

GA 9147 JOSE VELIZ, appointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Clover Park Technical College District No. 29.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

February 27, 2003

GA 9151 SHARON FAIRCHILD, appointed September 9, 2002, for a term ending April 3, 2006, as a member of the State Board for Community and Technical Colleges.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

MESSAGE FROM STATE AGENCY

WASHINGTON STATE FAMILY POLICY COUNCIL
14th and Jefferson
PO Box 45015
Olympia, WA 98504-5015

February 26, 2003

The Honorable Gary Locke
Washington State Governor
Secretary of the Senate
PO Box 40002
Olympia, WA 98504-0002

Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Cindy Zehnder
Chief Clerk - House of Representatives
PO Box 40600
Olympia, WA 98504-0600

LETTER OF TRANSMITTAL:

Pursuant to 70.190.110 RCW, I am hereby transmitting to the Governor and the Legislature a recommendation submitted to the Family Policy Council by the Tacoma Urban Public Health and Safety Network and the Pierce County Juvenile Court. This recommendation requests decategorization and local management of Consolidated Juvenile Services funds in Pierce County to better achieve results as measured by changes in the lives of the families and children served by the Pierce Juvenile Court.

Sincerely,
Dr. Maxine Hayes, Chairperson

Enclosures

- (a) Family Policy Council Resolution
- (b) Tacoma Urban Network Decategorization Recommendation

The Family Policy Council's recommendation for decategorization and local management of the Consolidated Juvenile Services funds in Pierce County is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 5998 by Senators West, Brown, Franklin, Kohl-Welles, McAuliffe and Winsley

AN ACT Relating to demonstration projects that modify the basic health plan; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Ways and Means.

SB 5999 by Senators Rossi, Hargrove, Deccio, T. Sheldon, Hale, Hewitt, Morton, Stevens, Sheahan, Schmidt, Oke, Haugen, Horn, Mulliken, Honeyford, Brandland, McCaslin and West

AN ACT Relating to claims against public entities; amending RCW 4.22.070, 4.56.115, 4.92.005, 4.96.010, 4.92.040, 4.92.090, and 4.92.130; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6000 by Senators Honeyford, Poulsen and Winsley

AN ACT Relating to accelerating legislative approval of public works projects; and amending RCW 43.155.070.

Referred to Committee on Ways and Means.

SB 6001 by Senator Benton

AN ACT Relating to lawful vehicle combinations; and amending RCW 46.44.037.

Referred to Committee on Highways and Transportation.

SB 6002 by Senators Stevens and Hargrove

AN ACT Relating to collection of offenders' financial obligations; amending RCW 9.94A.760, 9.94A.780, and 4.56.100; adding a new section to chapter 9.94A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SB 6003 by Senator Honeyford

AN ACT Relating to state management of boundaries and mapping systems; and amending RCW 58.24.010 and 58.24.020.

Referred to Committee on Government Operations and Elections.

SB 6004 by Senators Deccio, Franklin, Kohl-Welles, McAuliffe, Oke and Winsley

AN ACT Relating to information on the fiscal and policy impact of state ballot measures; amending RCW 29.79.075 and 29.81.250; adding a new section to chapter 29.79 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6005 by Senators Kohl-Welles and Kline

AN ACT Relating to the marketing of microbrew beer at farmers markets; and amending RCW 66.24.244.

Referred to Committee on Commerce and Trade.

SB 6006 by Senators Winsley, Poulsen, Kohl-Welles, Thibaudeau, Fairley, Fraser and Regala

AN ACT Relating to providing financial assistance to counties and cities; amending RCW 35.21.870, 35.58.560, 84.52.043, 84.52.065, and 29.30.111; reenacting and amending RCW 84.52.010; adding a new section to chapter 36.01 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.52 RCW; adding a new chapter to Title 36 RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SJM 8020 by Senators West, Oke, Hale, Zarelli, Esser, Swecker, Schmidt, Honeyford, Stevens, Deccio, Sheahan, Hewitt, Horn, Mulliken, Morton, Finkbeiner, McCaslin, Carlson, Parlette, Rossi, Johnson, Brandland, Roach and Benton

Requesting the United States Senate to approve Mr. Estrada.

Referred to Committee on Judiciary.

MOTION

At 12:04 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Monday, March 3, 2003.

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 28, 2003

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

FIFTIETH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 3, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 2003

SB 5023 Prime Sponsor, Senator Honeyford: Concerning the use of public ground water for municipal or domestic supply. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5023 be substituted therefor, and the substitute bill do pass. Signed by senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5027 Prime Sponsor, Senator Morton: Giving local citizens and governments authority to determine the allocation and management of water in a water resource inventory area. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5027 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senator Fraser.

Referred to Committee on Ways and Means.

February 27, 2003

SB 5227 Prime Sponsor, Senator Swecker: Regulating structural pest inspectors. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5235 Prime Sponsor, Senator Hargrove: Concerning environmental impact statements on certain state trust lands. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5235 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Regala.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5251 Prime Sponsor, Senator Brandland: Modifying foreign judgment provisions. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5251 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5307 Prime Sponsor, Senator Mulliken: Requiring local governments to issue project permits in a timely manner. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5345 Prime Sponsor, Senator Haugen: Excluding certain drainage infrastructure from fishway provisions. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 5345 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5352 Prime Sponsor, Senator Haugen: Encouraging agricultural conservation programs. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 5352 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5353 Prime Sponsor, Senator Haugen: Revising shoreline regulation as it relates to agriculture. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5353 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5412 Prime Sponsor, Senator Brandland: Requiring biometric identifiers from applicants for driver's licenses and identicards. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Brandland, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5419 Prime Sponsor, Senator Deccio: Limiting overtime work by health care facility employees of the state. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5419 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Referred to Committee on Ways and Means.

February 27, 2003

SB 5464 Prime Sponsor, Senator Finkbeiner: Prohibiting local governments from imposing business and occupation tax on intellectual property. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Hale, Honeyford, Johnson, Parlette, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5474 Prime Sponsor, Senator Regala: Creating a kinship caregiver's authorization affidavit. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5474 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5506 Prime Sponsor, Senator T. Sheldon: Specifying additional requirements for final orders of growth management hearings boards. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5540 Prime Sponsor, Senator Sheahan: Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5541 Prime Sponsor, Senator Keiser: Concerning retail installment contracts. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5552 Prime Sponsor, Senator Sheahan: Increasing the powers of the state agricultural commodity commissions. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5571 Prime Sponsor, Senator Franklin: Prohibiting human cloning. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5571 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5582 Prime Sponsor, Senator Haugen: Defining terms used in the growth management act. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5590 Prime Sponsor, Senator Morton: Determining the appeals period for certain environmental appeals. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5590 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Regala.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5592 Prime Sponsor, Senator Mulliken: Allowing attorney issued garnishments and simplifying garnishment answer forms. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5592 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5620 Prime Sponsor, Senator Brandland: Levying an assessment on certain agricultural plants. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5630 Prime Sponsor, Senator Carlson: Requesting proposals to design a new administrative and service delivery infrastructure for local social and health services. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5630 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5649 Prime Sponsor, Senator Swecker: Allowing the state board of health to reference the United States food and drug administration's food code for the purpose of adopting food service rules. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5665 Prime Sponsor, Senator Rasmussen: Changing irrigation district administration provisions. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5672 Prime Sponsor, Senator Keiser: Requiring disclosure of certain information about residential mortgage loans. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5707 Prime Sponsor, Senator Benton: Establishing replevin procedures. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5707 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5715 Prime Sponsor, Senator Benton: Creating the financial fraud alert act. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5715 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5717 Prime Sponsor, Senator Winsley: Criminalizing possession of instruments or equipment of financial fraud. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5717 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5718 Prime Sponsor, Senator Winsley: Exempting bank account, social security, and credit card numbers from public disclosure. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5718 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5719 Prime Sponsor, Senator Winsley: Penalizing the fraudulent use of credit card scanning devices. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5719 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5724 Prime Sponsor, Senator Fairley: Requiring that antifreeze be made unpalatable to humans and animals. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 5724 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Referred to Committee on Ways and Means.

February 27, 2003

SB 5738 Prime Sponsor, Senator Kastama: Modifying mobile home landlord-tenant provisions. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5738 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5744 Prime Sponsor, Senator Esser: Revising rules for required ignition interlocks. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5751 Prime Sponsor, Senator Hargrove: Concerning the sale of valuable material from state lands. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5751 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Regala.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5758 Prime Sponsor, Senator Stevens: Reorganizing criminal statutes within the RCW. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5759 Prime Sponsor, Senator Benton: Studying low-income rent vouchers. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5759 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser and Prentice.

Referred to Committee on Ways and Means.

February 28, 2003

SB 5762 Prime Sponsor, Senator Sheahan: Increasing small claims judgments upon failure to pay. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5778 Prime Sponsor, Senator Esser: Authorizing additional district court and small claims court filing fees for amended filings. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5786 Prime Sponsor, Senator T. Sheldon: Clarifying the scope of industrial uses allowed in rural areas under GMA. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5786 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5787 Prime Sponsor, Senator Morton: Protecting water quality. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5787 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5798 Prime Sponsor, Senator Kohl-Welles: Disclosing information about mold in residential dwelling units. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That Substitute Senate Bill No. 5798 be substituted therefor, and the substitute bill do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser and Prentice.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5803 Prime Sponsor, Senator Esser: Making it a most serious offense to assault a peace officer. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5803 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5821 Prime Sponsor, Senator Haugen: Providing an exemption to the licensing requirement for apprentices in cosmetology registered industry apprenticeship programs. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5823 Prime Sponsor, Senator McAuliffe: Improving services for kinship caregivers. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5823 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5870 Prime Sponsor, Senator Stevens: Revising provisions relating to registration of sex offenders and kidnapping offenders. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5870 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5880 Prime Sponsor, Senator Reardon: Modifying shoreline and growth management provisions. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5895 Prime Sponsor, Senator Rasmussen: Increasing the apple commission from thirteen to fifteen members. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5905 Prime Sponsor, Senator Swecker: Preventing the spread of animal diseases. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5949 Prime Sponsor, Senator Deccio: Establishing emergency service requirements for hospitals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Keiser and Parlette.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5970 Prime Sponsor, Senator Hargrove: Requiring that the family law handbook be provided when a person applies for a marriage license. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003
SB 5972 Prime Sponsor, Senator Benton: Exempting prepaid legal service plans from insurance regulation. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Zarelli.

Passed to Committee on Rules for second reading.

February 28, 2003
SB 5990 Prime Sponsor, Senator Hargrove: Changing times and supervision standards for release of offenders. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5990 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 28, 2003
SB 5991 Prime Sponsor, Senator Stevens: Changing minimum requirements for the existing secure community transition facility. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

February 27, 2003
SJM 8015 Prime Sponsor, Senator Sheahan: Petitioning Congress to adopt procedures for selling wheat reserves that preserve the integrity of the market. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

February 28, 2003
SCR 8404 Prime Sponsor, Senator Honeyford: Creating a joint select committee on judicial conduct. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

February 27, 2003
HB 1280 Prime Sponsor, Representative Murray: Changing provisions for financing contracts for state university research facilities or equipment. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5759 was referred to the Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 17, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Asaad Awan, appointed January 17, 2003, for a term ending January 19, 2007, as a member of the Board of Pharmacy.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

MESSAGES FROM THE HOUSE

February 28, 2003

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 1110,
HOUSE BILL NO. 1179,
HOUSE BILL NO. 1200,
HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1276,
HOUSE BILL NO. 1279,
HOUSE BILL NO. 1318,
HOUSE BILL NO. 1348,
HOUSE BILL NO. 1349,
HOUSE BILL NO. 1351,
HOUSE BILL NO. 1391,
SUBSTITUTE HOUSE BILL NO. 1494,
HOUSE BILL NO. 1556,
HOUSE BILL NO. 1583,

HOUSE BILL NO. 1637,
SUBSTITUTE HOUSE BILL NO. 1675,
HOUSE JOINT MEMORIAL NO. 4007, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

February 28, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1153,
SUBSTITUTE HOUSE BILL NO. 1380,
SUBSTITUTE HOUSE BILL NO. 1459, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6007 by Senators Jacobsen, Kline, McAuliffe, Spanel and Thibaudeau

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

Referred to Committee on Higher Education.

SB 6008 by Senator Honeyford

AN ACT Relating to improving the industrial insurance system administered by the department of labor and industries; and creating a new section.

Referred to Committee on Commerce and Trade.

SB 6009 by Senators Hewitt and Prentice

AN ACT Relating to multiple daily drawing on-line games; and adding new sections to chapter 67.70 RCW.

Referred to Committee on Commerce and Trade.

SB 6010 by Senators Brandland, Jacobsen, Swecker and Rasmussen (by request of Lieutenant Governor Owen)

AN ACT Relating to alcohol-related offenses; amending RCW 46.20.342, 46.20.380, 46.20.394, 46.20.400, 46.20.410, 46.20.720, 46.20.740, and 46.63.020; reenacting and amending RCW 46.20.3101, 46.20.391, and 46.61.5055; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6011 by Senator Rossi

AN ACT Relating to the business and occupation tax treatment of staffing businesses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways and Means.

SB 6012 by Senators Mulliken, T. Sheldon and Morton

AN ACT Relating to shoreline management; amending RCW 90.58.020, 90.58.030, 90.58.065, 90.58.090, 90.58.100, 90.58.120, 90.58.130, 90.58.140, 90.58.180, 90.58.190, 90.58.195, 90.58.200, 90.58.250, and 90.58.340; adding a new chapter to Title 90 RCW; and repealing RCW 90.58.060 and 90.58.080.

Referred to Committee on Land Use and Planning.

SB 6013 by Senators Parlette and Carlson

AN ACT Relating to making an irrevocable choice to waive rights to the defined benefit under the plan 3 retirement systems; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways and Means.

SB 6014 by Senators Thibaudeau, Kohl-Welles, Fairley, Regala, Kline, B. Sheldon and McAuliffe

AN ACT Relating to civil unions; amending RCW 26.04.020, 26.12.220, 36.18.010, 43.70.150, 43.70.160, 70.58.005, 70.58.104, 70.58.107, and 9A.64.010; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6015 by Senators Mulliken, Hargrove, Swecker, Benton, Stevens, Zarelli, Sheahan, Roach, Oke and Schmidt

AN ACT Relating to respecting and protecting the unborn; amending RCW 70.58.150, 68.50.610, 68.04.020, 68.50.110, 9.02.110, and 9.02.170; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; providing expiration dates; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SJR 8219 by Senators Esser, McCaslin and Benton

Amending the Constitution to require voter approval of taxes.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1110 by Representatives Newhouse, Clibborn, Lovick, Benson, Cooper and Haigh

Increasing the monthly pensions for volunteer fire fighters and reserve officers.

Referred to Committee on Ways and Means.

SHB 1153 by House Committee on State Government (originally sponsored by Representatives Haigh, Miloscia, Armstrong, Hunt, Nixon, Shabro and Mielke) (by request of Secretary of State Reed)

Managing confidential records.

Referred to Committee on Government Operations and Elections.

HB 1179 by Representatives Veloria, Roach, Bush, Kenney, Kessler, Grant and Chase (by request of Lieutenant Governor Owen)

Renaming the legislative committee on economic development the legislative committee on economic development and international relations.

Referred to Committee on Economic Development.

HB 1200 by Representatives Conway, Pflug and Cooper (by request of Joint Committee on Pension Policy)

Correcting retirement system statutes.

Referred to Committee on Ways and Means.

HB 1226 by Representatives Moeller, Campbell, Lantz and Carrell

Authorizing service of summons for persons not found in this state.

Referred to Committee on Judiciary.

SHB 1276 by House Committee on Commerce and Labor (originally sponsored by Representatives Cody, Cairnes, Kenney and Wood) (by request of Horse Racing Commission)

Authorizing the horse racing commission to continue receiving criminal history information.

Referred to Committee on Commerce and Trade.

HB 1279 by Representatives Lantz, Carrell, Moeller, Newhouse, Kirby, Lovick, Morris, Campbell, Linville, McMahan, Crouse and Flannigan

Revising provisions for committees of members of nonprofit corporations.

Referred to Committee on Judiciary.

HB 1318 by Representatives Darneille, Cody, Clements, Campbell, Bush, Anderson and Pflug (by request of Department of Health)

Allowing the state board of health to reference the United States food and drug administration's food code for the purpose of adopting food service rules.

Referred to Committee on Agriculture.

HB 1348 by Representatives Flannigan and Moeller (by request of Office of the Code Reviser)

Making technical corrections.

Referred to Committee on Judiciary.

HB 1349 by Representatives Flannigan and Moeller (by request of Office of the Code Reviser)

Correcting obsolete references to fish and wildlife statutes.

Referred to Committee on Judiciary.

HB 1351 by Representatives Flannigan and Moeller (by request of Office of the Code Reviser)

Correcting outdated internal references.

Referred to Committee on Judiciary.

SHB 1380 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Ericksen, Sump, Mielke, Ahern, Clements, Hatfield, Pearson, Buck, Sullivan and Carrell)

Criminalizing interference with certain mining rights and activities.

Referred to Committee on Natural Resources, Energy and Water.

HB 1391 by Representatives Kagi, Delvin, O'Brien, Campbell, Sullivan, McIntire, Cooper, Moeller, Simpson, Flannigan, Wallace, Wood and Kenney

Adjusting procedures for postconviction DNA testing.

Referred to Committee on Children and Family Services and Corrections.

SHB 1459 by House Committee on Commerce and Labor (originally sponsored by Representatives Pettigrew, Schoesler, Hunt, Chandler, Sullivan, Rockefeller, Eickmeyer, Grant, Hudgins, Cody, Voloria, Anderson, Berkey, Campbell, Wallace, McDermott, McDonald and Ruderman)

Allowing limited marketing of bottled wine at farmers markets.

Referred to Committee on Commerce and Trade.

SHB 1494 by House Committee on Local Government (originally sponsored by Representatives Delvin, Cooper, Jarrett, Berkey, Upthegrove and Conway)

Allowing state and local governments to sell and lease personal property to foreign entities.

Referred to Committee on Commerce and Trade.

HB 1556 by Representatives Moeller, Orcutt, Boldt and Fromhold (by request of Administrator of the Courts)

Authorizing one additional district court judge for Clark county.

Referred to Committee on Judiciary.

HB 1583 by Representatives Kirby and Campbell

Changing requirements for issuing salary warrants for judges.

Referred to Committee on Judiciary.

HB 1637 by Representatives Wood, Conway, Kenney, Hudgins, McCoy, Moeller, Linville, Santos, Upthegrove and Rockefeller

Promoting education on compulsive gambling.

Referred to Committee on Commerce and Trade.

SHB 1675 by House Committee on Judiciary (originally sponsored by Representatives Moeller, McMahan and Kirby)

Updating civil trial provisions.

Referred to Committee on Judiciary.

HJM 4007 by Representatives Hinkle, Chopp, Haigh, Woods, Dunshee, Kirby, Boldt, O'Brien, Armstrong, DeBolt, Ahern, Newhouse, Simpson, Holmquist, Cairnes, Sump, Pearson, Shabro, Delvin, Hudgins, Linville, Conway, Skinner, Sullivan and Kenney

Requesting the issuance of an American coalminers stamp.

Referred to Committee on Natural Resources, Energy and Water.

MOTION

At 12:03 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Tuesday, March 4, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, MARCH 3, 2003

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

FIFTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 4, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5011 Prime Sponsor, Senator Jacobsen: Promoting wildlife viewing. Reported by Committee on Parks, Fish and Wildlife
March 3, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 5069 Prime Sponsor, Senator Haugen: Modifying procedures for assumptions of water-sewer districts by cities or towns.
February 27, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5069 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

SB 5189 Prime Sponsor, Senator Benton: Exempting veterans of the Korean conflict from tuition increases. Reported by
Committee on Higher Education
March 3, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5189 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

SB 5204 Prime Sponsor, Senator Oke: Providing opportunities for wildlife viewing. Reported by Committee on Parks, Fish and Wildlife
March 3, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5204 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5207 Prime Sponsor, Senator Oke: Concerning the cost of a catch record card. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Referred to Committee on Ways and Means.

February 28, 2003

SB 5221 Prime Sponsor, Senator Roach: Reorganizing election laws. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5221 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and Reardon.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5304 Prime Sponsor, Senator Kohl-Welles: Creating a program to increase undergraduate and graduate enrollment in high-demand fields and programs. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5304 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

February 28, 2003

SB 5312 Prime Sponsor, Senator Kastama: Requiring quality management programs for state agencies. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn and Kastama.

Referred to Committee on Ways and Means.

February 28, 2003

SB 5373 Prime Sponsor, Senator Roach: Regulating actions on the validity of ballot measures. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and Reardon.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5375 Prime Sponsor, Senator Doumit: Improving the efficiency and predictability of the hydraulic project approval program. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Morton and Swecker.

Referred to Committee on Ways and Means.

February 27, 2003

SB 5537 Prime Sponsor, Senator Benton: Requiring a revote on light rail and redirection of resources. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken and Prentice.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen, Kastama and Spanel.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5538 Prime Sponsor, Senator Esser: Electing Sound Transit board members. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5538 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken and Prentice.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen and Spanel.

Passed to Committee on Rules for second reading.

February 27, 2003

SB 5584 Prime Sponsor, Senator Swecker: Providing for dissolution of regional transportation authorities. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5584 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen, Kastama and Spanel.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5591 Prime Sponsor, Senator Schmidt: Modifying provisions of the Washington telephone assistance program. Reported by Committee on Technology and Communications

MAJORITY Recommendation: That Substitute Senate Bill No. 5591 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Esser, Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senator Finkbeiner, Vice Chair.

Referred to Committee on Ways and Means.

February 28, 2003

SB 5629 Prime Sponsor, Senator Roach: Changing provisions relating to an employer's indebtedness to a deceased person for unpaid wages, labor, or services performed. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn and Kastama.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5632 Prime Sponsor, Senator Esser: Regarding utility relocation costs. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Poulsen, Reardon, Schmidt and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senator Eide.

Passed to Committee on Rules for second reading.

March 3, 2003
SB 5647 Prime Sponsor, Senator Oke: Authorizing the parks and recreation commission to rent certain undeveloped land for a term of forty years. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 3, 2003
SB 5660 Prime Sponsor, Senator Kohl-Welles: Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5660 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 11, 2003
SB 5666 Prime Sponsor, Senator Rasmussen: Defining veteran for certain purposes. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and Reardon.

Passed to Committee on Rules for second reading.

March 3, 2003
SB 5676 Prime Sponsor, Senator Carlson: Changing provisions in the educational opportunity grant program. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 3, 2003
SB 5677 Prime Sponsor, Senator McAuliffe: Requiring state-level education and higher education policy boards to conduct joint meetings. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5677 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 28, 2003
SB 5701 Prime Sponsor, Senator Benton: Requiring driver licensing agents to question the citizenship of voter registration applicants. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5701 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and Kastama.

MINORITY Recommendation: Do not pass. Signed by Senator Fairley.

Passed to Committee on Rules for second reading.

March 3, 2003
SB 5740 Prime Sponsor, Senator Morton: Prohibiting the introduction of the gray wolf into Washington. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Morton and Swecker.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5785 Prime Sponsor, Senator Parlette: Concerning the use of a nonhighway vehicle on certain nonhighway roads or trails that are restricted to pedestrian or animal travel. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5785 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5796 Prime Sponsor, Senator Mulliken: Requiring itemized tuition statements. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5796 be substituted therefor, and the substitute bill do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

February 28, 2003

SB 5834 Prime Sponsor, Senator Roach: Revising the definition of "veteran" for purposes of college fee exemptions. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and Reardon.

Passed to Committee on Rules for second reading.

February 28, 2003

SB 5861 Prime Sponsor, Senator Roach: Making it a crime to impersonate a veteran of the armed forces. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5861 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn and Kastama.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5864 Prime Sponsor, Senator Shin: Allowing recipients of GED certificates to be eligible for promise scholarships. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

March 3, 2003

SB 5926 Prime Sponsor, Senator Esser: Regulating the sale of cigarettes. Reported by Committee on Technology and Communications

MAJORITY Recommendation: That Substitute Senate Bill No. 5926 be substituted therefor, and the substitute bill do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5959 Prime Sponsor, Senator Esser: Providing access permits for the deployment of personal wireless facilities off limited access highways. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5975 Prime Sponsor, Senator Reardon: Forming the strategic interoperability executive committee. Reported by Committee on Technology and Communications

MAJORITY Recommendation: That Substitute Senate Bill No. 5975 be substituted therefor, and the substitute bill do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5977 Prime Sponsor, Senator Esser: Requiring the department of transportation to allow the deployment of personal wireless service facilities in state highway rights of way. Reported by Committee on Technology and Communications

MAJORITY Recommendation: That Substitute Senate Bill No. 5977 be substituted therefor, and the substitute bill do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

March 3, 2003

SJM 8004 Prime Sponsor, Senator Morton: Requesting that British Columbia refrain from releasing grizzly bears near our common border. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Morton and Swecker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5312, Senate Bill No. 5796 and Senate Bill No. 5864 were referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 3, 2003

GA 9090 TERESA PAN, appointed March 1, 2002, for a term ending September 30, 2005, as a member of the Board of Trustees for Bates Technical College District No. 28.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

March 3, 2003

GA 9150 DR. EDWARD DAVILA, appointed July 31, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Highline Community College District No. 9.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

March 3, 2003

GA 9152 KAY FIELD, appointed February 18, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Edmonds Community College District No. 23.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, B Sheldon and Shin.

Passed to Committee on Rules.

March 3, 2003

GA 9180 WILLIAM P. ROEHL, reappointed January 21, 2003, for a term ending December 31, 2008, as a member of the Fish and Wildlife Commission

Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 28, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1013,
SUBSTITUTE HOUSE BILL NO. 1074,
HOUSE BILL NO. 1088,
HOUSE BILL NO. 1106,
SUBSTITUTE HOUSE BILL NO. 1127,
SUBSTITUTE HOUSE BILL NO. 1159,
SUBSTITUTE HOUSE BILL NO. 1191,
HOUSE BILL NO. 1193,
SUBSTITUTE HOUSE BILL NO. 1202, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

February 28, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1090,
ENGROSSED HOUSE BILL NO. 1369, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6016 by Senators Stevens and Hargrove

AN ACT Relating to transferring the duties of the Washington council for the prevention of child abuse and neglect; amending RCW 70.190.010; adding new sections to chapter 70.190 RCW; creating a new section; recodifying RCW 43.121.050 and 43.121.060; repealing RCW 43.121.010, 43.121.015, 43.121.020, 43.121.030, 43.121.040, 43.121.070, 43.121.080, 43.121.100, 43.121.110, 43.121.120, 43.121.130, 43.121.140, 43.121.150, and 43.121.910; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SB 6017 by Senators Stevens and Hargrove

AN ACT Relating to modifying general assistance provisions; amending RCW 74.04.005 and 74.08A.100; providing an effective date; and declaring an emergency.

Referred to Committee on Children and Family Services and Corrections.

SB 6018 by Senator Stevens

AN ACT Relating to reducing the burdens of jury service to increase participation in the jury system; amending RCW 2.36.080, 2.36.093, 2.36.100, 2.36.165, and 2.36.170; adding new sections to chapter 2.36 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1013 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan)

Requiring a performance audit of the utilities and transportation commission.

Referred to Committee on Technology and Communications.

SHB 1074 by House Committee on Transportation (originally sponsored by Representatives Bush, O'Brien, Shabro, Kirby, Armstrong, Mielke, Pearson, Anderson, Campbell, Miloscia, Sullivan and Carrell)

Allowing release of impounded vehicles to owners.

Referred to Committee on Judiciary.

HB 1088 by Representatives Fromhold and Moeller

Authorizing removal of vehicles from restricted parking zones.

Referred to Committee on Highways and Transportation.

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

Extending the task force against trafficking of persons.

Referred to Committee on Judiciary.

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

Authorizing the secretary of state to observe county election facilities.

Referred to Committee on Government Operations and Elections.

SHB 1127 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Hatfield, Buck, Cooper, Blake, Pearson and Berkey)

Concerning the direct retail sale of salmon, crab, and sturgeon.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1159 by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Hunt, Tom, Shabro, Haigh and McDermott (by request of Secretary of State Reed)
Reorganizing election laws.

Referred to Committee on Government Operations and Elections.

SHB 1191 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Cox, Moeller, Talcott, Wallace, Pflug, Grant, Lovick, Dunshee, Anderson, Delvin, McCoy, Benson, Miloscia, Eickmeyer, Mielke, Schindler, Schual-Berke, Linville, Lantz, Pearson, Kessler, Morrell, Cairnes and Simpson)

Offering health care benefit plans to school district employees.

Referred to Committee on Health and Long-Term Care.

HB 1193 by Representatives Quall, Talcott, McDermott, Cox, Benson, Ahern, Hunter, Lovick, Dunshee, Anderson, Delvin, McCoy, Cody, Miloscia, Eickmeyer, Mielke, Schindler, Schoesler, Linville, Pearson, Kessler, Rockefeller, Cairnes, Mastin, Grant, Kagi and Upthegrove

Including a classified employee on the Washington professional educator standards board.

Referred to Committee on Education.

SHB 1202 by House Committee on Appropriations (originally sponsored by Representatives Simpson, Cooper, Delvin, Conway, Pflug, Hinkle, McDermott and Chase (by request of Joint Committee on Pension Policy)

Allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2.

Referred to Committee on Ways and Means.

EHB 1369 by Representatives Romero and Alexander

Requiring continuing education for land surveyors.

Referred to Committee on Commerce and Trade.

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Wednesday, March 5, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-FIRST DAY, MARCH 4, 2003

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

FIFTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Wednesday, March 5, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

March 4, 2003

SB 5031 Prime Sponsor, Senator Morton: Requiring the Washington state patrol to provide radio services on a reimbursable basis. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass and be referred to Committee on Highways and Transportation. Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5046 Prime Sponsor, Senator Roach: Penalizing officials lying about elections. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5080 Prime Sponsor, Senator Stevens: Requiring a hiring freeze within state government. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5080 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Referred to Committee on Ways and Means.

March 3, 2003

SB 5152 Prime Sponsor, Senator Benton: Requiring the Columbia River Gorge commission to compensate property owners for certain zoning changes. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5152 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5201 Prime Sponsor, Senator Roach: Enacting the volunteer amateur radio emergency communications act. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5201 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5209 Prime Sponsor, Senator Deccio: Concerning actions for injury or damage against a health care provider based upon professional negligence. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5209 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5259 Prime Sponsor, Senator Haugen: Regulating ferry queues. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5259 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5264 Prime Sponsor, Senator West: Providing transportation to the lieutenant governor's spouse for activities conducted on behalf of the state. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn and McCaslin.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5284 Prime Sponsor, Senator Stevens: Penalizing failure to use required traction equipment. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5326 Prime Sponsor, Senator Winsley: Creating regional fire protection service authorities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5326 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5380 Prime Sponsor, Senator Stevens: Clarifying the definition of ordinary high water mark. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5390 Prime Sponsor, Senator Haugen: Regarding permissible uses of state resources by elected officials with regard to ballot propositions. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5441 Prime Sponsor, Senator Roach: Allowing initiative and referendum petitions on 8 ½ by 11 paper. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5448 Prime Sponsor, Senator Carlson: Changing tuition provisions for institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5448 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles and Mulliken.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5457 Prime Sponsor, Senator Horn: Posting hazards to motorcycles. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5457 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5478 Prime Sponsor, Senator Shin: Increasing the surcharge for the preservation of historical documents. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5478 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5486 Prime Sponsor, Senator Eide: Making appropriations for the purchasing of thermal imaging cameras. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and Reardon.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5496 Prime Sponsor, Senator Eide: Changing provisions relating to appeals from school officials or boards. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5496 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5511 Prime Sponsor, Senator Deccio: Preventing increase in the regulatory costs on long-term care providers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5514 Prime Sponsor, Senator Roach: Revising the definition of manager in state civil service law. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5521 Prime Sponsor, Senator Deccio: Offering health insurance to small employers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5521 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5539 Prime Sponsor, Senator Esser: Allowing electronic filing of wrecker reports. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5579 Prime Sponsor, Senator Parlette: Preventing new boarding home rules. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5579 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5602 Prime Sponsor, Senator Kline: Concerning the accommodation of housing and employment growth under local comprehensive plans. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5602 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5640 Prime Sponsor, Senator Rasmussen: Authorizing a county to exempt certain property used in agriculture from taxation. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5646 Prime Sponsor, Senator Oke: Providing incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5659 Prime Sponsor, Senator Winsley: Authorizing additional funding for local governments. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5659 be substituted therefor, and the substitute bill do pass. Signed by Senators Fairley, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5661 Prime Sponsor, Senator Schmidt: Allowing the use of agricultural lands not currently being farmed as sites for recreational activities. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5661 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5674 Prime Sponsor, Senator Finkbeiner: Modifying regional transit authority provisions. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5674 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken, Oke and Prentice.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5692 Prime Sponsor, Senator Carlson: Establishing a 211 network. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5692 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5730 Prime Sponsor, Senator Deccio: Concerning medical assistance eligibility requirements for long-term care services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5730 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5748 Prime Sponsor, Senator Finkbeiner: Implementing performance audits of transportation-related agencies. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5748 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5750 Prime Sponsor, Senator Esser: Creating the legacy trust for recreation and conservation. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5750 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Spanel and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Jacobsen.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5764 Prime Sponsor, Senator Roach: Establishing approval requirement for fluoridation of public water systems. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5764 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and Reardon.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5776 Prime Sponsor, Senator Doumit: Providing an appeal process for state agency permit decisions. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 5776 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5790 Prime Sponsor, Senator Franklin: Changing the time period in which beds can be converted back to nursing facilities. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Brandland, Franklin and Keiser.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5795 Prime Sponsor, Senator Schmidt: Extending terms of drivers' licenses for armed forces reservists. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Referred to Committee on Highways and Transportation.

March 4, 2003

SB 5807 Prime Sponsor, Senator Parlette: Revising the basic health plan. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5807 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin, Keiser and Thibaudeau.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5812 Prime Sponsor, Senator Horn: Facilitating free flow of traffic. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5812 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5824 Prime Sponsor, Senator Parlette: Allowing rural fire protection districts to contract with cities for ambulance services and impose a monthly utility service charge on each developed residential property located in the fire protection district. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5824 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5828 Prime Sponsor, Senator Sheahan: Requiring information on meningitis immunization for college students. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5828 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5829 Prime Sponsor, Senator Deccio: Providing for the registration of nursing technicians. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5829 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5833 Prime Sponsor, Senator Deccio: Coordinating and scheduling surveys and audits of hospitals and health care services and facilities operated or controlled by hospitals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5833 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5835 Prime Sponsor, Senator Roach: Allowing judicial candidates freedom of speech. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and McCaslin.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5844 Prime Sponsor, Senator Johnson: Changing the disposition of proceeds from the lease, rental, or sale of school district real property. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5850 Prime Sponsor, Senator Oke: Providing passenger ferry service. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5850 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5865 Prime Sponsor, Senator B. Sheldon: Including recreation facilities under certain public facilities districts' authority. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5872 Prime Sponsor, Senator Oke: Making a commercial fish seller's failure to account for commercial harvest a misdemeanor. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That Substitute Senate Bill No. 5872 be substituted therefor, and the substitute bill do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 5885 Prime Sponsor, Senator Parlette: Concerning the distribution of funds to community health clinics. Reported by Committee on Health and Long-Term Care

March 4, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5885 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland and Parlette.

Passed to Committee on Rules for second reading.

SB 5889 Prime Sponsor, Senator Swecker: Concerning a livestock nutrient management program. Reported by Committee on Agriculture

March 4, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5889 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

SB 5890 Prime Sponsor, Senator Swecker: Initiating a pilot project to determine the feasibility and benefits for medical monitoring of agricultural workers. Reported by Committee on Agriculture

March 4, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senator Jacobsen.

Referred to Committee on Ways and Means.

SB 5891 Prime Sponsor, Senator Swecker: Identifying livestock. Reported by Committee on Agriculture

March 4, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5891 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

SB 5893 Prime Sponsor, Senator Oke: Allowing the fish and wildlife commission to set a transaction fee on recreational documents issued through an automated licensing system. Reported by Committee on Parks, Fish and Wildlife

March 4, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SB 5898 Prime Sponsor, Senator Oke: Studying recreational boating safety. Reported by Committee on Parks, Fish and Wildlife

March 4, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 5899 Prime Sponsor, Senator Finkbeiner: Regulating the provision of wholesale telecommunications services by public utility districts. Reported by Committee on Technology and Communications

MAJORITY Recommendation: That Substitute Senate Bill No. 5899 be substituted therefor, and the substitute bill do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Reardon, Schmidt and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senators Eide and Poulsen.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5924 Prime Sponsor, Senator Roach: Concerning the release of certain laboratory records. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5935 Prime Sponsor, Senator Brandland: Consolidating fire service mobilization responsibilities within the Washington state patrol. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5969 Prime Sponsor, Senator Haugen: Providing natural resource protection in Skagit county. Reported by Committee on Agriculture

MAJORITY Recommendation: That Substitute Senate Bill No. 5969 be substituted therefor, and the substitute bill do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 6002 Prime Sponsor, Senator Stevens: Changing provisions relating to collection of financial obligations. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

March 3, 2003

SB 6012 Prime Sponsor, Senator Mulliken: Codifying shoreline rules. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: That Substitute Senate Bill No. 6012 be substituted therefor, and the substitute bill do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

March 3, 2003

SCR 8401 Prime Sponsor, Senator Kohl-Welles: Authorizing an interim study to develop a master plan for education.
Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Concurrent Resolution No. 8401 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Sheahan, Senate Bill No. 5031, Senate Bill No. 5080 and Senate Bill No. 5730 were referred to the Committee on Ways and Means.

On motion of Senator Sheahan, Senate Bill No. 5448 and Senate Bill No. 5790 were referred to the Committee on Rules.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5795 was referred to the Committee on Highways and Transportation.

INTRODUCTION AND FIRST READING

SB 6019 by Senators Jacobsen, Rasmussen and Thibaudeau

AN ACT Relating to higher education; amending RCW 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.080, 28B.04.110, 28B.10.215, 28B.10.220, 28B.10.802, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.760, 28B.15.762, 28B.15.764, 28B.80.360, 28B.85.010, 28B.85.020, 28B.85.030, 28B.85.040, 28B.85.050, 28B.85.060, 28B.85.070, 28B.85.080, 28B.85.090, 28B.85.100, 28B.85.130, and 28B.85.170; adding a new section to chapter 28B.80 RCW; adding a new chapter to Title 28B RCW; repealing RCW 28B.80.240; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

SB 6020 by Senators Jacobsen and Rasmussen

AN ACT Relating to restricting access to motor vehicles for persons arrested for alcohol offenses; adding new sections to chapter 46.61 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6021 by Senators Kohl-Welles, Benton and Fairley

AN ACT Relating to tax preferences; and amending RCW 43.136.030, 43.136.040, and 43.136.050.

Referred to Committee on Ways and Means.

SJM 8021 by Senators Kline and Fairley

Petitioning the President to reaffirm our nation's commitments to the Constitution.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8632

By Senators Kohl-Welles, Fraser, Spanel, Swecker, Brandland, Oke, Haugen, Rasmussen and Thibaudeau

WHEREAS, The Washington State Commercial Fishing Fleet begins leaving in March, and the Blessing of the Fleet will occur at Fisherman's Terminal in Ballard, March 16, 2003; and

WHEREAS, This is the seventy-fifth year that the Ballard First Lutheran Church has held the blessing; and

WHEREAS, The Washington State Commercial Fishing Fleet begins leaving Blaine waters, and the Blessing of the Fleet will occur at Saw Tooth Dock in Blaine Harbor; and

WHEREAS, The Washington State Commercial Fishing Fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people; and

WHEREAS, The harvest annually generates hundreds of millions of dollars in economic contributions to the Washington State economy; and

WHEREAS, The commercial fishing industry is one of the largest industries in Washington state; and

WHEREAS, The life of a fisher is one fraught with danger and hardship that most of us will never face; and

WHEREAS, Strength and courage are basic requirements for anyone who chooses to work on the high seas, battling the elements in order to harvest nature's bounty; and

WHEREAS, The men and women who work on boats, living between God and the sea, and never certain which will claim them first, deserve our admiration, thanks, and when tragedy strikes, our remembrance; and

WHEREAS, Too often, fishers do lose their lives, and their deaths devastate not only the tightly knit fabric that is the community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extend its condolences to the families and friends of all our fishermen and women who have lost their lives at sea, and wish the entire commercial fishing fleet a safe and prosperous season and that all fishing men and women will return home safely to their families, friends, and communities.

Senators Sheahan and Regala spoke to Senate Resolution 8732.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8634

By Senators Kohl-Welles, Thibaudeau, Jacobsen, Prentice, Poulsen, Kline and Rasmussen

WHEREAS, The Northwest Folklife Festival celebrates its thirty-second annual tribute to the folk, traditional, and ethnic cultural traditions of Pacific Northwest communities; and

WHEREAS, The four day Festival is recognized nationally as a major cultural event that attracts more than 200,000 visitors from the region and around the world to the Seattle area, significantly contributing to its economic vitality; and

WHEREAS, The Festival is a community-owned celebration, made possible by the extraordinary commitment and contribution of 6,000 individuals who donate their time, talent, and skill to make their Festival happen; and

WHEREAS, The Festival has retained the integrity of its founding principles of accessibility through its commitment to free admission and to cultural enrichment through hands on and participatory activities; and

WHEREAS, The Festival embodies the generosity and spirit of the people of Washington and contributes to the unique character of the state; and

WHEREAS, The Festival is focusing on the Maritime Traditions of the Pacific Northwest, recognizing and honoring the rich ethnic diversity of Washington and furthering understanding among different cultures and backgrounds; and

WHEREAS, The Festival contributes to the viability of precious cultural resources by presenting, documenting, and preserving them for future generations;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate thirty-two years of the Northwest Folklife Festival and its unwavering dedication to presenting music and art in community life.

MOTION

On motion of Senator Sheahan, Rule 46 was suspended for the remainder of the day.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:00 p.m. by President Pro Tempore Winsley.

MOTION

At 5:00 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 5:50 p.m. by President Pro Tempore Winsley.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

SB 5024 Prime Sponsor, Senator Honeyford: Concerning public water systems. Reported by Committee on Natural Resources, Energy and Water March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5024 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Referred to Committee on Ways and Means.

SB 5185 Prime Sponsor, Senator Benton: Changing provisions relating to open public meetings. Reported by Committee on Government Operations and Elections February 25, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5185 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Passed to Committee on Rules for second reading.

SB 5228 Prime Sponsor, Senator Regala: Selling or leasing contaminated property. Reported by Committee on Commerce and Trade March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5228 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules for second reading.

SB 5266 Prime Sponsor, Senator Oke: Concerning the commercial harvest of geoduck clams. Reported by Committee on Natural Resources, Energy and Water March 5, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

SB 5289 Prime Sponsor, Senator Jacobsen: Adopting a watershed monitoring plan and action strategy. Reported by Committee on Natural Resources, Energy and Water March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5289 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Referred to Committee on Ways and Means.

SB 5298 Prime Sponsor, Senator Morton: Limiting the impact on small forest landowners caused by forest road maintenance and abandonment requirements. Reported by Committee on Natural Resources, Energy and Water March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5298 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5302 Prime Sponsor, Senator Honeyford: Changing provisions relating to the summary suspension of a liquor license pending revocation proceedings. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5302 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5388 Prime Sponsor, Senator Johnson: Limiting liability for information provided by former or current employers to prospective employers. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5388 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5400 Prime Sponsor, Senator Swecker: Concerning geoducks. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Referred to Committee on Ways and Means.

March 5, 2003

SB 5411 Prime Sponsor, Senator Rasmussen: Authorizing nonpartisan sheriffs. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and McCaslin.

MINORITY Recommendation: Do not pass. Signed by Senator Horn.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5466 Prime Sponsor, Senator Kohl-Welles: Regulating stem cell research and human cloning. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5466 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5501 Prime Sponsor, Senator Roach: Changing provisions relating to auto theft. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5501 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Kline, Roach and Thibaudeau.

Referred to Committee on Ways and Means.

March 5, 2003

SB 5533 Prime Sponsor, Senator Kohl-Welles: Establishing provisions for disclosure of misconduct by applicants for school district employment. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5533 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5645 Prime Sponsor, Senator Swecker: Implementing the federal permit requirements for municipal separate storm sewer system permits. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5645 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5653 Prime Sponsor, Senator Sheahan: Expanding "residency" for purposes of attending Washington public schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Finkbeiner, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5664 Prime Sponsor, Senator Morton: Modifying uniformed personnel collective bargaining provisions. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5664 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5668 Prime Sponsor, Senator Sheahan: Modifying hotel-motel tax provisions. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5668 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Rossi, Schmidt and Shin.

MINORITY Recommendation: Do not pass. Signed by Senator Kohl-Welles.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5695 Prime Sponsor, Senator Honeyford: Declaring buildings used for criminal activity to be a nuisance. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5695 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove and Johnson.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5708 Prime Sponsor, Senator Franklin: Providing a procedure for court-ordered contact with a child for nonparents. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5708 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio and Hargrove.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5733 Prime Sponsor, Senator Winsley: Improving fairness and protection in boarding homes and adult family homes. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5733 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5742 Prime Sponsor, Senator Honeyford: Establishing procedures for rehiring retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan 1. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5742 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 4, 2003

SB 5767 Prime Sponsor, Senator Roach: Providing for recoupment of state employee salary and wage overpayments. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: That Substitute Senate Bill No. 5767 be substituted therefor, and the substitute bill do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Horn, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5768 Prime Sponsor, Senator Honeyford: Establishing an adjusted minimum tipped wage rate. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5768 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Mulliken.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Franklin and Keiser.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5797 Prime Sponsor, Senator Parlette: Requiring the department of social and health services to inspect adult family homes at least every twenty-four months. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5797 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5801 Prime Sponsor, Senator Winsley: Regulating job order contracting for public works. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5815 Prime Sponsor, Senator Oke: Reviewing responsibility for mosquito abatement. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5819 Prime Sponsor, Senator Finkbeiner: Expanding implied consent to operation of a vehicle, railroad, street car, vessel, or aircraft involved in a fatality. Reported by Committee on Judiciary

March 5 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5819 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 5827 Prime Sponsor, Senator Shin: Creating the international tourism center. Reported by Committee on Economic Development

March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5827 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

SB 5841 Prime Sponsor, Senator Benton: Authorizing counties to tax employees not living in Washington for the value of government services they receive. Reported by Committee on Government Operations and Elections

March 4, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn and Reardon.

Passed to Committee on Rules for second reading.

SB 5845 Prime Sponsor, Senator Schmidt: Modifying contracting provisions for school district capital demonstration projects. Reported by Committee on Education

March 5, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

SB 5851 Prime Sponsor, Senator Reardon: Changing provisions regarding school district superintendents' employment contracts. Reported by Committee on Education

March 4, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5851 be substituted therefor, and the substitute bill do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Finkbeiner and Schmidt.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Eide and McAuliffe.

Passed to Committee on Rules for second reading.

SB 5852 Prime Sponsor, Senator Honeyford: Enacting procedural enhancements to the master settlement agreement. Reported by Committee on Commerce and Trade

March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5852 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

SB 5859 Prime Sponsor, Senator Benton: Criminalizing interference with certain mining rights and activities. Reported by Committee on Natural Resources, Energy and Water March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5859 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

SB 5873 Prime Sponsor, Senator Deccio: Regarding the administration and management of services to developmentally disabled individuals. Reported by Committee on Health and Long-Term Care March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5873 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

SB 5903 Prime Sponsor, Senator Hargrove: Providing additional sentencing alternatives for juvenile offenders. Reported by Committee on Children and Family Services and Corrections March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5903 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

SB 5909 Prime Sponsor, Senator Reardon: Assessing the efficiency and effectiveness of state government. Reported by Committee on Ways and Means March 4, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5909 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Fraser and Regala.

Passed to Committee on Rules for second reading.

SB 5910 Prime Sponsor, Senator Roach: Protecting sport shooting ranges. Reported by Committee on Judiciary March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5910 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

SB 5915 Prime Sponsor, Senator T. Sheldon: Expanding membership on the community economic revitalization board. Reported by Committee on Economic Development March 5, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5915 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5916 Prime Sponsor, Senator Esser: Providing affirmative defenses for activities defined under RCW 4.16.300. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5916 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5942 Prime Sponsor, Senator Reardon: Concerning licensing requirements for elevator mechanics and contractors. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5942 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5946 Prime Sponsor, Senator Kastama: Creating an office of mental health ombudsman. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5946 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove and McAuliffe.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5947 Prime Sponsor, Senator Kohl-Welles: Concerning medical use of marijuana. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5947 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5955 Prime Sponsor, Senator Benton: Creating the personal reemployment account program. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5955 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Rossi, Schmidt and Shin.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5957 Prime Sponsor, Senator Hargrove: Establishing a system of standards and procedures concerning water quality data. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5957 be substituted therefor, and the substitute bill do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Referred to Committee on Ways and Means.

March 4, 2003

SB 5958 Prime Sponsor, Senator McAuliffe: Modifying lodging taxation. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and Reardon.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5966 Prime Sponsor, Senator Deccio: Increasing the supply of dentists and dental hygienists to meet the critical shortage of dental providers in this state and underserved areas. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5966 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5976 Prime Sponsor, Senator Stevens: Exempting adult day care services from certain regulations. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5976 be substituted therefor, and the substitute bill do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5978 Prime Sponsor, Senator Prentice: Identifying the use of illegal drivers' licenses when renting a vehicle. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5978 be substituted therefor, and the substitute bill do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5980 Prime Sponsor, Senator Honeyford: Waiving bar membership fees for legislative attorneys. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Brandland, Hargrove, Kline and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Roach.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5983 Prime Sponsor, Shin: Including international companies investing in Washington in the definition of "person" for the purposes of excise tax incentives. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5983 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Benton, Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5984 Prime Sponsor, Senator Shin: Creating the employment training finance authority. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5984 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Schmidt, B. Sheldon and Shin.

Referred to Committee on Ways and Means.

March 5, 2003

SB 5994 Prime Sponsor, Senator Hewitt: Removing suppliers and distributors of wine from the provisions of chapter 19.126 RCW. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5995 Prime Sponsor, Senator Honeyford: Regarding collective bargaining agreements concerning meal and rest periods. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5995 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5996 Prime Sponsor, Senator West: Creating a committee to host the 2005 NCSL conference. Reported by Committee on Economic Development

MAJORITY Recommendation: That Substitute Senate Bill No. 5996 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 6005 Prime Sponsor, Senator Kohl-Welles: Authorizing approved microbrewers to sell beer at farmers markets. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6005 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 6009 Prime Sponsor, Senator Hewitt: Authorizing multiple daily drawing on-line games. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Keiser and Mulliken.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Franklin.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 6016 Prime Sponsor, Senator Stevens: Transferring the functions of the council for the prevention of child abuse and neglect to the family policy council. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6016 be substituted therefor, and the substitute bill do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove and McAuliffe.

MINORITY Recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 6017 Prime Sponsor, Senator Stevens: Modifying general assistance provisions. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6017 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio and Hargrove.

MINORITY Recommendation: Do not pass. Signed by Senators McAuliffe and Regala.

Referred to Committee on Ways and Means..

March 5, 2003

SJM 8020 Prime Sponsor, Senator West: Requesting the United States Senate to approve Mr. Estrada. Reported by
Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland,
Hargrove and Johnson.

MINORITY Recommendation: Do not pass. Signed by Senator Thibaudeau.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 5, 2003

GA 9018 SUSAN I. DAVIDSON, reappointed October 14, 1999, for a term ending July 14, 2004, as a member of the Board
of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli,
Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

March 5, 2003

GA 9028 JOSEPH FRAM, reappointed July 2, 2001, for a term ending July 2, 2006, as a member of the Board of Trustees
for the State School for the Blind.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli,
Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

March 5, 2003

GA 9085 CHARLES P. NELSON, appointed March 29, 2001, for a term ending July 1, 2006, as a member of the Board of
Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli,
Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

March 5, 2003

GA 9135 SIDNEY WELDELE-WALLACE, appointed June 27, 2002, for a term ending July 1, 2006, as a member of the
Board of Trustees for the State School for the Deaf.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli,
Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules.

March 5, 2003

GA 9142 JERRY FARLEY, reappointed July 1, 2002, for a term ending July 1, 2007, as a member of the Board of Trustees
for the State School for the Blind.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, Rasmussen and Schmidt.

Passed to Committee on Rules.

March 5, 2003

GA 9144 NOEL NIGHTINGALE, reappointed July 1, 2002, for a term ending July 1, 2007, as a member of the Board of Trustees for the State School for the Blind.
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, Rasmussen and Schmidt.

Passed to Committee on Rules.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5957 was referred to the Committee on Ways and Means.

MOTION

At 5:51 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Thursday, March 6, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-SECOND DAY, MARCH 5, 2003

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

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 6, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Jordan Bakken and Shyla Buol, presented the Colors. Reverend Wally Snook, pastor of the Tumwater United Methodist Church, offered the prayer.

Upon request, the President led the Senate in the Pledge of Alliance.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218,
ENGROSSED HOUSE BILL NO. 1363,
ENGROSSED HOUSE BILL NO. 1395,
ENGROSSED HOUSE BILL NO. 1433, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MR. PRESIDENT:

March 5, 2003

The House has passed:
HOUSE BILL NO. 1229,
SUBSTITUTE HOUSE BILL NO. 1233,
SUBSTITUTE HOUSE BILL NO. 1236,
HOUSE BILL NO. 1248,
SUBSTITUTE HOUSE BILL NO. 1291,
HOUSE BILL NO. 1333,
HOUSE BILL NO. 1353,
HOUSE BILL NO. 1379,
SUBSTITUTE HOUSE BILL NO. 1416,
HOUSE JOINT RESOLUTION NO. 4205, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6022 by Senators Kastama, Brandland and Rasmussen

AN ACT Relating to allowing state and county corrections officers to retire early in the public employees' retirement system plan 2; amending RCW 41.40.630; and creating a new section.
Referred to Committee on Ways and Means.

SB 6023 by Senators Hargrove, Rossi, Fairley and Kohl-Welles

AN ACT Relating to increasing certain assessments and penalties imposed by courts; amending RCW 3.62.090; reenacting and amending RCW 46.63.110; and prescribing penalties.
Referred to Committee on Ways and Means.

SB 6024 by Senators Honeyford, Keiser, Fairley, Kline, Kohl-Welles, B. Sheldon and Thibaudeau

AN ACT Relating to workplace harassment; amending RCW 36.18.020; adding a new chapter to Title 10 RCW; and prescribing penalties.
Referred to Committee on Commerce and Trade.

SB 6025 by Senators Benton and Kohl-Welles

AN ACT Relating to enforcement of seat belt laws; and amending RCW 46.61.688.
Referred to Committee on Highways and Transportation.

SB 6026 by Senator West

AN ACT Relating to authorizing special assessments to fund convention and trade promotion; and amending RCW 35.87A.010, 35.87A.020, 35.87A.030, 35.87A.050, 35.87A.080, 35.87A.090, 35.87A.110, 35.87A.130, and 35.87A.140.
Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1229 by Representatives Quall, Cox, Haigh, Tom, McDermott, Talcott, Hunter, Ruderman and Rockefeller

Authorizing teachers' cottages in second class school districts.

Referred to Committee on Education.

SHB 1233 by House Committee on Children and Family Services (originally sponsored by Representatives Pettigrew, Boldt, Moeller, Kagi, Lovick, Orcutt, Dickerson, Chase, Darneille, Eickmeyer, O'Brien, Roach, Armstrong, Flannigan, Jarrett, Clibborn, Lantz, Kenney, Benson, Shabro, Nixon, Morrell, Mielke and Haigh)

Improving services for kinship caregivers.

Referred to Committee on Children and Family Services and Corrections.

SHB 1236 by House Committee on Children and Family Services (originally sponsored by Representatives Kagi, Boldt, Pettigrew, Darneille, Moeller, Clibborn, Roach, Armstrong, Jarrett, Lantz, Kenney, Benson, Shabro, Anderson and Mielke)

Providing public access to child dependency hearings.

Referred to Committee on Children and Family Services and Corrections.

HB 1248 by Representatives Linville, Schoesler, Rockefeller, Sump and Orcutt (by request of Commissioner of Public Lands Sutherland)

Concerning the relocation of harbor lines.

Referred to Committee on Natural Resources, Energy and Water.

SHB 1291 by House Committee on Local Government (originally sponsored by Representatives Blake, Schindler, Hatfield, Romero and Mielke)

Providing for elections for flood control zone district supervisors.

Referred to Committee on Government Operations and Elections.

HB 1333 by Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

HB 1353 by Representative Murray

Modifying the route description of state route 513.

Referred to Committee on Highways and Transportation.

HB 1379 by Representatives Ericksen, Bush and Anderson

Authorizing agreements for traffic control.

Referred to Committee on Highways and Transportation.

SHB 1416 by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Mielke, O'Brien, Boldt, McMahan, Schindler and Woods)

Adjusting the time of restoration of a juvenile's driving privilege.

Referred to Committee on Judiciary.

HJR 4205 by Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase

Changing the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

MOTION

On motion of Senator Carlson, the following resolution was adopted:

SENATE RESOLUTION 8627

By Senators Carlson, Schmidt, Honeyford, Brandland, Mulliken, Stevens, Benton, Parlette, Rossi, Esser, Sheahan, Horn, Roach, Finkbeiner, Hale, West, Zarelli, McCaslin, Morton, Swecker, Deccio, Winsley, Oke, Johnson, Haugen, Jacobsen, Reardon, Eide, Keiser, Doumit, Hargrove, Fairley, Thibaudeau, Regala,

Kastama, Spanel, Brown, B. Sheldon, Fraser, Franklin, T. Sheldon, Rasmussen, McAuliffe, Kohl-Welles, Shin and Kline

WHEREAS, One Hundred and Fifty years ago on November 23, 1852, a group of forty-four pioneers assembled at a small settlement called Monticello at present day Longview and petitioned the United States Congress to divide the Oregon Territory and create a New Territory; and

WHEREAS, One Hundred and fifty years ago on March 2, 1853, President Fillmore signed the bill creating the territory of Washington; and

WHEREAS, We honor the thousands upon thousands of settlers who came here with their hopes and dreams--truly the American dream in its pioneer form--who settled this state and created the cities and towns, with the best intentions of self-governance and loyalty to our nation, laying the groundwork for the state we are today; and

WHEREAS, We honor those who inhabited this land thousands of years prior to the first landings of the Spanish in 1775. Their strong sense of family, reverence for the wildlife and the environment, pride in who they are, and continued hope for their thriving communities belies the struggle and difficulties the advent of the European explorer brought to them. They are, in their own right, the early pioneers who brought to our history a tradition that lives today--not only in their cultural centers and museums--but in their daily lives and communities; and

WHEREAS, We honor those who brought the notion of self-governance and populist spirit, who became towering figures in the history of their respective communities and provided each with a notion of government that was based on the best ideals of our nation at the time, fair play, and the rule of law over the rule of man; and

WHEREAS, We honor all those who keep this history alive in small community-based museums and historical societies to large heritage complexes as staff and volunteers. It is in the best sense of community service that people donate so much of their time to keep many of these organizations alive and thriving; and

WHEREAS, We honor the generations of school children throughout Washington who are our future. Our history cannot live in just those adults who show interest, it must be cultivated in our youth through the family and our educational institutions. It is our history and the particular episodes in that history that set us apart from the rest of this nation, just as it is that history which integrates us into the fabric of the United States of America; and

WHEREAS, We honor our communities, even those created after 1889, that make up this great state. Just as governance started with a band of forty-four people assembled here one hundred-fifty years ago, so too our sesquicentennial observance depends on those local communities throughout this state who will take this commemoration as its own and make it a theme for fairs, community celebrations, tribal gatherings, historical writings, and other events too numerous to name; and

WHEREAS, The Governor, through Executive Order 02-02, set up the Sesquicentennial Commission with membership from across the state and headed by Secretary of State Sam Reed and First Lady Mona Locke;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate call on the people of the state of Washington to honor its early settlers and the indigenous people of the region by celebrating and commemorating our Territorial Sesquicentennial in the grand manner befitting this One Hundred Fiftieth Anniversary of Washington's Charter as a part of the United States.

Senators Carlson, Fraser, Jacobsen, Brown, Deccio and Regala spoke to Senate Resolution 8627.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Secretary of State Sam Reed, Chair of the State's Sesquicentennial Committee, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Secretary Reed to address the Senate.

The President thanked the Secretary of State for his remarks and for his outstanding work on the committee.

MOTION

At 8:59 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 10:00 a.m. by President Owen.

MOTION

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

SECOND READING

SENATE BILL NO. 5147, by Senators Winsley and Prentice (by request of Insurance Commissioner Kreidler)

Regulating automobile insurance.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5147.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5147 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Mr. President. I just want to call the attention of the Senate to the fact that outside in the plaza area, there is an experimental car that has been brought to Olympia. The manufacturer of this prototype car is from my legislative district in Spokane. It is called the 'Ultra Narrow Car.' It is approximately about forty inches wide; it is a two passenger car. You sit one in front of the other. It is a commuter car. It is designed to relieve traffic congestion and the gentleman that has the car is out there. You can sit in the car and if you are really good, you might even be able to talk him into letting you drive the car. I have had that experience. It is quite a thrill. It is battery operated and goes from zero to sixty in like nothing flat--nothing flat. Anyway, I would like to have you Senators take a look at the car when you get a chance."

SECOND READING

SENATE BILL NO. 5308, by Senators Mulliken, T. Sheldon, Morton and McCaslin

Restricting growth management hearings board review of plan and regulation compliance to adoption actions only.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 5308 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5308.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5308 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Rasmussen, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

SENATE BILL NO. 5308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5720, by Senators Winsley, Prentice, Benton, Kline and Rasmussen

Allowing merchants to require additional identification when conducting credit and debit card sales.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5720 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5720.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5720 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5146, by Senators Winsley and Prentice (by request of Insurance Commissioner Kreidler)

Making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5146.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5146 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1832, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Wood, Kenney and Condotta) (by request of Employment Security Department)

Correcting rate class 16 in schedule B by amending RCW 50.29.025 and making no other changes.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1832 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1832.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1832 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5714, by Senators Benton and Prentice

Providing financial institution law parity.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 5714 was substituted for Senate Bill No. 5714 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5714 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5714.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5714 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5714, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5367, by Senators Haugen, Swecker, Jacobsen, Oke and Esser (by request of Utilities and Transportation Commission)

Apportioning railroad crossing installation and maintenance costs.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5367 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5367.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5367 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5079, by Senators Finkbeiner, Kohl-Welles, Oke, Winsley, Zarelli, Benton, Swecker, Esser, Hale, Johnson, Hewitt, McAuliffe, Rasmussen and Parlette

Promoting natural science, wildlife, and environmental education.

MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5079 was substituted for Senate Bill No. 5079 and the substitute bill was placed on second reading and read the second time.

Senator Finkbeiner moved that the following striking amendment by Senators Finkbeiner and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Effective, natural science, wildlife, and environmental education programs provide the foundation for the development of literate children and adults, setting the stage for lifelong learning. Furthermore, integrating the basic subject areas of the common school curriculum in chapter 28A.230 RCW through natural science, wildlife, and environmental education offers many opportunities for achieving excellence in our schools. Well-designed programs, aligned with the state's essential academic learning requirements, contribute to the state's educational reform goals.

(2) Washington is fortunate to have institutions and programs that currently provide quality natural science, wildlife, and environmental education and teacher training that is already aligned with the state's essential academic learning requirements.

(3) The legislature intends to further the development of natural science, wildlife, and environmental education by establishing a competitive grant program, funded through state moneys to the extent those moneys are appropriated, or made available through other sources, for proven natural science, wildlife, and environmental education programs that are fully aligned with the state's essential academic learning requirements.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

The Washington natural science, wildlife, and environmental education partnership account is hereby created in the custody of the state treasurer to provide natural science, wildlife, and environmental education opportunities for teachers and students to help achieve the highest quality of excellence in education through compliance with the essential academic learning requirements. Revenues to the account shall consist of appropriations made by the legislature or other sources. Grants and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The natural science, wildlife, and environmental education grant program is hereby created, subject to the availability of funds in the natural science, wildlife, and environmental education partnership account. The program is created to promote proven and innovative natural science, wildlife, and environmental education programs that are fully aligned with the state's essential academic learning requirements and includes but is not limited to instruction about renewable resources, responsible use of resources, and conservation.

(2) The superintendent of public instruction shall establish and publish funding criteria for environmental, natural science, wildlife, forestry, and agricultural education grants. The office of superintendent of public instruction shall involve a cross-section of stakeholder groups to develop socially, economically, and environmentally balanced funding criteria. These criteria shall be based on compliance with the essential academic learning requirements and use methods that encourage critical thinking. The criteria must also include environmental, natural science, wildlife, forestry, and agricultural education programs with one or more of the following features:

(a) Interdisciplinary approaches to environmental, natural science, wildlife, forestry, and agricultural issues;
(b) Programs that target underserved, disadvantaged, and multicultural populations;
(c) Programs that reach out to schools across the state that would otherwise not have access to specialized environmental, natural science, wildlife, forestry, and agricultural education programs;
(d) Proven programs offered by innovative community partnerships designed to improve student learning and strengthen local communities.

(3) Eligible uses of grants include, but are not limited to:

(a) Continuing in-service and preservice training for educators with materials specifically developed to enable educators to teach essential academic learning requirements in a compelling and effective manner;

(b) Proven, innovative programs that align the basic subject areas of the common school curriculum in chapter 28A.230 RCW with the essential academic learning requirements; the basic subject areas should be integrated by using environmental education, natural science, wildlife, forestry, agricultural, and natural environment curricula to meet the needs of various learning styles; and

(c) Support and equipment needed for the implementation of the programs in this section.

(4) Grants may only be disbursed to nonprofit organizations exempt from income tax under section 501(c) of the federal internal revenue code that can provide matching funds or in-kind services.

(5) Grants may not be used for any partisan or political activities."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Finkbeiner and Hargrove to Substitute Senate Bill No. 5079.

The motion by Senator Finkbeiner carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Finkbeiner, the following title amendment was adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding new sections to chapter 28A.300 RCW; and creating a new section."

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Substitute Senate Bill No. 5079 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5079.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5079 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5079, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5179, by Senators Oke, Mulliken, Rasmussen and T. Sheldon

Allowing the use of body-gripping traps in certain circumstances.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5179 was substituted for Senate Bill No. 5179 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Franklin: "Senator Oke, I would just like to ask for a clarification. I have received mail that you may trap these animals and sell the fur. Along with that, of course, there have been other e-mails in regards to this whole issue of trapping. The second question, will everyone who sets a trap be required to have a permit?"

Senator Oke: "Thank you, Senator Franklin, for the question. What we have before us is a bill that if you have a problem animal on your property, it allows you to go ahead and trap them. If you trap them and the animal is killed swiftly, that would allow you to sell that fur. In other words, if you take any type of animal out there, and I use the situation with my grandson with a BB gun, anything that he takes, we eat and anything that you take, I think you need to use. That is in there for the purpose of not wasting something. I would be against taking of something out there that needs to be controlled and then just wasting it. I hope that answers your question."

Senator Franklin: "And the second question that I asked? I asked you a second question about permits."

Senator Oke: "The permits are needed in certain situations. We do have permits not being required by those people that do this federally for us. That is about four different departments. This is what they do in the state of Washington--go out and control those areas that need to be controlled and this is allowed by this bill. Those are professionals and the trappers that are out there are professionals. They need to report to the department the number of the animals that they do capture, so we can keep control on it. The Fish and Wildlife Department totally supports this bill in its present form. They think that they can control our issues out there. Again, for the airports, I have seen a picture where a small plane hit a coyote. It wasn't a pleasant event for the plane or for the coyote."

Senator Franklin: "Thank you for your answer."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5179.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Spanel, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Eide, Esser, Fairley, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Sheldon, B., Shin and Thibaudeau - 12.

SUBSTITUTE SENATE BILL NO. 5179, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Shin and Thibaudeau were excused.

SECOND READING

SENATE BILL NO. 5409, by Senators Mulliken, T. Sheldon, Roach, Fairley, Schmidt, Kline, Swecker, Reardon, Deccio, Doumit, McCaslin, Parlette, Esser, Rasmussen and Shin

Providing for direct petition annexations.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5409 was substituted for Senate Bill No. 5409 and the substitute bill was placed on second reading and read the second time.

Senator Mulliken moved that the following amendment be adopted:

On page 12, after line 14, insert the following:

"**Sec. 14.** RCW 35A.14.380 and 1981 c 332 s 8 are each amended to read as follows:

If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a code city, ownership of all of the assets of the district shall be vested in the code city, upon payment in cash, properties or contracts for fire protection services to the district within one year, of a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district remaining outside the incorporated or annexed area.

The fire protection district may elect, by a vote of a majority of the persons residing outside the annexed area who vote on the proposition, to require the annexing code city to assume responsibility for the provision of fire protection, and for the operation and maintenance of the district's property, facilities, and equipment throughout the district and to pay the code city a reasonable fee for such fire protection, operation, and maintenance.

If all of a fire protection district is included in an area that incorporates as a city or town or is annexed to a city or town or fire protection district, all of the assets and liabilities of the fire protection district shall be transferred to the newly incorporated city or town on the date on which the fire protection district ceases to provide fire protection services pursuant to RCW 52.04.161 or to the city or town or fire protection district upon the annexation.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) RCW 35.02.200 (Annexation/incorporation of fire protection district--Ownership of assets of fire protection district--When less than sixty percent) and 1997 c 245 s 2;

(2) RCW 35.02.202 (Annexation/incorporation of fire protection district--Delay of transfer) and 1991 c 360 s 7;

(3) RCW 35.02.205 (Annexation/incorporation of fire protection district--Distribution of assets of district when less than five percent of district annexed--Distribution agreement--Arbitration) and 1993 c 262 s 4 and 1989 c 267 s 3; and

(4) RCW 35A.14.400 (Ownership of assets of fire protection district--When less than sixty percent of assessed valuation is annexed or incorporated in code city) and 1989 c 267 s 2 and 1967 ex.s. c 119 s 35A.14.400."

Renumber the remaining sections and correct any internal references.

POINT OF ORDER

Senator Kline: "A point of order, Mr. President. I have read the amendment and I see it has to do with annexation of fire districts with fire protection districts only. I believe, under Rule 25, under the single subject rule, that we have a problem here and I would request your ruling as to whether this amendment, if it were to be adopted, would render Substitute Senate Bill No. 5409 with two subjects in violation of the rule. Thank you."

There being no objection, Senator Mulliken withdrew the amendment on page 12, after line 14, to Substitute Senate Bill No. 5409.

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5409 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5409.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 5409 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Excused: Senators Shin and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 5409, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "Mr. President, a point of personal privilege. I came into my office just the other day and I discovered on my desk one of these (holding up a used toilet paper roller). On this is inscribed the note: 'Dale, I need a refill, signed Bob.' Now, Mr. President, I would like you to know that I have investigated and talked to Georgia Pacific and they

cannot make this toilet paper fast enough for Bob. They are also very concerned about Bob and they are suggesting that maybe he needs to see a Doctor. He is spending entirely too much time in the bathroom. Thank you.”

PERSONAL PRIVILEGE

Senator McCaslin: “A point of personal privilege. I appreciate the good Senator saying that I am a regular guy.”

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5123, by Senators Johnson, Kline and Esser

Revising the Washington business corporation act.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5123 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5123.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5123 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Fairley, Shin and Thibaudeau - 3.

SENATE BILL NO. 5123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5240, by Senators Zarelli, McAuliffe, Schmidt, Eide, Benton, Carlson, Keiser, Mulliken, Kohl-Welles, Stevens, Winsley, Hale, Roach and Poulsen

Including a classified employee on the Washington professional educator standards board.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5240 was substituted for Senate Bill No. 5240 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 5240 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5240.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5240 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 5240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5172, by Senators Esser, Kline, Johnson and Roach (by request of Office of the Code Reviser)

Correcting obsolete references to fish and wildlife statutes.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5172 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5172.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5172 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SENATE BILL NO. 5172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5475, by Senators Horn, Shin, Sheahan, Kohl-Welles, Carlson and Winsley

Limiting courses of instruction that are exclusive to research institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5475 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5475.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5475 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5800, by Senators Brown, Sheahan, B. Sheldon, Finkbeiner, Doumit, Reardon, McCaslin, Keiser, Kohl-Welles, McAuliffe, Rasmussen, Schmidt, Shin, Thibaudeau and Winsley

Establishing the economic development commission.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5800 was substituted for Senate Bill No. 5800 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5800 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5800.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5800 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5358, by Senators West, Shin, Sheahan, Honeyford, Hewitt, Roach, Finkbeiner, Hale, Kline, McAuliffe, Winsley, Mulliken, Rasmussen and Schmidt

Authorizing issuance of high school diplomas to veterans of the Korean conflict who were honorably discharged and left high school before graduation to serve in the Korean conflict.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5358 was substituted for Senate Bill No. 5358 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5358 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5358.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5358 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Rossi was excused.

SECOND READING

SENATE BILL NO. 5090, by Senators Carlson, Fraser, Spanel and Rasmussen (by request of Joint Committee on Pension Policy)

Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 5090 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5090.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5090 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Rossi - 1.

SENATE BILL NO. 5090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5766, by Senators Roach, Reardon, Kastama, Stevens, McCaslin, Esser, McAuliffe, Rasmussen and Hale

Providing businesses with notice of certain administrative rules.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5766 was substituted for Senate Bill No. 5766 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the following amendment was adopted:

On page 3, after "after" on line 3, delete the following: ",,"

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute Senate Bill No. 5766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5766.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5766 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Rossi - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Friday, March 7, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-THIRD DAY, MARCH 6, 2003

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FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 7, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Reardon. On motion of Senator Eide, Senator Reardon was excused.

The Sergeant at Arms Color Guard, consisting of Pages Andrew Throgmorton and Joyce Im, presented the Colors. Reverend Wally Snook, pastor of the Tumwater Methodist Church, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 5, 2003

SB 5121 Prime Sponsor, Senator Rossi: Opening high-occupancy vehicle lanes during nonpeak hours. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5121 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5162 Prime Sponsor, Senator Rasmussen: Modifying eligibility to provide special need transportation services. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5162 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5295 Prime Sponsor, Senator Horn: Imposing a fee on studded tires. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair and Mulliken.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5297 Prime Sponsor, Senator Horn: Allowing reciprocal waiver of driver's license exams. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5431 Prime Sponsor, Senator Oke: Updating laws on drugs and alcohol use by commercial drivers. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5600 Prime Sponsor, Senator Schmidt: Regulating disposition of returned license plates. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5600 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5782 Prime Sponsor, Senator Horn: Allowing release of bus drivers' driving abstracts to employers. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5854 Prime Sponsor, Senator Mulliken: Excluding power wheelchairs from motor vehicle regulation. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5854 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5868 Prime Sponsor, Senator Brown: Releasing driving abstracts of prospective volunteers. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5868 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5912 Prime Sponsor, Senator Mulliken: Creating the Produce Railcar Pool. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5912 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 6, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1031,
HOUSE BILL NO. 1052,
HOUSE BILL NO. 1146,
SUBSTITUTE HOUSE BILL NO. 1160,

SUBSTITUTE HOUSE BILL NO. 1195,
HOUSE BILL NO. 1228,
SUBSTITUTE HOUSE BILL NO. 1239,
SUBSTITUTE HOUSE BILL NO. 1445,
HOUSE BILL NO. 1647,
SUBSTITUTE HOUSE BILL NO. 1739,
SUBSTITUTE HOUSE BILL NO. 1782, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6027 by Senators Oke and Doumit

AN ACT Relating to protecting the rights of recreational anglers in the marine waters of Washington; adding a new section to chapter 77.12 RCW; creating a new section; and declaring an emergency.
Referred to Committee on Parks, Fish and Wildlife.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1031 by House Committee on Judiciary (originally sponsored by Representatives Lovick, O'Brien, Sullivan and Lantz)

Revising rules for payment of traffic infraction and misdemeanor penalties.

Referred to Committee on Judiciary.

HB 1052 by Representative Nixon

Limiting the liability of certain persons who provide volunteer emergency repairs.

Referred to Committee on Judiciary.

HB 1146 by Representatives Berkey, Romero, Jarrett, Miloscia, Schindler, McDonald, Benson, Mielke, Wallace, Linville, Wood, Kessler, Chase and McMahan

Adding a rental housing owner to the affordable housing advisory board.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1160 by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong, Wallace, Tom, Shabro, Haigh, McDermott and Anderson) (by request of Secretary of State Reed)

Harmonizing election crimes and penalties.

Referred to Committee on Government Operations and Elections.

SHB 1195 by House Committee on Judiciary (originally sponsored by Representatives Delvin, Dunshee, Hinkle, Lovick, Mastin, Armstrong, Sump, Fromhold, Quall, Hatfield, Blake, Lantz, Mielke and McMahan)

Limiting the liability of landowners for unintentional injuries incurred while rock climbing.

Referred to Committee on Judiciary.

ESHB 1218 by House Committee on State Government (originally sponsored by Representatives Lovick, Mielke, O'Brien, Ahern, Kagi, Wallace, Darneille, Miloscia, Pearson, Delvin, Romero, Moeller, Dickerson, Rockefeller, Haigh, Kirby, Pettigrew, Chase, Veloria, Quall, McDermott, Dunshee, McCoy and Hunt)

Creating a building mapping information system.

Referred to Committee on Judiciary.

HB 1228 by Representatives Haigh, Conway, Miloscia, Bush, Armstrong, Hunt, Wallace, McDermott, Shabro, Tom, Nixon, McCoy, Simpson, Campbell, Wood and Chase

Extending the use of veterans' scoring criteria in employment examinations.

Referred to Committee on Government Operations and Elections.

SHB 1239 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Cooper, Sump, Dunshee, Kenney, Veloria, Haigh, Berkey, Lantz and Rockefeller)

Creating a geoduck management task force.

Referred to Committee on Natural Resources, Energy and Water.

EHB 1363 by Representatives McDermott, Anderson, Quall, Haigh, Talcott, McMahan, Jarrett, Schual-Berke, Kenney, Woods, Kagi, Hudgins, Simpson and Bush

Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned.

Referred to Committee on Education.

EHB 1395 by Representatives Sullivan, Bailey, Wood, Chandler and Pflug

Concerning the catering of alcoholic beverages at events by nonprofit organizations.

Referred to Committee on Commerce and Trade.

EHB 1433 by Representatives Cooper, Pearson, Lovick and Kristiansen

Designating highways of statewide significance.

Referred to Committee on Highways and Transportation.

SHB 1445 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Kenney, Fromhold and Clements)

Regulating motor vehicle manufacturer and dealer relationships.

Referred to Committee on Commerce and Trade.

HB 1647 by Representatives Conway, Chandler, Sommers, Lantz and Kenney (by request of University of Washington)

Regarding the prohibition of the lawful sale of liquor on University of Washington grounds.

Referred to Committee on Commerce and Trade.

SHB 1739 by House Committee on Appropriations (originally sponsored by Representatives Alexander, Sommers, Romero and Hunt) (by request of Department of General Administration)

Funding services within the department of general administration.

Referred to Committee on Ways and Means.

SHB 1782 by House Committee on Capital Budget (originally sponsored by Representatives McCoy, Alexander, Dunshee, Bush, Murray, Jarrett, McIntire, Priest, Veloria, Lantz, Eickmeyer, Upthegrove, Kagi, Conway, Kenney, Darneille, Wood, Lovick, Santos, Simpson, Hudgins and Edwards)

Creating a competitive grant program for nonprofit youth organizations.

Referred to Committee on Ways and Means.

MOTION

Senator Kohl-Welles moved that the following resolution be adopted:

SENATE RESOLUTION 8633

By Senators Kohl-Welles, Eide, Spanel, Winsley, Hale and Brown

WHEREAS, Women of every age, race, ethnicity, religion, sexual orientation, economic status, occupation, and degree of ability or disability have made considerable contributions to the growth and development of our communities, states, country, and nations around the world; and

WHEREAS, Women have played a critical role in the social, cultural, and spiritual development of communities around the globe; and

WHEREAS, Women of all backgrounds have constituted significant portions of the labor force, whether working outside or inside the home, whether paid or as a volunteer, and have played a critical role in the nurturing of our children; and

WHEREAS, Women have served as leaders of progressive social movements to secure individual rights and freedoms and continue to lead efforts to eliminate discrimination and violence against all people and to promote equality, security, and peace; and

WHEREAS, Women have been largely unrecognized and undervalued for their historical and contemporary scientific, governmental, athletic, literary, and artistic accomplishments; and

WHEREAS, Women continue to experience day-to-day discrimination and continue to be victims of violence around the globe; and

WHEREAS, Washington state has been a champion of women's rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women, and having the highest proportion of women legislators of any state legislature in the history of the United States at 40.8% in 2000 and at 36.7% currently; and

WHEREAS, For the first time in the history of Washington state, two women, Patty Murray and Maria Cantwell, have been elected to serve in the United States Senate; and

WHEREAS, The United States of America, as a world leader, recognized the critical role of women in America by establishing March as National Women's History Month; and

WHEREAS, The United Nations has proclaimed March 8th to be International Women's Day since 1975;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and celebrate the women of our state, country, and the world, and recognize March 8th as International Women's Day and that March is National Women's History Month.

Senators Kohl-Welles and Fraser spoke to Senate Resolution 8633.

MOTION

Senator Sheahan moved that further consideration of Senate Resolution 8633 be deferred.

PARLIAMENTARY INQUIRY

Senator Kline: "A point of parliamentary inquiry, Mr. President. If I may, is it proper during debate about a resolution to, without any explanation, defer further proceedings on it to an indefinite time?"

REPLY BY THE PRESIDENT

President Owen: "If that is the will of the body, it is totally appropriate, Senator."
Further debate ensued.

Further consideration of Senate Resolution 8633 was deferred.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9022, Jesus "Jess" del Bosque, as a member of the Board of Trustees for Skagit Valley Community College District No. 4, was confirmed.

Senators Carlson and Prentice spoke to the confirmation of Jesus "Jess" del Bosque as a member of the Board of Trustees for Skagit Valley Community College.

APPOINTMENT OF JESUS "JESS" del BOSQUE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Reardon - 1.

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9034, Peter J. Goldmark, as Chair of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF PETER J. GOLDMARK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Reardon - 1.

MOTION

At 9:01 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 9:16 a.m. by President Owen.

MOTION

On motion of Senator West, Gubernatorial Appointment No. 9077, Kris Mikkelsen, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

Senators West and Brown spoke to the confirmation of Kris Mikkelsen as a member of the Board of Trustees for Eastern Washington University.

APPOINTMENT OF KRIS MIKKELSEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9143, Leonor Fuller, as a member of the Board of Trustees for South Puget Sound Community College District 24, was confirmed.

APPOINTMENT OF LEONOR FULLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND READING

SENATE BILL NO. 5505, by Senators Carlson, Rasmussen, Honeyford, Doumit and Eide

Providing course study options for public high schools.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5505 was substituted for Senate Bill No. 5505 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 5505 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5505.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5505 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Hargrove - 1.

SUBSTITUTE SENATE BILL NO. 5505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5627, by Senators Esser and Kastama

Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5627 was substituted for Senate Bill No. 5627 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5627 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5627.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5627 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5627, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5587, by Senators Fairley, Keiser, Kline, Winsley, Kohl-Welles and Rasmussen

Requiring voting devices to be accessible to individuals with disabilities.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Senate Bill No. 5587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5587.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5587 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5232, by Senator Morton

Authorizing multiyear excess property tax levies for cemetery districts.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5232.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5232 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT RESOLUTION NO. 8208, by Senator Morton

Amending the Constitution to allow multiyear excess property tax levies for cemetery districts.

The joint resolution was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Joint Resolution No. 8208 was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Resolution No. 8208.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 8208 and the joint resolution passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE JOINT RESOLUTION NO. 8208, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 5425, by Senators Winsley, Prentice, Benton, Kohl-Welles, Carlson, B. Sheldon, Brown, Schmidt, Rossi, West and Sheahan (by request of Lieutenant Governor Owen)

Increasing the authorized total outstanding indebtedness of the higher education facilities authority.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5425 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5425.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5425 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5089, by Senators Carlson, Fraser, Rasmussen and Esser (by request of Joint Committee on Pension Policy)

Allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5089 was substituted for Senate Bill No. 5089 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 5089 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Deccio: "Senator Carlson, if there is no transfer to the LEOFF System, what is the retirement age for those folks who are now under the PERS System?"

Senator Carlson: "Under the PERS System, it is sixty-five. Under the LEOFF System it is fifty-three."

Senator Deccio: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5089.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5089 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Deccio and Morton - 2.

SUBSTITUTE SENATE BILL NO. 5089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5167, by Senators Regala, Hewitt, Franklin, Winsley and Kohl-Welles

Modifying trust account provisions for sellers of travel.

The bill was read the second time.

MOTION

On motion of Senator Regala, the rules were suspended, Senate Bill No. 5167 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5167.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5167 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SENATE BILL NO. 5167, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5006, by Senators Jacobsen and Haugen

Allowing nonconsumptive wildlife activities on public lands.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5006 was substituted for Senate Bill No. 5006 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5006 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5006.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5006 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 5006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5560, by Senators Honeyford, Keiser, Horn and Kohl-Welles (by request of University of Washington)

Regarding the prohibition of the lawful sale of liquor on University of Washington grounds.

The bill was read the second time.

MOTION

Senator Parlette moved that the following amendment by Senators Parlette, Regala, Honeyford, Jacobsen and Kohl-Welles be adopted:

On page 1, after line 7, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 66.44 RCW to read as follows:

If an institution of higher education chooses to allow the sale of alcoholic beverages on campus, the legislature encourages the institution to feature products produced in the state of Washington."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette, Regala, Honeyford, Jacobsen and Kohl-Welles on page 1, after line 7, to Senate Bill No. 5560.

The motion by Senator Parlette carried and the amendment was adopted.

MOTIONS

On motion of Senator Honeyford, the following title amendment was adopted:

On page 1, line 2 of the title, after "grounds;" insert "adding a new section to chapter 66.44 RCW;"

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5560 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Oke: "Senator Honeyford, as I read in the bill report, right now, they can provide alcohol at no cost and if this bill is passed, then they can provide alcohol at a cost. Is that correct?"

Senator Honeyford: "That is correct."

Senator Oke: "Well knowing that, I think I can support this. I don't think they should give it away--alcohol free."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5560.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5560 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Poulsen, Prentice, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Benton, Hargrove, Haugen, McCaslin, Morton, Rasmussen, Roach and Stevens - 8.

ENGROSSED SENATE BILL NO. 5560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5225, by Senators Benton, Prentice, Zarelli and Esser

Providing rental assistance vouchers.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5225 was substituted for Senate Bill No. 5225 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5225 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5225.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5225 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 48.

Voting nay: Senator Thibaudeau - 1.

SUBSTITUTE SENATE BILL NO. 5225, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5175, by Senators Doumit, Roach, Haugen, Kohl-Welles, McAuliffe, Rasmussen, T. Sheldon and Winsley

Increasing the monthly pensions for volunteer fire fighters and reserve officers.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Senate Bill No. 5175 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5175.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5175 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Hargrove - 1.

SENATE BILL NO. 5175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5437, by Senators Benton, Schmidt, Zarelli, Shin, Carlson, Stevens and West

Allowing all parties to appeal from adverse decisions of school district regional committees.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5437 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5437.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5437 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators McAuliffe and Mulliken - 2.

SENATE BILL NO. 5437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5321, by Senators Johnson and Prentice

Including hospital districts in the definition of "local government" for chapter 39.96 RCW.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5321 was substituted for Senate Bill No. 5321 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5321.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8008, by Senators Rasmussen, Swecker, Roach, Shin, Kastama, Franklin, Winsley, Schmidt, Oke, Eide and Kohl-Welles (by request of Joint Select Committee on Veterans' and Military Affairs)

Requesting that veterans receive concurrent retirement and disability payments.

The joint memorial was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Joint Memorial No. 8008 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8008.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8008 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8008, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5254, by Senators Roach, Hale, Stevens, T. Sheldon, Mulliken, Hewitt, Parlette, Horn, Rossi, Benton, Schmidt, Johnson and Esser

Shifting the burden of proof in actions against rules.

The bill was read the second time.

MOTION

Senator Kastama moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.05.570 and 1995 c 403 s 802 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Spokane county or Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures; or the rule is arbitrary and capricious.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;

(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;

(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;

(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(i) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action."

POINT OF ORDER

Senator Roach: "A point of order, Mr. President. I think I should be speaking to my own amendment, rather than having him speak to mine, if you don't mind. Shouldn't he be keeping his remarks pertinent to his own amendment?"

RULING BY THE PRESIDENT

President Owen: "The President believes that there is some latitude, when having two amendments at the desk, to explain the differences. However, if he was to go into a long dissertation about your amendment, you would be right, he would be out of order."

Further debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Kastama to Senate Bill to 5254.

ROLL CALL

The Secretary called the roll and the striking amendment by Senator Kastama failed by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 22.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

MOTION

Senator Roach moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.05.570 and 1995 c 403 s 802 are each amended to read as follows:

(1) Generally. Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity;

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;

(c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and

(d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.

(2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.

(b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of (I) Thurston county, (ii) the county of the petitioner's residence or principal place of business, or (iii) in a county where property owned by the petitioner and affected by the contested rule is located, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures; or the rule is arbitrary and capricious.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;

(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;

(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;

(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; or

(I) The order is arbitrary or capricious.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(I) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; or

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action."

MOTION

Senator Hewitt moved that the following amendment to the striking amendment be adopted:

On page 2, after line 7 of the amendment, insert the following:

"(d) If the legislature appropriates funds for distribution to counties as reimbursement for the cost of hearing a petition for a declaratory judgment under (b) of this subsection, the total distribution shall reflect the relative caseload among the counties where such petitions are filed."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 2, after line 7, to to the striking amendment by Senator Roach to Senate Bill No. 5254.

The motion by Senator Hewitt carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Roach, as amended, to Senate Bill No. 5254.

The motion by Senator Roach carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Roach, the following title amendment was adopted:
On page 1, line 2 of the title, after "rules;" strike the remainder of the title and insert "and amending RCW 34.05.570."
On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5254 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5254.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5254 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 14.

ENGROSSED SENATE BILL NO. 5254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5052, by Senators Hale, T. Sheldon, Hewitt, Johnson, Sheahan and Oke

Delaying the effect of significant legislative rules.

The bill was read the second time.

MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 5052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hargrove: "Senator Mulliken, I think this bill came out of your committee. My issue here is if we have an emergency situation. We had a bill earlier in the session where we added a provision that if we had some kind of an emergency where the Governor declared--because maybe we have a major earthquake or something like that. Oh, it is Pam's committee? I will ask Pam; I am asking the wrong person. I am going to ask Senator Roach if she will yield to a question."

Senator Roach: "I object to the venue shopping."

Senator Hargrove: "Will you yield to the question?"

Senator Roach: "Certainly, I will."

Senator Hargrove: "Thank you. The question is there a provision--would this prevent an agency adopting a significant rule that if we had some major emergency, whether it be a terrorist attack or an earthquake or something, where our agencies needed to act in the interim--before we get back? Would there still be a way for them to do that?"

Senator Roach: "Yes, there definitely would be. We are very cognizant of those kinds of concerns, especially, over the last couple of years, Senator Hargrove. We want to make sure that government can act when it needs to under an emergency situation. This bill, I think, allows that definitely."

Senator Hargrove: "So, it is just a permanent rule--emergency rule--so those kinds of things could still continue?"

Senator Roach: "Right."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5052.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5052 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

SENATE BILL NO. 5052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5570, by Senators Brown, Brandland, Kohl-Welles and Rasmussen (by request of Attorney General Gregoire)

Expanding the crime of communicating with a minor for immoral purposes.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5570.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5570 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:48 a.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Monday, March 10, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY- FOURTH DAY, MARCH 7, 2003

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

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 10, 2003

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

The Sergeant at Arms Color Guard, consisting of Pages Luke Conklin and Karen Doerr, presented the Colors. Reverend Barbara Schacht, pastor of the Cornerstone Presbyterian Church in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 6, 2003

SB 5135 Prime Sponsor, Senator Carlson: Creating tuition surcharges. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5135 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5337 Prime Sponsor, Senator Horn: Revising the agency council on coordinated transportation. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5337 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5429 Prime Sponsor, Senator Mulliken: Authorizing the Performance Registration Information Systems Management Program (PRISM). Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5455 Prime Sponsor, Senator Horn: Creating a pilot program for renewal of drivers' licenses by subagents. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen and Spanel.

Passed to Committee on Rules for second reading.

March 5, 2003

SB 5499 Prime Sponsor, Senator Oke: Transferring accident data processing to the department of transportation. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5499 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5643 Prime Sponsor, Senator Esser: Implementing digitally printed license plates. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5643 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken and Prentice.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5694 Prime Sponsor, Senator Swecker: Creating a pilot project to develop an integrated environmental permit system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5694 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5937 Prime Sponsor, Senator Parlette: Adding to the scenic and recreational highway system. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5938 Prime Sponsor, Senator Finkbeiner: Updating financial responsibility laws for vessels. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5938 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5941 Prime Sponsor, Senator Swecker: Studying the Washington commerce corridor. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5941 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5953 Prime Sponsor, Senator Finkbeiner: Penalizing disruption of traffic by pedestrians. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5953 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen, Jacobsen, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5961 Prime Sponsor, Senator Horn: Specifying penalties for aircraft registration violations. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5961 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5974 Prime Sponsor, Senator Benton: Exercising sound business practices to enhance revenues for Washington State Ferries. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5974 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5986 Prime Sponsor, Senator West: Allowing narrow vehicles to drive side by side in one lane. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5986 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Kastama, Oke and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair; and Jacobsen.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5987 Prime Sponsor, Senator Swecker: Delineating the roles and responsibilities of transportation agencies. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5987 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 5989 Prime Sponsor, Senator Haugen: Representing pilots on the board of pilotage commissioners. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 6, 2003

SB 6001 Prime Sponsor, Senator Benton: Legalizing a motor vehicle, travel trailer, and boat trailer combination. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6001 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Jacobsen, Mulliken and Prentice.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

March 6, 2003

SHB 1069 Prime Sponsor, House Committee on Finance: Authorizing a waiver of interest and penalties for property tax bills not sent to the taxpayer due to error by the county. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do Pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 6, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360,

ENGROSSED HOUSE BILL NO. 1563,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 7, 2002

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1832, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1832.

INTRODUCTION AND FIRST READING

SB 6028 by Senators Brandland, Spanel and Rasmussen

AN ACT Relating to the business and occupation taxation of manufacturing flax seed into flax oil; amending RCW 82.04.260; and providing an effective date.
Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1056 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Simpson and Campbell)

Notifying home buyers of where information regarding registered sex offenders may be obtained.

Referred to Committee on Financial Services, Insurance and Housing.

ESHB 1360 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Ruderman and Anderson)

Allowing additional members on the information services board.

Referred to Committee on Technology and Communications.

EHB 1563 by Representatives Lantz, Delvin, Dickerson, Carrell, Upthegrove, Talcott, Kessler, Kagi, McDermott, Lovick, Moeller, Morrell, Murray, Pettigrew, Berkey, Kenney and Santos

Providing a procedure for court-ordered contact with a child for nonparents.

Referred to Committee on Children and Family Services and Corrections.

ESHB 1564 by House Committee on Local Government (originally sponsored by Representatives Alexander, Fromhold, Mielke, Kessler and Buck)

Clarifying county treasurer fiscal provisions.

Referred to Committee on Government Operations and Elections.

MOTION

On motion of Senator Sheahan, Engrossed House Bill No. 1563 was referred to the Committee on Children and Family Services and Corrections.

MOTION

At 10:09 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 11:04 a.m. by President Owen.

SECOND READING

SENATE BILL NO. 5192, by Senators Zarelli and Oke

Promoting job creation through state investments.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5192 was substituted for Senate Bill No. 5192 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The outlook for the state's pension system is dramatically affected by the performance of the state investment board. The recent performance of all pension funds throughout the country has resulted in a greater emphasis on investment expertise and accountability for investment decisions.

The legislature has determined that particular roles and responsibilities are appropriate for various members of the investment board. In delineating these roles and responsibilities, a system of accountability for performance is an essential element.

The legislature also finds that an examination of Washington investment opportunities within the context of Washington's overall investment strategy for diversification and maximizing returns is an appropriate role of the state investment board and that additional resources may be necessary to fully consider those investments.

NEW SECTION. Sec. 2. (1) The state investment board shall maintain a portion of the board's investment portfolio in the technology investment account, an account that shall be accounted for separately and apart from other moneys invested by the board. Investments from the account may be made in technology businesses. These investments may be made directly by the board or through the board's investment advisors, including venture capital firms. The earnings on the technology investment account must be accounted for separately from other investments made by the board.

(2) Investments under this section must be made in a manner consistent with investment or management criteria established by the board. In making investments of moneys in the technology investment account, the primary investment objectives are to maximize return at a prudent level of risk, as required by RCW 43.33A.110, and to maintain a diversity of investment as required by RCW 43.33A.140. In choosing among equal investment opportunities that satisfy these investment objectives, the board shall give priority to those investments from the account that help attract or assist technology businesses in the state, including investments in technology businesses seeking to locate or expand in this state.

(3) The state investment board shall hire or designate from its current staff, at least one experienced full-time staff person to research, investigate, and recommend to the state investment board, if appropriate, and subject to the standards of investment and management under RCW 43.33A.110 and this section, investment opportunities in technology businesses that are located in, have a substantial employment base in, make a significant economic contribution to, or are seeking to locate or expand in, Washington state. The department of community, trade, and economic development is responsible for actively marketing the technology investment account to businesses seeking to locate or expand in Washington and shall work in conjunction with appropriate staff of the state investment board to coordinate information on technology businesses interested in locating or expanding in Washington.

(4) As used in this section "technology business" means a company that has as its principal function the providing of services including computer, information transfer, communication, distribution, processing, administrative, laboratory, experimental, developmental, technical, testing services, manufacture of goods or materials, the processing of goods or materials by physical or chemical change, computer-related activities, robotics, energy, biological or pharmaceutical industrial activity, or technology-oriented or emerging industrial activity.

Sec. 3. RCW 43.33A.020 and 2002 c 303 s 1 are each amended to read as follows:

There is hereby created the state investment board to consist of ((fifteen)) members to be appointed as provided in this ((section)) chapter.

~~((1) One member who is an active member of the public employees' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be one year.~~

~~(2) One member who is an active member of the law enforcement officers' and fire fighters' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be two years.~~

~~(3) One member who is an active member of the teachers' retirement system and has been an active member for at least five years. This member shall be appointed by the superintendent of public instruction subject to confirmation by the senate. The initial term of appointment shall be three years.~~

~~(4) The state treasurer or the assistant state treasurer if designated by the state treasurer.~~

~~(5) A member of the state house of representatives. This member shall be appointed by the speaker of the house of representatives.~~

~~(6) A member of the state senate. This member shall be appointed by the president of the senate.~~

~~(7) One member who is a retired member of a state retirement system shall be appointed by the governor, subject to confirmation by the senate. The initial term of appointment shall be three years.~~

~~(8) The director of the department of labor and industries.~~

~~(9) The director of the department of retirement systems.~~

~~(10) One member who is an active member of the school employees' retirement system and has at least five years of service credit. This member shall be appointed by the superintendent of public instruction subject to confirmation by the senate. The initial term of appointment shall be three years.~~

~~(11) Five nonvoting members appointed by the state investment board who are considered experienced and qualified in the field of investments.~~

The legislative members shall serve terms of two years. The initial legislative members appointed to the board shall be appointed no sooner than January 10, 1983. The position of a legislative member on the board shall become vacant at the end of that member's term on the board or whenever the member ceases to be a member of the senate or house of representatives from which the member was appointed.

After the initial term of appointment, all other members of the state investment board, except ex officio members, shall serve terms of three years and shall hold office until successors are appointed. Members' terms, except for ex officio members, shall commence on January 1 of the year in which the appointments are made.

Members may be reappointed for additional terms. Appointments for vacancies shall be made for the unexpired terms in the same manner as the original appointments. Any member may be removed from the board for cause by the member's respective appointing authority.)

NEW SECTION. Sec. 4. There is hereby created an audit and accountability committee of the state investment board consisting of not more than five voting members of the investment board. The audit and accountability committee members are appointed by the state investment board chairperson.

At least one member of the audit and accountability committee must be a representative of one of the retirement system beneficiaries.

NEW SECTION. Sec. 5. The state treasurer or a designee is a member of the state investment board. In addition to serving as a fiduciary trustee, the state treasurer serves as a member of the audit and accountability committee. The state treasurer will use his or her expertise in financial markets to assist the accountability review process for the state investment board. The state treasurer will also assist in identifying in-state investment opportunities that meet or exceed out-of-state investment returns. The state treasurer will work with the chair

of the state investment board and investment board staff to develop and implement an outreach program to Washington citizens. The purpose of the outreach program is to increase awareness of the performance of the pension fund and to encourage public review of the investment portfolio performance in aggregate. The state treasurer will report to the investment board at least twice a year the extent of those outreach efforts and any significant concerns or issues raised by the public regarding the state investment board.

NEW SECTION. Sec. 6. One member of the state investment board is an active member of the public employees' retirement system and has been an active member for at least five years. This member is appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. In addition to serving as a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program specific to the public employees' retirement system beneficiaries. At a minimum, the outreach program will include making available a written annual report to public employees and an annual meeting for public employees detailing board performance and investment objectives. The public employees' board member will also assist in identifying issues relevant to public employees' for which the state investment board is held accountable, and will provide a quarterly report to the board on those issues.

NEW SECTION. Sec. 7. One member of the state investment board is an active member of the law enforcement officers' and fire fighters' retirement system and has been an active member for at least five years. This member is appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. In addition to serving as a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program specific to the law enforcement officers' and fire fighters' retirement system beneficiaries. At a minimum, the outreach program will include making available a written annual report to law enforcement officers' and fire fighters' employees and an annual meeting for law enforcement officers' and fire fighters' employees detailing board performance and investment objectives. The law enforcement officers' and fire fighters' board member will also assist in identifying issues relevant to law enforcement officers' and fire fighters' for which the state investment board is held accountable, and will provide a quarterly report to the board on those issues.

NEW SECTION. Sec. 8. One member of the state investment board is an active member of the teachers' retirement system and has been an active member for at least five years. This member is appointed by the superintendent of public instruction subject to confirmation by the senate. In addition to serving as a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board

staff to participate in an outreach program specific to the teachers' retirement system beneficiaries. At a minimum, the outreach program will include making available a written annual report to teachers' retirement system employees and an annual meeting for teachers' retirement system employees detailing board performance and investment objectives. The teachers' board member will also assist in identifying issues relevant to teachers for which the state investment board is held accountable, and will provide a quarterly report to the board on those issues.

NEW SECTION. Sec. 9. One member of the state investment board is an active member of the school employees' retirement system and has at least five years of service credit. This member is appointed by the superintendent of public instruction subject to confirmation by the senate. In addition to serving as a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program specific to the school employees' retirement system beneficiaries. At a minimum, the outreach program will include making available a written annual report to school employees and an annual meeting for school employees detailing board performance and investment objectives. The school employees' board member will also assist in identifying issues relevant to school employees for which the state investment board is held accountable, and will provide a quarterly report to the board on those issues.

NEW SECTION. Sec. 10. One member of the state investment board is a retired member of a state retirement system and is appointed by the governor subject to confirmation by the senate. In addition to serving as a fiduciary trustee, this member will use his or her position as a representative of pension fund beneficiaries to work with state investment board staff to participate in an outreach program specific to retired beneficiaries. At a minimum, the outreach program will include making available a written annual report to retirees and an annual meeting for retirees detailing board performance and investment objectives. The retirees' board member will also assist in identifying issues relevant to retirees for which the state investment board is held accountable, and will provide a quarterly report to the board on those issues.

NEW SECTION. Sec. 11. The director of labor and industries is a member of the state investment board, representing an agency that is responsible for administering programs supported by state investment board earnings. In addition to serving as a fiduciary trustee, the director of labor and industries will work with state investment board staff to implement a process for reporting state investment board earnings and investment objectives to those businesses in Washington state that provide the funding for the programs administered by the department of labor and industries that are supported by state investment board earnings.

NEW SECTION. Sec. 12. The director of retirement systems is a member of the state investment board, representing an agency that is responsible for administering programs supported by state investment board earnings. In addition to serving as a fiduciary trustee, the director of retirement systems will implement a process of reporting state investment board earnings to the constituents of retirement systems.

NEW SECTION. Sec. 13. The performance of the state investment board has a profound effect on the state budget and the interests of the people of the state. Accordingly, the governor or the governor's designee is a member of the state investment board. In addition to serving as a fiduciary trustee, the governor will work with the state investment board staff to develop and implement an outreach program to Washington citizens. The intent of the outreach program is to increase awareness of the performance of the pension fund and to encourage public review of the investment board's performance.

NEW SECTION. Sec. 14. The performance of the state investment board has a profound effect on the state budget and the interests of the people of the state. Accordingly, one member of the state investment board is a member of the state house of representatives. This member is appointed by the speaker of the house of representatives. In addition to serving as a fiduciary trustee, this member is responsible for reporting to the relevant committees in the house of representatives on the status of the funds for which the state investment board is responsible and accountable.

NEW SECTION. Sec. 15. The performance of the state investment board has a profound effect on the state budget and the interests of the people of the state. Accordingly, one member of the state investment board is a member of the state senate. This member is appointed by the president of the senate. In addition to serving as a fiduciary trustee, this member is responsible for reporting to the relevant committees in the senate on the status of the funds for which the state investment board is responsible and accountable.

NEW SECTION. Sec. 16. The performance of the state investment board has a profound effect on local government fiscal systems and the interests of people in our communities. Accordingly, one member is appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by cities and counties participating in pension systems supported by the state investment board. In addition to serving as a fiduciary trustee, this member is responsible for reporting to the appropriate local government entities on the status of the funds for which the state investment board is responsible and accountable. The local government designee will work with the state investment board staff to develop and implement an outreach program to Washington citizens. The intent of the outreach program is to increase awareness of the performance of the pension fund and to encourage public review of the investment board's performance.

NEW SECTION. Sec. 17. Expertise in investment decisions is sought by the inclusion of five nonvoting members appointed by the state investment board after nomination by the audit and accountability committee, who are considered experienced and qualified in the

field of investments. At least one of the nonvoting members must have experience in investing in companies, funds, or other investments that are located in, have a substantial employment base in, or make a significant economic contribution to, Washington state.

NEW SECTION. Sec. 18. (1) All members of the state investment board, except nonvoting members, legislative members, and ex officio members, serve terms of three years and hold office until successors are appointed. Members' terms, except for nonvoting members, commence on January 1st of the year in which the appointments are made.

(2) Members may be reappointed for additional terms. Appointments for vacancies are made for the unexpired terms in the same manner as the original appointments. Any voting member may be removed from the state investment board for cause by the member's respective appointing authority. The five nonvoting members serve for a term determined by the audit and accountability committee, which may not exceed two years. Nonvoting members may be removed from the board by the audit and accountability committee at any time with or without cause.

(3) The legislative members serve terms of two years. The position of a legislative member on the state investment board becomes vacant at the end of that member's term on the state investment board or whenever the member ceases to be a member of the senate or house of representatives from which the member was appointed.

Sec. 19. RCW 43.33A.040 and 2002 c 303 s 2 are each amended to read as follows:

(1) A quorum to conduct the business of the state investment board consists of ~~((at least six))~~ a majority of the voting members serving on the board. No action may be taken by the board without the affirmative vote of ~~((six members))~~ a majority of the voting members serving on the board.

(2) The state investment board shall meet at least quarterly at such times as it may fix. The board shall elect a chairperson and vice chairperson annually: PROVIDED, That the legislative members are not eligible to serve as chairperson.

NEW SECTION. Sec. 20. Sections 2 and 4 through 18 of this act are each added to chapter 43.33A RCW.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Zarelli, the following title amendment was adopted:

On page 1, line 1 of the title, after "investments;" strike the remainder of the title and insert "amending RCW 43.33A.020 and 43.33A.040; adding new sections to chapter 43.33A RCW; creating a new section; and declaring an emergency."

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 5192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5192.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5192 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Carlson, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, Poulsen, Prentice, Sheldon, B., Sheldon, T., Spanel and Thibaudeau - 16.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kastama was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8020, by Senators West, Oke, Hale, Zarelli, Esser, Swecker, Schmidt, Honeyford, Stevens, Deccio, Sheahan, Hewitt, Horn, Mulliken, Morton, Finkbeiner, McCaslin, Carlson, Parlette, Rossi, Johnson, Brandland, Roach and Benton

Requesting the United States Senate to approve Mr. Estrada.

The joint memorial was read the second time.

MOTION

On motion of Senator West, the rules were suspended, Senate Joint Memorial No. 8020 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8020.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8020 and the joint memorial passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 22.

Excused: Senator Kastama - 1.

SENATE JOINT MEMORIAL NO. 8020, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. Well, as many of you know, my son is with the 446th at McChord. They were activated over the weekend--the aerial port squadron. I think what we need to do is remember the employers of these reservists, because they need to be honored. They let their reservists go now for up to six months. Some of those employers are from the state of Washington; some of them are State Troopers. Of course, there are many, many businesses and then the local employers of the counties and the cities. I think we need to take a moment to say 'thank you' to those employers that do honor our reservists and allow them the opportunity to serve our country. While my son is not activated as yet, his aerial port squadron is and so he oversees the forty-eight young men and women that are going to be deployed--some of them will stay at McChord and will serve their activation there and some of them will be all over the world. I just think it is fitting to be able to honor the people that employ these individuals and certainly honor those that serve our country."

SECOND READING

SENATE BILL NO. 5178, by Senators Hewitt, T. Sheldon, Rasmussen, Franklin, Shin, Rossi, Hale and B. Sheldon (by request of Lieutenant Governor Owen)

Creating the legislative international trade account.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 5178 was substituted for Senate Bill No. 5178 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Fraser, the following amendment by Senators Fraser, Betti Sheldon and Hewitt was adopted:

On page 1, beginning on line 8, strike all material down to and including "capacity." on line 16 and insert the following:

"The legislative international trade account is created in the custody of the state treasurer. All moneys received by the president of the senate from gifts, grants, and endowments for international trade hosting and missions activities must be deposited in the account. Only private, nonpublic gifts, grants, and endowments may be deposited in the account. Expenditures from the account may be used only for the purposes of international trade hosting and international trade mission activities, excluding travel and lodging, in which the president and members of the senate and members of the house of representatives participate in an official capacity."

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 5178 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5178.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Roach was excused.

SECOND READING

SENATE BILL NO. 5223, by Senators Keiser, Parlette, Hargrove, Deccio and Kline

Authorizing mental health advance directives.

MOTIONS

On motion of Senator Keiser, Substitute Senate Bill No. 5223 was substituted for Senate Bill No. 5223 and the substitute bill was placed on second reading and read the second time.

Senator Keiser moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART I General Provisions

NEW SECTION. Sec. 1. (1) The legislature declares that an individual with capacity has the ability to control decisions relating to his or her own mental health care. The legislature finds that:

- (a) Some mental illnesses cause individuals to fluctuate between capacity and incapacity;
- (b) During periods when an individual's capacity is unclear, the individual may be unable to access needed treatment because the individual may be unable to give informed consent;
- (c) Early treatment may prevent an individual from becoming so ill that involuntary treatment is necessary; and
- (d) Mentally ill individuals need some method of expressing their instructions and preferences for treatment and providing advance consent to or refusal of treatment.

The legislature recognizes that a mental health advance directive can be an essential tool for an individual to express his or her choices at a time when the effects of mental illness have not deprived him or her of the power to express his or her instructions or preferences.

- (2) The legislature further finds that:
 - (a) A mental health advance directive must provide the individual with a full range of choices;
 - (b) Mentally ill individuals have varying perspectives on whether they want to be able to revoke a directive during periods of incapacity;
 - (c) For a mental health advance directive to be an effective tool, individuals must be able to choose how they want their directives treated during periods of incapacity; and
 - (d) There must be clear standards so that treatment providers can readily discern an individual's treatment choices.

Consequently, the legislature affirms that, pursuant to other provisions of law, a validly executed mental health advance directive is to be respected by agents, guardians, and other surrogate decision makers, health care providers, professional persons, and health care facilities.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.
- (2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter 11.94 RCW.
- (3) "Capacity" means that an adult has not been found to be incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).
- (4) "Court" means a superior court under chapter 2.08 RCW.
- (5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community mental health service delivery system, as defined in RCW 71.24.025.
- (6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.
- (7) "Incapacitated" means an adult who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be incompetent pursuant to RCW 11.88.010(1)(e).
- (8) "Informed consent" means consent that is given after the person: (a) Is provided with a description of the nature, character, and anticipated results of proposed treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.
- (9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.
- (10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.
- (11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.
- (12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.
- (13) "Principal" means an adult who has executed a mental health advance directive.
- (14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

NEW SECTION. Sec. 3. (1) The definition of informed consent is to be construed to be consistent with that term as it is used in chapter 7.70 RCW.

(2) The definitions of mental disorder, mental health professional, and professional person are to be construed to be consistent with those terms as they are defined in RCW 71.05.020.

NEW SECTION. Sec. 4. For the purposes of this chapter, an adult is presumed to have capacity.

PART II The Document: Creation, Contents, Revocation

NEW SECTION. Sec. 5. (1) An adult with capacity may execute a mental health advance directive.

(2) A directive executed in accordance with this chapter is presumed to be valid. The inability to honor one or more provisions of a directive does not affect the validity of the remaining provisions.

(3) A directive may include any provision relating to mental health treatment or the care of the principal or the principal's personal affairs. Without limitation, a directive may include:

- (a) The principal's preferences and instructions for mental health treatment;
- (b) Consent to specific types of mental health treatment;
- (c) Refusal to consent to specific types of mental health treatment;
- (d) Consent to admission to and retention in a facility for mental health treatment for up to fourteen days;
- (e) Descriptions of situations that may cause the principal to experience a mental health crisis;
- (f) Suggested alternative responses that may supplement or be in lieu of direct mental health treatment, such as treatment approaches from other providers;

(g) Appointment of an agent pursuant to chapter 11.94 RCW to make mental health treatment decisions on the principal's behalf, including authorizing the agent to provide consent on the principal's behalf to voluntary admission to inpatient mental health treatment; and
(h) The principal's nomination of a guardian or limited guardian as provided in RCW 11.94.010 for consideration by the court if guardianship proceedings are commenced.

(4) A directive may be combined with or be independent of a nomination of a guardian or other durable power of attorney under chapter 11.94 RCW, so long as the processes for each are executed in accordance with its own statutes.

NEW SECTION. Sec. 6. (1) A directive shall:

(a) Be in writing;
(b) Contain language that clearly indicates that the principal intends to create a directive;
(c) Be dated and signed by the principal or at the principal's direction in the principal's presence if the principal is unable to sign;
(d) Designate whether the principal wishes to be able to revoke the directive during any period of incapacity or wishes to be unable to revoke the directive during any period of incapacity; and
(e) Be witnessed in writing by at least two adults, each of whom shall declare that he or she personally knows the principal, was present when the principal dated and signed the directive, and that the principal did not appear to be incapacitated or acting under fraud, undue influence, or duress.

(2) A directive that includes the appointment of an agent under chapter 11.94 RCW shall contain the words "This power of attorney shall not be affected by the incapacity of the principal," or "This power of attorney shall become effective upon the incapacity of the principal," or similar words showing the principal's intent that the authority conferred shall be exercisable notwithstanding the principal's incapacity.

(3) A directive is valid upon execution, but all or part of the directive may take effect at a later time as designated by the principal in the directive.

(4) A directive may:

- (a) Be revoked, in whole or in part, pursuant to the provisions of section 8 of this act; or
- (b) Expire under its own terms.

NEW SECTION. Sec. 7. A directive may not:

(1) Create an entitlement to mental health or medical treatment or supersede a determination of medical necessity;
(2) Obligate any health care provider, professional person, or health care facility to pay the costs associated with the treatment requested;

(3) Obligate any health care provider, professional person, or health care facility to be responsible for the nontreatment personal care of the principal or the principal's personal affairs outside the scope of services the facility normally provides;

(4) Replace or supersede the provisions of any will or testamentary document or supersede the provisions of intestate succession;

(5) Be revoked by an incapacitated principal unless that principal selected the option to permit revocation while incapacitated at the time his or her directive was executed; or

(6) Be used as the authority for inpatient admission for more than fourteen days in any twenty-one day period.

NEW SECTION. Sec. 8. (1)(a) A principal with capacity may, by written statement by the principal or at the principal's direction in the principal's presence, revoke a directive in whole or in part.

(b) An incapacitated principal may revoke a directive only if he or she elected at the time of executing the directive to be able to revoke when incapacitated.

(2) The revocation need not follow any specific form so long as it is written and the intent of the principal can be discerned.

(3) The principal shall provide a copy of his or her written statement of revocation to his or her agent, if any, and to each health care provider, professional person, or health care facility that received a copy of the directive from the principal.

(4) The written statement of revocation is effective:

(a) As to a health care provider, professional person, or health care facility, upon receipt. The professional person, health care provider, or health care facility, or persons acting under their direction shall make the statement of revocation part of the principal's medical record; and

(b) As to the principal's agent, upon receipt. The principal's agent shall notify the principal's health care provider, professional person, or health care facility of the revocation and provide them with a copy of the written statement of revocation.

(5) A directive also may:

(a) Be revoked, in whole or in part, expressly or to the extent of any inconsistency, by a subsequent directive; or

(b) Be superseded or revoked by a court order, including any order entered in a criminal matter. A directive may be superseded by a court order regardless of whether the order contains an explicit reference to the directive. To the extent a directive is not in conflict with a court order, the directive remains effective, subject to the provisions of section 15 of this act. A directive shall not be interpreted in a manner that interferes with: (i) Incarceration or detention by the department of corrections, in a city or county jail, or by the department of social and health services; or (ii) treatment of a principal who is subject to involuntary treatment pursuant to chapter 10.77, 70.96A, 71.05, 71.09, or 71.34 RCW.

(6) A directive that would have otherwise expired but is effective because the principal is incapacitated remains effective until the principal is no longer incapacitated unless the principal has elected to be able to revoke while incapacitated and has revoked the directive.

(7) When a principal with capacity consents to treatment that differs from, or refuses treatment consented to in, the provisions of his or her directive, the consent or refusal constitutes a waiver of that provision and does not constitute a revocation of the provision or directive unless the principal also revokes the directive or provision.

NEW SECTION. Sec. 9. A witness may not be any of the following:

(1) A person designated to make health care decisions on the principal's behalf;

(2) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(3) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(4) A person who is related by blood, marriage, or adoption to the person or with whom the principal has a dating relationship, as defined in RCW 26.50.010;

(5) A person who is declared to be an incapacitated person; or

(6) A person who would benefit financially if the principal making the directive undergoes mental health treatment.

NEW SECTION. **Sec. 10.** (1) If a directive authorizes the appointment of an agent, the provisions of chapter 11.94 RCW and RCW 7.70.065 shall apply unless otherwise stated in this chapter.

(2) The principal who appoints an agent must notify the agent in writing of the appointment.

(3) An agent must act in good faith.

(4) An agent may make decisions on behalf of the principal. Unless the principal has revoked the directive, the decisions must be consistent with the instructions and preferences the principal has expressed in the directive, or if not expressed, as otherwise known to the agent. If the principal's instructions or preferences are not known, the agent shall make a decision he or she determines is in the best interest of the principal.

(5) Except to the extent the right is limited by the appointment or any federal or state law, the agent has the same right as the principal to receive, review, and authorize the use and disclosure of the principal's health care information when the agent is acting on behalf of the principal and to the extent required for the agent to carry out his or her duties. This subsection shall be construed to be consistent with chapters 70.02, 70.24, 70.96A, 71.05, and 71.34 RCW, and with federal law regarding health care information.

(6) Unless otherwise provided in the appointment and agreed to in writing by the agent, the agent is not, as a result of acting in the capacity of agent, personally liable for the cost of treatment provided to the principal.

(7) An agent may resign or withdraw at any time by giving written notice to the principal. The agent must also give written notice to any health care provider, professional person, or health care facility providing treatment to the principal. The resignation or withdrawal is effective upon receipt unless otherwise specified in the resignation or withdrawal.

(8) If the directive gives the agent authority to act while the principal has capacity, the decisions of the principal supersede those of the agent at any time the principal has capacity.

(9) Unless otherwise provided in the durable power of attorney, the principal may revoke the agent's appointment as provided under other state law.

PART III

Capacity and Process for Incapacitated Persons

NEW SECTION. **Sec. 11.** (1) For the purposes of this chapter, a principal, agent, professional person, or health care provider may seek a determination whether the principal is incapacitated or has regained capacity.

(2)(a) For the purposes of this chapter, no adult may be declared an incapacitated person except by:

(i) A court, if the request is made by the principal or the principal's agent;

(ii) One mental health professional and one health care provider; or

(iii) Two health care providers.

(b) One of the persons making the determination under (a)(ii) or (iii) of this subsection must be a psychiatrist, psychologist, or a psychiatric advanced registered nurse practitioner.

(3) When a professional person or health care provider requests a capacity determination, he or she shall promptly inform the principal that:

(a) A request for capacity determination has been made; and

(b) The principal may request that the determination be made by a court.

(4) At least one mental health professional or health care provider must personally examine the principal prior to making a capacity determination.

(5)(a) When a court makes a determination whether a principal has capacity, the court shall, at a minimum, be informed by the testimony of one mental health professional familiar with the principal and shall, except for good cause, give the principal an opportunity to appear in court prior to the court making its determination.

(b) To the extent that local court rules permit, any party or witness may testify telephonically.

(6) When a court has made a determination regarding a principal's capacity and there is a subsequent change in the principal's condition, subsequent determinations whether the principal is incapacitated may be made in accordance with any of the provisions of subsection (2) of this section.

NEW SECTION. **Sec. 12.** A principal may bring an action to contest the validity of his or her directive. If an action under this section is commenced while an action to determine the principal's capacity is pending, the court shall consolidate the actions and decide the issues simultaneously.

NEW SECTION. **Sec. 13.** (1) An initial determination of capacity must be completed within forty-eight hours of a request made by a person authorized in section 11 of this act. During the period between the request for an initial determination of the principal's capacity and completion of that determination, the principal may not be treated unless he or she consents at the time or treatment is otherwise authorized by state or federal law.

(2)(a)(I) When an incapacitated principal is admitted to inpatient treatment pursuant to the provisions of his or her directive, his or her capacity must be reevaluated within seventy-two hours or when there has been a change in the principal's condition that indicates that he or she appears to have regained capacity, whichever occurs first.

(ii) When an incapacitated principal has been admitted to and remains in inpatient treatment for more than seventy-two hours pursuant to the provisions of his or her directive, the principal's capacity must be reevaluated when there has been a change in his or her condition that indicates that he or she appears to have regained capacity.

(iii) When a principal who is being treated on an inpatient basis and has been determined to be incapacitated requests, or his or her agent requests, a redetermination of the principal's capacity the redetermination must be made within seventy-two hours.

(b) When a principal who has been determined to be incapacitated is being treated on an outpatient basis and there is a request for a redetermination of his or her capacity, the redetermination must be made within five days of the first request following a determination.

(3)(a) When a principal who has appointed an agent for mental health treatment decisions requests a determination or redetermination of capacity, the agent must make reasonable efforts to obtain the determination or redetermination.

(b) When a principal who does not have an agent for mental health treatment decisions is being treated in an inpatient facility and requests a determination or redetermination of capacity, the mental health professional or health care provider must complete the determination or, if the principal is seeking a determination from a court, must make reasonable efforts to notify the person authorized to make decisions for the principal under RCW 7.70.065 of the principal's request.

(c) When a principal who does not have an agent for mental health treatment decisions is being treated on an outpatient basis, the person requesting a capacity determination must arrange for the determination.

(4) If no determination has been made within the time frames established in subsection (1) or (2) of this section, the principal shall be considered to have capacity.

(5) When an incapacitated principal is being treated pursuant to his or her directive, a request for a redetermination of capacity does not prevent treatment.

NEW SECTION. **Sec. 14.** (1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient mental health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted, may only be admitted into inpatient mental health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient mental health treatment under his or her directive if, prior to admission, a physician member of the treating facility's professional staff:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider or mental health professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, the principal shall receive a complete psychological assessment by a mental health professional within twenty-four hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time or is detained under the involuntary treatment provisions of chapter 70.96A, 71.05, or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional and one health care provider to be incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than fourteen days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter 70.96A, 71.05, or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient mental health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

PART IV Provider Responsibilities and Immunities

NEW SECTION. Sec. 15. (1) Upon receiving a directive, a health care provider, professional person, or health care facility providing treatment to the principal, or persons acting under the direction of the health care provider, professional person, or health care facility, shall make the directive a part of the principal's medical record and shall be deemed to have actual knowledge of the directive's contents.

(2) When acting under authority of a directive, a health care provider, professional person, or health care facility shall act in accordance with the provisions of the directive to the fullest extent possible, unless in the determination of the health care provider, professional person, or health care facility:

(a) Compliance with the provision would violate the accepted standard of care established in RCW 7.70.040;

(b) The requested treatment is not available;

(c) Compliance with the provision would violate applicable law; or

(d) It is an emergency situation and compliance would endanger any person's life or health.

(3)(a) In the case of a principal committed or detained under the involuntary treatment provisions of chapter 10.77, 70.96A, 71.05, 71.09, or 71.34 RCW, those provisions of a principal's directive that, in the determination of the health care provider, professional person, or health care facility, are inconsistent with the purpose of the commitment or with any order of the court relating to the commitment are invalid during the commitment.

(b) Remaining provisions of a principal's directive are advisory while the principal is committed or detained.

The treatment provider is encouraged to follow the remaining provisions of the directive, except as provided in (a) of this subsection or subsection (2) of this section.

(4) In the case of a principal who is incarcerated or committed in a state or local correctional facility, provisions of the principal's directive that are inconsistent with reasonable penological objectives or administrative hearings regarding involuntary medication are invalid during the period of incarceration or commitment. In addition, treatment may be given despite refusal of the principal or the provisions of the directive: (a) For any reason under subsection (2) of this section; or (b) if, without the benefit of the specific treatment measure, there is a significant possibility that the person will harm self or others before an improvement of the person's condition occurs.

(5)(a) If the health care provider, professional person, or health care facility is, at the time of receiving the directive, unable or unwilling to comply with any part or parts of the directive for any reason, the health care provider, professional person, or health care facility shall promptly notify the principal and, if applicable, his or her agent and shall document the reason in the principal's medical record.

(b) If the health care provider, professional person, or health care facility is acting under authority of a directive and is unable to comply with any part or parts of the directive for the reasons listed in subsection (2) or (3) of this section, the health care provider, professional person, or health care facility shall promptly notify the principal and if applicable, his or her agent, and shall document the reason in the principal's medical record.

(6) In the event that one or more parts of the directive are not followed because of one or more of the reasons set forth in subsection (2) or (4) of this section, all other parts of the directive shall be followed.

(7) If no provider-patient relationship has previously been established, nothing in this chapter requires the establishment of a provider-patient relationship.

NEW SECTION. Sec. 16. Where a principal consents in a directive to electroconvulsive therapy, the health care provider, professional person, or health care facility, or persons acting under the direction of the health care provider, professional person, or health care facility, shall document the therapy and the reason it was used in the principal's medical record.

NEW SECTION. Sec. 17. (1) For the purposes of this section, "provider" means a private or public agency, government entity, health care provider, professional person, health care facility, or person acting under the direction of a health care provider or professional person, health care facility, or long-term care facility.

(2) A provider is not subject to civil liability or sanctions for unprofessional conduct under the uniform disciplinary act, chapter 18.130 RCW, when in good faith and without negligence:

(a) The provider provides treatment to a principal in the absence of actual knowledge of the existence of a directive, or provides treatment pursuant to a directive in the absence of actual knowledge of the revocation of the directive;

(b) A health care provider or mental health professional determines that the principal is or is not incapacitated for the purpose of deciding whether to proceed according to a directive, and acts upon that determination;

(c) The provider administers or does not administer mental health treatment according to the principal's directive in good faith reliance upon the validity of the directive and the directive is subsequently found to be invalid;

(d) The provider does not provide treatment according to the directive for one of the reasons authorized under section 15 of this act; or

(e) The provider provides treatment according to the principal's directive.

PART V Interpretive Provisions

NEW SECTION. Sec. 18. (1) Where an incapacitated principal has executed more than one valid directive and has not revoked any of the directives:

(a) The directive most recently created shall be treated as the principal's mental health treatment preferences and instructions as to any inconsistent or conflicting provisions, unless provided otherwise in either document.

(b) Where a directive executed under this chapter is inconsistent with a directive executed under any other chapter, the most recently created directive controls as to the inconsistent provisions.

(2) Where an incapacitated principal has appointed more than one agent under chapter 11.94 RCW with authority to make mental health treatment decisions, RCW 11.94.010 controls.

(3) The treatment provider shall inquire of a principal whether the principal is subject to any court orders that would affect the implementation of his or her directive.

NEW SECTION. Sec. 19. (1) Directives validly executed before the effective date of this section shall be given full force and effect until revoked, superseded, or expired.

(2) A directive validly executed in another political jurisdiction is valid to the extent permitted by Washington state law.

NEW SECTION. Sec. 20. Any person with reasonable cause to believe that a directive has been created or revoked under circumstances amounting to fraud, duress, or undue influence may petition the court for appointment of a guardian for the person or to review the actions of the agent or person alleged to be involved in improper conduct under RCW 11.94.090 or 74.34.110.

NEW SECTION. Sec. 21. The fact that a person has executed a directive does not constitute an indication of mental disorder or that the person is not capable of providing informed consent.

NEW SECTION. Sec. 22. A person shall not be required to execute or to refrain from executing a directive, nor shall the existence of a directive be used as a criterion for insurance, as a condition for receiving mental or physical health services, or as a condition of admission to or discharge from a health care facility or long-term care facility.

NEW SECTION. Sec. 23. No person or health care facility may use or threaten abuse, neglect, financial exploitation, or abandonment of the principal, as those terms are defined in RCW 74.34.020, to carry out the directive.

NEW SECTION. Sec. 24. A directive does not limit any authority otherwise provided in Title 10, 70, or 71 RCW, or any other applicable state or federal laws to detain a person, take a person into custody, or to admit, retain, or treat a person in a health care facility.

NEW SECTION. Sec. 25. (1) If a principal who is a resident of a long-term care facility is admitted to inpatient mental health treatment pursuant to his or her directive, the principal shall be allowed to be readmitted to the same long-term care facility as if his or her inpatient admission had been for a physical condition on the same basis that the principal would be readmitted under state or federal statute or rule when:

(a) The treating facility's professional staff determine that inpatient mental health treatment is no longer medically necessary for the resident. The determination shall be made in writing by a psychiatrist or by a mental health professional and a physician; or

(b) The person's consent to admission in his or her directive has expired.

(2)(a) If the long-term care facility does not have a bed available at the time of discharge, the treating facility may discharge the resident, in consultation with the resident and agent if any, and in accordance with a medically appropriate discharge plan, to another long-term care facility.

(b) This section shall apply to inpatient mental health treatment admission of long-term care facility residents, regardless of whether the admission is directly from a facility, hospital emergency room, or other location.

(c) This section does not restrict the right of the resident to an earlier release from the inpatient treatment facility. This section does not restrict the right of a long-term care facility to initiate transfer or discharge of a resident who is readmitted pursuant to this section, provided that the facility has complied with the laws governing the transfer or discharge of a resident.

(3) The joint legislative audit and review committee shall conduct an evaluation of the operation and impact of this section. The committee shall report its findings to the appropriate committees of the legislature by December 1, 2004.

PART VI The Form

NEW SECTION. Sec. 26. The directive shall be in substantially the following form:

Mental Health Advance Directive

NOTICE TO PERSONS CREATING A MENTAL HEALTH ADVANCE DIRECTIVE

This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:

(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

**YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.
IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.**

If you choose to complete and sign this document, you may still decide to leave some items blank.

- (2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest. Your agent has the right to withdraw from the appointment at any time.
- (3) The instructions you include with this advance directive and the authority you give your agent to act will only become effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.
- (4) You have the right to revoke this document in writing at any time you have capacity.

YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.

- (5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.
- (6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.
- (7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.
- (8) You should be aware that there are some circumstances where your provider may not have to follow your directive.
- (9) You should discuss any treatment decisions in your directive with your provider.
- (10) You may ask the court to rule on the validity of your directive.

**PART I
STATEMENT OF INTENT TO CREATE A
MENTAL HEALTH ADVANCE DIRECTIVE**

I, being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated.

I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.

I understand that there are some circumstances where my provider may not have to follow my directive.

**PART II.
WHEN THIS DIRECTIVE IS EFFECTIVE**

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

. Immediately upon my signing of this directive.

. If I become incapacitated.

. When the following circumstances, symptoms, or behaviors occur:

**PART III.
DURATION OF THIS DIRECTIVE**

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

. Remain valid and in effect for an indefinite period of time.

. Automatically expire years from the date it was created.

**PART IV.
WHEN I MAY REVOKE THIS DIRECTIVE**

YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.

I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

. Only when I have capacity.

I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

. Even if I am incapacitated.

I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

**PART V.
PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS**

A. Preferences and Instructions About Physician(s) to be Involved in My Treatment

I would like the physician(s) named below to be involved in my treatment decisions:

Dr. Contact information:
Dr. Contact information:

I do not wish to be treated by Dr.

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name Profession Contact information

Name Profession Contact information

C. Preferences and Instructions About Medications for Psychiatric Treatment *(initial and complete all that apply)*

. I consent, and authorize my agent (if appointed) to consent, to the following medications:

. I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:

. I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include and these side effects can be eliminated by dosage adjustment or other means

. I am willing to try any other medication the hospital doctor recommends

. I am willing to try any other medications my outpatient doctor recommends

. I do not want to try any other medications.

Medication Allergies

I have allergies to, or severe side effects from, the following:

Other Medication Preferences or Instructions

. I have the following other preferences or instructions about medications

D. Preferences and Instructions About Hospitalization and Alternatives

(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

. In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

. I would also like the interventions below to be tried before hospitalization is considered:

. Calling someone or having someone call me when needed.

Name: Telephone:

. Staying overnight with someone

Name: Telephone:

. Having a mental health service provider come to see me

- Going to a crisis triage center or emergency room
- Staying overnight at a crisis respite (temporary) bed
- Seeing a service provider for help with psychiatric medications
- Other, specify:

Authority to Consent to Inpatient Treatment

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for days (*not to exceed 14 days*)

(Sign one):

- If deemed appropriate by my agent (if appointed) and treating physician

(Signature)

or

- Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

(Signature)

- I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

(Signature)

Hospital Preferences and Instructions

If hospitalization is required, I prefer the following hospitals:

I do not consent to be admitted to the following hospitals:

E. Preferences and Instructions About Preemergency

I would like the interventions below to be tried before use of seclusion or restraint is considered (*initial all that apply*):

- "Talk me down" one-on-one
- More medication
- Time out/privacy

- Show of authority/force
- Shift my attention to something else
- Set firm limits on my behavior
- Help me to discuss/vent feelings
- Decrease stimulation
- Offer to have neutral person settle dispute
- Other, specify

F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and so on*):

- Seclusion
- Seclusion and physical restraint (combined)
- Medication by injection
- Medication in pill or liquid form

In the event that my attending physician decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)

My wishes regarding electroconvulsive therapy are (*sign one*):

- I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

- I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

- I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

(Signature)

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name:

Name:

Name:

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:

In case of emergency, please contact:

Name:

Address:

Work telephone:

Home telephone:

Physician:

Address:

Telephone:

The following may help me to avoid a hospitalization:

I generally react to being hospitalized as follows:

Staff of the hospital or crisis unit can help me by doing the following:

J. Refusal of Treatment

I do not consent to any mental health treatment.

(Signature)

**PART VI.
DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

(Fill out this part only if you wish to appoint an agent or nominate a guardian.)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

A. Designation of an Agent

I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document and request that this person be notified immediately when this directive becomes effective:

Name: _____ Address: _____
Work telephone: _____ Home telephone: _____
Relationship: _____

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: _____ Address: _____
Work telephone: _____ Home telephone: _____
Relationship: _____

C. When My Spouse is My Agent *(initial if desired)*

..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

D. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

E. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:

F. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the following person **as my guardian**:

Name: _____ Address: _____
Work telephone: _____ Home telephone: _____
Relationship: _____

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

(Signature required if nomination is made)

**PART VII.
OTHER DOCUMENTS**

(Initial all that apply)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

. Health care power of attorney (chapter 11.94 RCW)

. "Living will" (Health care directive; chapter 70.122 RCW)

. I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

**PART VIII.
NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

(Fill out this part only if you wish to provide nontreatment instructions.)

I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name:	Address:
Day telephone:	Evening telephone:
Name:	Address:
Day telephone:	Evening telephone:

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

C. Additional Preferences and Instructions:

**PART IX.
SIGNATURE**

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

Signature: _____ Date: _____

Printed Name: _____

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

(A) A person designated to make medical decisions on the principal's behalf;

(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(c) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;

(E) An incapacitated person;

(F) A person who would benefit financially if the principal undergoes mental health treatment; or

(G) A minor.

Witness 1: Signature: _____ Date: _____

Printed Name: _____

Address: _____

Telephone: _____

Witness 2: Signature: _____ Date: _____

Printed Name: _____

Address: _____

Telephone: _____

**PART X.
RECORD OF DIRECTIVE**

I have given a copy of this directive to the following persons:

DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE
THIS DIRECTIVE IN PART OR IN WHOLE

**PART XI.
REVOCAION OF THIS DIRECTIVE**

(Initial any that apply):

..... I am revoking the following part(s) of this directive (specify):

..... I am revoking all of this directive.

By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

Signature: _____

Date: _____

Printed Name:

**DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS
DIRECTIVE IN PART OR IN WHOLE**

**PART VII
Amendatory Sections**

Sec. 27. RCW 11.94.010 and 1995 c 297 s 9 are each amended to read as follows:

(1) Whenever a principal designates another as his or her attorney in fact or agent, by a power of attorney in writing, and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's disability, the authority of the attorney in fact or agent is exercisable on behalf of the principal as provided notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or the principal's guardian or heirs, devisees, and personal representative as if the principal were alive, competent, and not disabled. A principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification. If a guardian thereafter is appointed for the principal, the attorney in fact or agent, during the continuance of the appointment, shall account to the guardian rather than the principal. The guardian has the same power the principal would have had if the principal were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency.

(2) Persons shall place reasonable reliance on any determination of disability or incompetence as provided in the instrument that specifies the time and the circumstances under which the power of attorney document becomes effective.

(3)(a) A principal may authorize his or her attorney-in-fact to provide informed consent for health care decisions on the principal's behalf. If a principal has appointed more than one agent with authority to make mental health treatment decisions in accordance with a directive under chapter 71.-- RCW (sections 1 through 26 of this act), to the extent of any conflict, the most recently appointed agent shall be treated as the principal's agent for mental health treatment decisions unless provided otherwise in either appointment.

(b) Unless he or she is the spouse, or adult child or brother or sister of the principal, none of the following persons may act as the attorney-in-fact for the principal: Any of the principal's physicians, the physicians' employees, or the owners, administrators, or employees of the health care facility or long-term care facility as defined in RCW 43.190.020 where the principal resides or receives care. Except when the principal has consented in a mental health advance directive executed under chapter 71.-- RCW (sections 1 through 26 of this act) to inpatient admission or electroconvulsive therapy, this authorization is subject to the same limitations as those that apply to a guardian under RCW 11.92.043(5) (a) through (c).

NEW SECTION. Sec. 28. A new section is added to chapter 11.94 RCW to read as follows:

No person appointed by a principal as an agent to make mental health treatment decisions pursuant to a mental health advance directive under chapter 71.-- RCW (sections 1 through 26 of this act) shall be compensated for the performance of his or her duties as an agent to make mental health treatment decisions. This section does not prohibit an agent from receiving reimbursement for reasonable expenses incurred in the performance of his or her duties under chapter 71.-- RCW (sections 1 through 26 of this act).

Sec. 29. RCW 7.70.065 and 1987 c 162 s 1 are each amended to read as follows:

(1) Informed consent for health care for a patient who is not competent, as defined in RCW 11.88.010(1)((b)) (e), to consent may be obtained from a person authorized to consent on behalf of such patient. Persons authorized to provide informed consent to health care on behalf of a patient who is not competent to consent shall be a member of one of the following classes of persons in the following order of priority:

(a) The appointed guardian of the patient, if any;

(b) The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions;

(c) The patient's spouse;

(d) Children of the patient who are at least eighteen years of age;

(e) Parents of the patient; and

(f) Adult brothers and sisters of the patient.

(2) If the physician seeking informed consent for proposed health care of the patient who is not competent to consent makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section may provide informed consent to health care:

(a) If a person of higher priority under this section has refused to give such authorization; or

(b) If there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(3) Before any person authorized to provide informed consent on behalf of a patient not competent to consent exercises that authority, the person must first determine in good faith that that patient, if competent, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.

NEW SECTION. Sec. 30. A new section is added to chapter 7.70 RCW to read as follows:

Consent to treatment or admission contained in a validly executed mental health advance directive constitutes informed consent for purposes of this chapter.

NEW SECTION. Sec. 31. A new section is added to chapter 9A.60 RCW to read as follows:

(1) For purposes of this section "mental health advance directive" means a written document that is a "mental health advance directive" as defined in section 2 of this act.

(2) A person is guilty of fraudulent creation or revocation of a mental health advance directive if he or she knowingly:

(a) Makes, completes, alters, or revokes the mental health advance directive of another without the principal's consent;

(b) Utters, offers, or puts off as true a mental health advance directive that he or she knows to be forged; or

(c) Obtains or prevents the signature of a principal or witness to a mental health advance directive by deception or duress.

(3) Fraudulent creation or revocation of a mental health advance directive is a class C felony.

Sec. 32. RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)	
XVI	
Homicide by abuse (RCW 9A.32.055)	
XV	
Malicious explosion 1 (RCW 70.74.280(1))	
Murder 1 (RCW 9A.32.030)	
Murder 2 (RCW 9A.32.050)	
XIV	
Malicious explosion 2 (RCW 70.74.280(2))	
XIII	
Malicious placement of an explosive 1 (RCW 70.74.270(1))	
Assault 1 (RCW 9A.36.011)	
XII	
Assault of a Child 1 (RCW 9A.36.120)	
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))	
Rape 1 (RCW 9A.44.040)	
Rape of a Child 1 (RCW 9A.44.073)	

Manslaughter 1 (RCW 9A.32.060)
XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)
X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)
IX

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(I))

Possession of Ephedrine or any of its Salts or Isomers or Salts of Isomers, Pseudoephedrine or any of its Salts or Isomers or Salts of Isomers, Pressurized Ammonia Gas, or Pressurized Ammonia Gas Solution with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (except when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(I))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(I))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9A.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (section 31 of this act)

Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 33 RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)
XVI

Homicide by abuse (RCW 9A.32.055)
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)
XIV

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicle Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 9A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9A.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

0

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (section 31 of this act)

Malicious Mischief 2 (RCW 9A.48.080)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

PART VIII Miscellaneous Provisions

NEW SECTION. **Sec. 34.** Sections 1 through 26 of this act constitute a new chapter in Title 71 RCW.
NEW SECTION. **Sec. 35.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.
NEW SECTION. **Sec. 36.** Section 32 of this act expires July 1, 2004.
NEW SECTION. **Sec. 37.** Section 33 of this act takes effect July 1, 2004.
NEW SECTION. **Sec. 38.** Part headings used in this act are not any part of the law."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Keiser to Substitute Senate Bill No. 5223..

The motion by Senator Keiser carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Keiser, the following title amendment was adopted:

On page 1, line 1 of the title, after "directives;" strike the remainder of the title and insert "amending RCW 11.94.010 and 7.70.065; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 11.94 RCW; adding a new section to chapter 7.70 RCW; adding a new section to chapter 9A.60 RCW; adding a new chapter to Title 71 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute Senate Bill No. 5223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5223.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5223 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5631, by Senators Thibaudeau, Kohl-Welles, Brandland, Kline, Hargrove, Fraser, McAuliffe, Keiser, B. Sheldon and Winsley

Making it a crime to traffic in persons.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5631 was substituted for Senate Bill No. 5631 and the substitute bill was placed on second reading and read the second time.

On motion of Senate Fraser, the following amendment by Senators Fraser, Thibaudeau and Kohl-Welles was adopted:

On page 22, after line 5, insert the following:

"Sec. 4. RCW 9.94A.535 and 2002 c 169 s 1 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence unless it is imposed on an offender sentenced under RCW 9.94A.712. An exceptional sentence imposed on an offender sentenced under RCW 9.94A.712 shall be to a minimum term set by the court and a maximum term equal to the statutory maximum sentence for the offense of conviction under chapter 9A.20 RCW.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(I) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(I) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(I) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(m) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(n) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense."

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:
On page 1, line 1 of the title, after "RCW" insert "9.94A.535,"

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5631.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5631 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5168, by Senator Hargrove

Authorizing reduction of interest on legal financial obligations.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5168 was substituted for Senate Bill No. 5168 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 5168 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5168.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5168 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Rule 46 was suspended for the remainder of the day.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

HAPPY BIRTHDAY WISHES TO SENATOR RASMUSSEN.

The President extended Happy Birthday Wishes to Senator Rasmussen.

MOTION

At 12:07 p.m., on motion of Senator Sheahan, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:00 p.m. by Senator West.

MOTION

At 6:00 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 6:43 p.m. by President Pro Tempore Winsley.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

March 10, 2003

SB 5024 Prime Sponsor, Senator Honeyford: Concerning public water systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5024 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser and Regala.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5027 Prime Sponsor, Senator Morton: Giving local citizens and governments authority to determine the allocation and management of water in a water resource inventory area. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5027 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Poulsen and Regala.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5034 Prime Sponsor, Senator Zarelli: Providing property tax relief for senior citizens and persons retired because of physical disability. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Hale, Honeyford, Johnson, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5047 Prime Sponsor, Senator Roach: Limiting siting of secure residential facilities for sexually violent predators to properties zoned for industrial use. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5047, as substituted by the Committee on Government Operations and Elections, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5053 Prime Sponsor, Senator Hale: Prohibiting agencies from adopting rules that exceed federal standards without legislative authority. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5053 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5086 Prime Sponsor, Senator Honeyford: Altering appeal procedures for water-related actions of the department of ecology. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5086 as recommended by Committee on Natural Resources, Energy and Water be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5108 Prime Sponsor, Senator Mulliken: Removing statutory authority for access to private property for governmental purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5108 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5264 Prime Sponsor, Senator West: Providing transportation to the lieutenant governor's spouse for activities conducted on behalf of the state. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5264 as recommended by Committee on Government Operations and Elections be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi,

Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5274 Prime Sponsor, Senator Roach: Revising funding of the archives division. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5274 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Hale, Honeyford, Johnson, Parlette, Poulsen, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5276 Prime Sponsor, Senator Roach: Funding oral history and archives activities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5282 Prime Sponsor, Senator Hargrove: Eliminating growth management hearings boards. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5325 Prime Sponsor, Senator Winsley: Allocating money to cities and towns that provide services for state hospitals. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5325, as recommended by Committee on Children and Family Services and Corrections, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5369 Prime Sponsor, Senator Winsley: Regulating automated traffic safety cameras. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5369 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hewitt, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5375 Prime Sponsor, Senator Doumit: Improving the efficiency and predictability of the hydraulic project approval program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5375 as substituted by Committee on Parks, Fish and Wildlife, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Poulsen and Regala.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5400 Prime Sponsor, Senator Swecker: Concerning geoducks. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5400, as recommended by Committee on Natural Resources, Energy and Water, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5462 Prime Sponsor, Senator Mulliken: Adopting federal definitions for state wage and hour laws. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5462, as recommended by Committee on Commerce and Trade, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5578 Prime Sponsor, Senator Winsley: Allowing for bed hold for boarding home residents. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5578 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5737 Prime Sponsor, Senator Benton: Reporting abandoned property. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5737 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Fairley, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5776 Prime Sponsor, Senator Doumit: Providing an appeal process for state agency permit decisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5776, as recommended by Committee on Land Use and Planning, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Hale, Honeyford, Johnson, Roach, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5796 Prime Sponsor, Senator Mulliken: Requiring itemized tuition statements. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5796, as substituted by Committee on Higher Education, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5807 Prime Sponsor, Senator Parlette: Revising the basic health plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5807, as substituted by the Committee on Health and Long-Term Care, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5890 Prime Sponsor, Senator Swecker: Initiating a pilot project to determine the feasibility and benefits for medical monitoring of agricultural workers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5890 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fairley, Fraser, Poulsen and Regala.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5900 Prime Sponsor, Senator Horn: Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5900 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fairley, Fraser, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5904 Prime Sponsor, Senator Deccio: Concerning prescription drug assistance programs for seniors. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5904 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5971 Prime Sponsor, Senator Fairley: Managing residential habilitation centers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 5982 Prime Sponsor, Senator Prentice: Implementing the liquor control board's retail business plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5982 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Hale, Parlette, Esser and Sheahan.

MINORITY Recommendation: Do no pass: Signed by Senator Fraser, Poulsen and Regala.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 6011 Prime Sponsor, Senator Rossi: Providing a business and occupation tax for staffing services businesses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6011 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 6013 Prime Sponsor, Senator Parlette: Making an irrevocable choice to waive rights to the defined benefit under the plan 3 retirement systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6013 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 6023 Prime Sponsor, Senator Hargrove: Increasing certain assessments and penalties imposed by courts. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6023 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Brown.

Passed to Committee on Rules for second reading.

March 10, 2003

SB 6026 Prime Sponsor, Senator West: Authorizing special assessments to fund convention and trade promotion. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6026 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Fairley, Hale, Johnson, Parlette, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MOTION

At 6:44 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m, Tuesday, March 11, 2003.

BRAD OWEN, President of the Senate

FIFTY-SEVENTH DAY, MARCH 10, 2003

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

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 11, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Fairley, Hargrove, Horn, Poulsen, Rasmussen, Reardon and Tim Sheldon. On motion of Senator Eide, Senators Fairley, Hargrove, Poulsen, Rasmussen and Reardon were excused. On motion of Senator Hewitt, Senator Horn was excused.

The Sergeant at Arms Color Guard, consisting of Pages Anthony Hurtado and Tasha Irwin, presented the Colors. Reverend Barbara Schacht, pastor of the Cornerstone Presbyterian Church in Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 7, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1178, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 10, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277,

ENGROSSED HOUSE BILL NO. 1453,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1463,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 10, 2003

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1269,

HOUSE BILL NO. 1294,

HOUSE BILL NO. 1439,

HOUSE BILL NO. 1444,

SUBSTITUTE HOUSE BILL NO. 1464,

SUBSTITUTE HOUSE BILL NO. 1489,

HOUSE BILL NO. 1566,

HOUSE BILL NO. 1572,

HOUSE BILL NO. 1612,

SUBSTITUTE HOUSE BILL NO. 1619,

HOUSE BILL NO. 1667,

SUBSTITUTE HOUSE BILL NO. 1694,

SUBSTITUTE HOUSE BILL NO. 1767,

HOUSE BILL NO. 1980, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6029 by Senators Rossi and Fairley (by request of Office of Financial Management)

AN ACT Relating to actuarial funding of the public employees', teachers', and school employees' retirement systems; amending RCW 41.45.010, 41.45.054, and 41.45.060; reenacting and amending RCW 41.45.070; providing an effective date; and declaring an emergency.
Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1054 by House Committee on Children and Family Services (originally sponsored by Representatives Dickerson, Skinner, Romero, Haigh, O'Brien, Kenney, Darneille, Kagi, Clements, Sommers, Chase, Miloscia, McDermott, Kirby, Schual-Berke, Lovick and Kessler)

Specifying circumstances under which a clergy must report child abuse or neglect.

Referred to Committee on Children and Family Services and Corrections.

ESHB 1178 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Skinner, Cody, Hankins, Moeller, Chase, Darneille, Upthegrove, Hunt, McCoy, Grant, Cooper, Clibborn, Ruderman, Kenney, Wallace, Lantz, Hudgins, Pettigrew, Morrell, McDermott, Jarrett, Romero, Haigh, Hunter, Kagi, Conway and Simpson)

Requiring medically accurate information in sex education courses.

Referred to Committee on Education.

SHB 1269 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville and Schoesler) (by request of Department of Agriculture)

Regulating structural pest inspectors.

Referred to Committee on Agriculture.

ESHB 1277 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Jarrett, Chase, Voloria, Kessler and Upthegrove)

Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents.

Referred to Committee on Higher Education.

HB 1294 by Representatives McDermott, Haigh, Armstrong, Nixon, Miloscia, Dickerson and Mielke (by request of Public Disclosure Commission)

Revising campaign finance reporting requirements for out-of-state political committees.

Referred to Committee on Government Operations and Elections.

HB 1439 by Representatives Kenney, Conway, Chandler, Tom, Kagi, Wood and Wallace

Requiring seller disclosure of the presence of uncertified wood stoves or uncertified fireplace inserts.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1444 by Representatives Haigh, Eickmeyer, Clibborn, Dickerson, Rockefeller and Morrell

Protecting proprietary or confidential information acquired through state health services purchasing.

Referred to Committee on Health and Long-Term Care.

ESHB 1453 by Representatives Kenney, Cox, Fromhold, Jarrett, McCoy, Berkey, Hudgins, Wood, Priest, Conway, Linville, McIntire, Benson, Rockefeller, Anderson, Lantz, Morrell, Wallace and Upthegrove

Improving articulation and transfer between institutions of higher education.

Referred to Committee on Higher Education.

ESHB 1463 by House Committee on Transportation (originally sponsored by Representatives Sullivan, Ericksen, Simpson, Jarrett and Anderson)

Allowing advertising on bus shelters.

Referred to Committee on Highways and Transportation.

SHB 1464 by House Committee on Children and Family Services (originally sponsored by Representatives Boldt, Nixon and Anderson)

Requiring department of social and health services to work with community-based and faith-based social services organizations.

Referred to Committee on Children and Family Services and Corrections.

SHB 1489 by House Committee on Health Care (originally sponsored by Representatives Sullivan, Pflug, Schual-Berke, Crouse, Cody, Santos, Morrell, Wood, Anderson and Kenney)

Creating a voluntary organ and tissue donor registry.

Referred to Committee on Health and Long-Term Care.

ESHB 1509 by House Committee on Trade and Economic Development (originally sponsored by Representatives Skinner, Veloria, Sehlin, Pettigrew, McDonald, Schual-Berke, McCoy, McDermott, Linville, Upthegrove and Conway)

Establishing the economic development commission.

Referred to Committee on Economic Development.

ESHB 1533 by House Committee on Capital Budget (originally sponsored by Representatives Schoesler, Linville, Chandler, Grant, Clements, Newhouse, Armstrong and Delvin)

Authorizing a new subaccount in the public works assistance account.

Referred to Committee on Ways and Means.

HB 1566 by Representative Alexander

Modifying record retention provisions for county auditors.

Referred to Committee on Government Operations and Elections.

HB 1572 by Representatives Kirby, Newhouse, Moeller, Campbell, Fromhold, Hinkle and Condotta

Increasing small claims judgments upon failure to pay.

Referred to Committee on Judiciary.

HB 1612 by Representatives Hinkle, Dickerson, Delvin, Carrell, Pettigrew, Upthegrove, Eickmeyer, Edwards and Kessler

Requiring notification to parents of mental health treatment options for a minor child.

Referred to Committee on Children and Family Services and Corrections.

SHB 1619 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Delvin, Kirby, Dickerson, Ahern, Nixon, Wallace, Romero, Haigh, Sullivan, Pettigrew, Chase, O'Brien, Lantz, Quall, Miloscia,

Berkey, Dunshee, Blake, Hudgins, Cooper, Moeller, Morrell, Schual-Berke, Edwards, Simpson, Bush, Eickmeyer, Murray, Kessler, Conway, Darneille, Kenney, Upthegrove and Rockefeller)

Increasing penalties for driving while under the influence with children in the vehicle.

Referred to Committee on Judiciary.

HB 1667 by Representatives Conway, Hankins, Kenney, Crouse, Kirby, Delvin, Hudgins, Lantz, Sullivan, McCoy and Campbell

Clarifying local government land use and zoning powers over gambling activities.

Referred to Committee on Commerce and Trade.

SHB 1694 by House Committee on Health Care (originally sponsored by Representatives Morrell, Campbell, Cody, Skinner, Clibborn and Dickerson) (by request of Department of Social and Health Services)

Requiring the department of social and health services to inspect boarding homes at least every eighteen months.

Referred to Committee on Health and Long-Term Care.

SHB 1767 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Campbell, Mielke, Lantz and O'Brien) (by request of Department of Social and Health Services)

Permitting a forensic competency examination to be conducted in a jail, detention or correctional facility, or appropriate community setting by one examiner.

Referred to Committee on Children and Family Services and Corrections.

HB 1980 by Representative Boldt

Changing work activity provisions under the TANF program.

Referred to Committee on Children and Family Services and Corrections.

SB 6029 by Senators Rossi and Fairley (by request of Office of Financial Management)

AN ACT Relating to actuarial funding of the public employees', teachers', and school employees' retirement systems; amending RCW 41.45.010, 41.45.054, and 41.45.060; reenacting and amending RCW 41.45.070; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9012, Sandra Ayesh, as a member of the Board of Trustees for The Evergreen State College, was confirmed.

Senators Fraser and Carlson spoke to the confirmation of Sandra Ayesh as a member of the Board of Trustees for The Evergreen State College.

APPOINTMENT OF SANDRA AYESH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Absent: Senator Sheldon, T. - 1.

Excused: Senators Fairley, Hargrove, Horn, Poulsen, Rasmussen and Reardon - 6.

MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

MOTION

On motion of Senator Mulliken, Gubernatorial Appointment No. 9037, Jennifer Hazen, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF JENNIFER HAZEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Fairley, Horn, Poulsen, Reardon and Sheldon, T. - 5.

MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9047, Jason Johnson, as a member of the Board of Regents for Washington State University, was confirmed.

Senators Sheahan, Kohl-Welles and Carlson spoke to the confirmation of Jason Johnson as a member of the Board of Regents for Washington State University.

APPOINTMENT OF JASON JOHNSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Horn, Poulsen and Reardon - 3.

MOTION

On motion of Senator Schmidt, Gubernatorial Appointment No. 9080, David Moore Reeploeg, as a member of the Board of Regents for the University of Washington, was confirmed.

APPOINTMENT OF DAVID MOORE REEPLOEG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Horn, Poulsen and Reardon - 3.

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9094, Kennet Phillipson, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

Senators Carlson and Keiser spoke to the confirmation of Kennet Phillipson as a member of the Board of Trustees for Eastern Washington University.

APPOINTMENT OF KENNET PHILLIPSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Reardon - 2.

SECOND READING

SENATE BILL NO. 5491, by Senators Finkbeiner, Prentice, Jacobsen, Oke and Kohl-Welles

Allowing advertising on bus shelters.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5491.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5491 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Reardon - 2.

SENATE BILL NO. 5491, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5133, by Senators Carlson, Stevens, Hargrove, McCaslin, Kline, Sheahan, Kohl-Welles, Schmidt, McAuliffe, Oke, Rossi, Regala, Esser, Deccio, Swecker, Brandland, Parlette, Zarelli and Rasmussen

Adopting the revised interstate compact for juveniles.

The bill was read the second time.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5133 was substituted for Senate Bill No. 5133 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 5133 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5133.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5133 and the bill passed the Senate by the following vote: Yeas, 47, Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Reardon - 2.

SUBSTITUTE SENATE BILL NO. 5133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5761, by Senators T. Sheldon and Shin

Modifying requirements for industrial projects of statewide significance.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5761 was substituted for Senate Bill No. 5761 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5761 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5761.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5761 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5705, by Senators Winsley, Thibaudeau, Carlson, Fraser and Shin (by request of Department of Services for the Blind)

Conforming the department of services for the blind provisions with federal law.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5705 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5705.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5705 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5705, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 5075, by Senators Morton, Fraser, Oke and Doumit (by request of Commissioner of Public Lands Sutherland)

Authorizing the department of natural resources to accept gifts of aquatic land.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5075.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5075 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Poulsen - 2.

SENATE BILL NO. 5075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5509, by Senators B. Sheldon, Kohl-Welles, Deccio and Winsley

Creating a voluntary organ and tissue donor registry.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5509 was substituted for Senate Bill No. 5509 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Betti Sheldon, the rules were suspended, Substitute Senate Bill No. 5509 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5509.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5509 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Poulsen - 2.

SUBSTITUTE SENATE BILL NO. 5509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5410, by Senators Stevens, Eide, Keiser, Brandland, Reardon, Roach, Prentice, Regala, Rasmussen, McCaslin, Benton, Winsley, T. Sheldon, Schmidt, Esser, Oke and Shin

Revising information available on the statewide registered sex offender web site.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 5410 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5410.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5410 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5747, by Senators Schmidt, Finkbeiner, Poulsen, Esser, Stevens and Eide

Requiring the supervisor of elections in charter counties to be an elected position.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Senate Bill No. 5747 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5747.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5747 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Eide, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Doumit, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kline, Kohl-Welles, Prentice, Regala, Spanel and Thibaudeau - 13.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5628, by Senators Brandland, Esser, Kline and Kohl-Welles (by request of Sentencing Guidelines Commission)

Ordering a study of threshold property values for crimes involving property.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5628 was substituted for Senate Bill No. 5628 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5628 was advanced to third reading, the second reading considered the third and the substitute bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5628.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5628 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5148, by Senators Winsley and Prentice (by request of Insurance Commissioner Kreidler)

Providing confidentiality to certain insurance commissioner examinations.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5148 was substituted for Senate Bill No. 5148 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5148.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Voting nay: Senators Fairley and Thibaudeau - 2.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

SENATE JOINT MEMORIAL NO. 8002, by Senators Morton, Hewitt, Sheahan, Stevens, Parlette, Mulliken, Oke and Roach

Requesting forest health-related management activities on all state and national forests in Washington State.

MOTIONS

On motion of Senator Morton, Substitute Senate Joint Memorial No. 8002 was substituted for Senate Joint Memorial No. 8002 and the substitute joint memorial was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Joint Memorial No. 8002 was advanced to third reading, the second reading considered the third and the substitute joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8002.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8002 and the substitute joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Prentice - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5415, by Senators Carlson, Spanel, Kohl-Welles and Shin (by request of State Board for Community and Technical Colleges)

Changing exceptional faculty award grants.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5415 was substituted for Senate Bill No. 5415 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the rules were suspended, Substitute Senate Bill No. 5415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5415.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5415 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5435, by Senators Haugen, Horn and Benton

Regulating special license plates.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5435 was substituted for Senate Bill No. 5435 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5435.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5435 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5049, by Senators Roach, Eide, Winsley, Franklin, Rasmussen, Stevens, Schmidt, Haugen, Parlette, Carlson, Esser and Sheahan

Designating veterans' history awareness month.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5049.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5049 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5106, by Senators Hewitt, Hale, T. Sheldon, Doumit, Sheahan, Rasmussen, Morton, Mulliken, Honeyford, Deccio and Parlette

Concerning the annual consumptive quantity of a water right.

MOTION

Senator Morton moved that Substitute Senate Bill No. 5106 be substituted for Senate Bill No. 5106.

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe that the substitute bill exceeds the scope and object of the underlying bill, and I would like to explain my reasons therefore. The President has been very consistent and very clear over the years that in considering whether an amendment is consistent with the scope and object of the bill. You look not only at the title, but you also look at the subject matter of the bill. In this case, the title of the bill is water rights and the content of the bill is very specific. It substitutes one standard for another in determining the amount of water that can be involved in the change or transfer to either expand acreage or add usage.

"The original bill has one sentence to add one section to the RCW. In contrast, the substitute bill has a vast expansion of the scope and object of the bill. It includes the entire content of two other bills before the Senate. One of which is still in the Rules Committee and one which is in the original Natural Resources Committee. It adds the entirety of Substitute Senate Bill No. 5025, which repeals relinquishment, which is one of the fundamental pillars of water law in our state--surface and ground water and affects all water rights in the state. It also incorporates Senate Bill No. 5481, which would greatly expand the kinds of agricultural water transfers that can occur without any general review and notice to change from crop to animal without any review--just could do it.

"So, I respectfully request that the President rule the substitute bill is beyond the scope and object of Senate Bill No. 5106."

Debate ensued.

MOTION

On motion of Senator Sheahan, further consideration of Senate Bill No. 5106 was deferred.

SECOND READING

SENATE BILL NO. 5307, by Senators Mulliken, Finkbeiner, Stevens, McCaslin, Hale and Esser

Requiring local governments to issue project permits in a timely manner.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 5307 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5307.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5307 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Carlson, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

SENATE BILL NO. 5307, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SENATE BILL NO. 5105, by Senators Fraser, B. Sheldon, Carlson, McAuliffe and Kohl-Welles

Ensuring the quality and availability of educational interpreters.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5105 was substituted for Senate Bill No. 5105 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5105 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5105.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5105 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Mulliken - 1.

Excused: Senator Fairley - 1.

SUBSTITUTE SENATE BILL NO. 5105, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 5237, by Senators Deccio, Thibaudeau, Parlette, Keiser, Mulliken, Kohl-Welles, Stevens, Hale and Eide

Regulating the catheterization of students.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5237 was substituted for Senate Bill No. 5237 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Johnson, the rules were suspended, Substitute Senate Bill No. 5237 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5237.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5237 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Fairley and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5335, by Senators Zarelli, Haugen, Prentice, Mulliken, Benton, Oke and Carlson

Defining "motorcycle helmet."

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5335 was substituted for Senate Bill No. 5335 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 5335 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5335.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5335 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Fraser, Jacobsen and Morton - 3.

Excused: Senators Fairley and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5687, by Senators Prentice, Honeyford, Shin and Rasmussen

Exempting the installation, maintenance, and repair of certain medical devices from electrician licensing requirements.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 5687 was substituted for Senate Bill No. 5687 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5687 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5687.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5687 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5574, by Senators Finkbeiner, Poulsen and Reardon (by request of Attorney General Gregoire)

Clarifying district court jurisdiction over actions involving commercial electronic mail.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 5574 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5574.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5574 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5574, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5616, by Senators Benton, Prentice, Reardon, Zarelli, Winsley, Keiser and Finkbeiner

Concerning insurer foreign investments.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5616 was substituted for Senate Bill No. 5616 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5616.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5616 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5715, by Senators Benton, Prentice, Winsley and Oke

Creating the financial fraud alert act.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5715 was substituted for Senate Bill No. 5715 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5715 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5715.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5715 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5715, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5690, by Senators Rossi and Fairley

Limiting the taxability of certain internet transactions.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5690 was substituted for Senate Bill No. 5690 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 5690 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5690.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5690 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Voting nay: Senators Fraser and Thibaudeau - 2.

SUBSTITUTE SENATE BILL NO. 5690, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5793, by Senators Winsley and Prentice

Changing on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5793 was substituted for Senate Bill No. 5793 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5793 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5793.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5793 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5793, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5349, by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn, Stevens, Spanel and Franklin

Including drainage ditches and tide gates within the scope of a special district's flood control and drainage control activities.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5349 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5349.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5349 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator McCaslin: "Mr. President, a parliamentary inquiry. When a Senator is excused and reenters the floor and then leaves prior to his name being called, does that void the excused or will he be counted absent when his name is called?"

REPLY BY THE PRESIDENT

President Owen: "The President believes that he is excused until something identifies that he is here like his vote. So, he would still be excused."

Senator McCaslin: "The body does not void the--"

President Owen: "Well, I might not have seen him. It is highly irregular, but I might not have seen him."

Senator McCaslin: "If you miss me, you have bad eyes."

SECOND READING

SENATE BILL NO. 5384, by Senators West and Winsley

Regulating utility services and connection charges for certain mobile home parks.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5384 was substituted for Senate Bill No. 5384 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5384.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5384 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 32.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Sheldon, B., Shin, Spanel and Thibaudeau - 17.

SUBSTITUTE SENATE BILL NO. 5384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate advanced to the eighth order of business.
There being no objection the Senate resumed consideration of Senate Floor Resolution 8633, deferred on the Fifty-fourth Day, March 7, 2003, after Senator Kohl-Welles moved that the resolution be adopted.
Senators Kohl-Welles, Brown, Swecker, Hale, Deccio and McCaslin spoke to Senate Floor Resolution 8633.
The President declared the question before the Senate to the adoption of Senate Floor Resolution 8633.
The motion by Senator Kohl-Welles carried and the floor resolution was adopted.

MOTION

At 11:41 a.m., on motion of Senator Sheahan, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9128, Stacey Valentin, as a member of the Higher Education Coordinating Board, was confirmed.

Senators Betti Sheldon, Carlson, McAuliffe and Shin spoke to the confirmation of Stacey Valentin as a member of the Higher Education Coordinating Board.

APPOINTMENT OF STACEY VALENTIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senators Doumit, Hargrove and Poulsen - 3.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9058, Alan O. Link, as a member of the State Board for Community and Technical Colleges, was confirmed.

Senators Betti Sheldon and Carlson spoke to the confirmation of Alan O. Link as a member of the State Board for Community and Technical Colleges.

APPOINTMENT OF ALAN O. LINK

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SECOND READING

Granting authority to the department of ecology to address concerns with lead-based paint activities.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 5586 was substituted for Senate Bill No. 5586 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove, Morton and Doumit was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that lead hazards associated with lead-based paint represent a significant and preventable environmental health problem. Lead-based paint is the most widespread of the various sources of lead exposure to the public. Census data show that one million five hundred sixty thousand homes in Washington state were built prior to 1978 when the sale of residential lead-based paint was banned. These are homes that are believed to contain some lead-based paint.

Lead negatively affects every system of the body. It is harmful to individuals of all ages and is especially harmful to children, fetuses, and adults of childbearing age. The effects of lead on a child's cognitive, behavioral, and developmental abilities may necessitate large expenditures of public funds for health care and special education. The irreversible damage to children and subsequent expenditures could be avoided if exposure to lead is reduced.

(2) The federal government regulates lead poisoning and lead hazard reduction through:

- (a)(i) The lead-based paint poisoning prevention act;
- (ii) The lead contamination control act;
- (iii) The safe drinking water act;
- (iv) The resource conservation and recovery act of 1976; and
- (v) The residential lead-based paint hazard reduction act of 1992; and
- (b) Implementing regulations of:
 - (i) The environmental protection agency;
 - (ii) The department of housing and urban development;
 - (iii) The occupational safety and health administration; and
 - (iv) The centers for disease control and prevention.

(3) In 1992, congress passed the federal residential lead-based paint hazard reduction act, which allows states to provide for the accreditation of lead-based paint activities programs, the certification of persons completing such training programs, and the licensing of lead-based paint activities contractors under standards developed by the United States environmental protection agency.

(4) The legislature recognizes the state's need to protect the public from exposure to lead hazards. A qualified and properly trained work force is needed to assist in the prevention, detection, reduction, and elimination of hazards associated with lead-based paint. The purpose of training workers, supervisors, inspectors, risk assessors, and project designers engaged in lead-based paint activities is to protect building occupants, particularly children ages six years and younger from potential lead-based paint hazards and exposures both during and after lead-based paint activities. Qualified and properly trained individuals and firms will help to ensure lead-based paint activities are conducted in a way that protects the health of the citizens of Washington state and safeguards the environment. The state lead-based paint activities program requires that all lead-based paint activities be performed by certified personnel trained by an accredited program, and that all lead-based paint activities meet minimum work practice standards established by the department of community, trade, and economic development. Therefore, the lead-based paint activities accreditation, training, and certification program shall be established in accordance with this chapter. The lead-based paint activities accreditation, training, and certification program shall be administered by the department of community, trade, and economic development and shall be used as a means to assure the protection of the general public from exposure to lead hazards.

(5) For the welfare of the people of the state of Washington, this chapter establishes a lead-based paint activities program within the department of community, trade, and economic development to protect the general public from exposure to lead hazards and to ensure the availability of a trained and qualified work force to identify and address lead-based paint hazards.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(a) Abatement includes, but is not limited to:

(i) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(ii) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(b) Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(A) Shall result in the permanent elimination of lead-based paint hazards; or

(B) Are designed to permanently eliminate lead-based paint hazards and are described in (a)(i) and (ii) of this subsection;

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by (c) of this subsection;

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by (c) of this subsection; or

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited training program" means a training program that has been accredited by the department to provide training for individuals engaged in lead-based paint activities.

(3) "Certified inspector" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct inspections.

(4) "Certified abatement worker" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to perform abatements.

(5) "Certified firm" includes a company, partnership, corporation, sole proprietorship, association, agency, or other business entity that meets all the qualifications established by the department and performs lead-based paint activities to which the department has issued a certificate.

(6) "Certified project designer" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to prepare abatement project designs, occupant protection plans, and abatement reports.

(7) "Certified risk assessor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(8) "Certified supervisor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

(9) "Department" means the Washington state department of community, trade, and economic development.

(10) "Director" means the director of the Washington state department of community, trade, and economic development.

(11) "Federal laws and rules" means:

(a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et seq.) and the rules adopted by the United States environmental protection agency under that law for authorization of state programs;

(b) Any regulations or requirements adopted by the United States department of housing and urban development regarding eligibility for grants to states and local governments; and

(c) Any other requirements adopted by a federal agency with jurisdiction over lead-based paint hazards.

(12) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(13) "Lead-based paint activity" includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, or abatement of lead-based paint hazards.

(14) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the administrator of the United States environmental protection agency under the toxic substances control act, section 403.

(15) "State program" means a state administered lead-based paint activities certification and training program that meets the federal environmental protection agency requirements.

(16) "Person" includes an individual, corporation, firm, partnership, or association, an Indian tribe, state, or political subdivision of a state, and a state department or agency.

(17) "Risk assessment" means:

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

NEW SECTION. Sec. 3. (1) The department shall administer and enforce a state program for worker training and certification, and training program accreditation, which shall include those program elements necessary to assume responsibility for federal requirements for a program as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts L and Q (1996), and Title X of the housing and community development act of 1992 (P.L. 102-550).

(2) The department is authorized to adopt rules that are consistent with federal requirements to implement a state program. Rules adopted under this section shall:

(a) Establish minimum accreditation requirements for lead-based paint activities for training providers;

(b) Establish work practice standards for conduct of lead-based paint activities;

(c) Establish certification requirements for individuals and firms engaged in lead-based paint activities including provisions for recognizing certifications accomplished under existing certification programs;

(d) Require the use of certified personnel in all lead-based paint activities;

(e) Be revised as necessary to comply with federal law and rules and to maintain eligibility for federal funding;

(f) Facilitate reciprocity and communication with other states having a lead-based paint certification program;

(g) Provide for decertification, deaccreditation, and financial assurance for a person certified by or a training provider accredited by the department; and

(h) Be issued in accordance with the administrative procedure act, chapter 34.05 RCW.

(3) The department may accept federal funds for the administration of the program.

(4) This program shall equal, but not exceed, legislative authority under federal requirements as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), and Title X of the housing and community development act of 1992 (P.L. 102-550).

(5) Any rules adopted by the department shall be consistent with federal laws, regulations, and requirements relating to lead-based paint activities specified by the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and Title X of the housing and community development act of 1992 (P.L. 102-550), and rules adopted pursuant to chapter 70.105D RCW, to ensure consistency in regulatory action. The rules may not be more restrictive than corresponding federal and state regulations unless such stringency is specifically authorized by this chapter.

NEW SECTION. Sec. 4. (1) The department shall establish a program for certification of persons involved in lead-based paint activities and for accreditation of training providers in compliance with federal laws and rules.

(2) Rules adopted under this section shall:

(a) Establish minimum accreditation requirements for lead-based paint activities for training providers;

(b) Establish work practice standards for conduct of lead-based paint activities;

(c) Establish certification requirements for individuals and firms engaged in lead-based paint activities including provisions for recognizing certifications accomplished under existing certification programs;

(d) Require the use of certified personnel in any lead-based paint hazard reduction activity;

(e) Be revised as necessary to comply with federal law and rules and to maintain eligibility for federal funding;

(f) Facilitate reciprocity and communication with other states having a lead-based paint certification program;

(g) Provide for decertification, deaccreditation, and financial assurance for a person certified or accredited by the department; and

(h) Be issued in accordance with the administrative procedure act, chapter 34.05 RCW.

(3) This program shall equal, but not exceed, legislative authority under federal requirements as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745 (1996), Subparts L and Q, and Title X of the housing and community development act of 1992 (P.L. 102-550).

(4) Any rules adopted by the department shall be consistent with federal laws, regulations, and requirements relating to lead-based paint activities specified by the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and Title X of the housing and community development act of 1992 (P.L. 102-550), and rules adopted pursuant to chapter 70.105D RCW, to ensure consistency in regulatory action. The rules may not be more restrictive than corresponding federal and state regulations unless such stringency is specifically authorized by this chapter.

(5) The department may accept federal funds for the administration of the program.

NEW SECTION. Sec. 5. The department shall adopt rules to:

(1) Establish procedures and requirements for the accreditation of lead-based paint activities training programs including, but not limited to, the following:

- (a) Training curriculum;
- (b) Training hours;
- (c) Hands-on training;
- (d) Trainee competency and proficiency;
- (e) Training program quality control;
- (f) Procedures for the reaccreditation of training programs;
- (g) Procedures for the oversight of training programs; and
- (h) Procedures for the suspension, revocation, or modification of training program accreditations, or acceptance of training offered by an accredited training provider in another state or Indian tribe authorized by the environmental protection agency;

(2) Establish procedures for the purposes of certification, for the acceptance of training offered by an accredited training provider in a state or Indian tribe authorized by the environmental protection agency;

(3) Certify individuals involved in lead-based paint activities to ensure that certified individuals are trained by an accredited training program and possess appropriate educational or experience qualifications for certification;

- (4) Establish procedures for recertification;
- (5) Require the conduct of lead-based paint activities in accordance with work practice standards;
- (6) Establish procedures for the suspension, revocation, or modification of certifications; and
- (7) Establish requirements for the administration of third-party certification exams;
- (8) Use laboratories accredited under the environmental protection agency's national lead laboratory accreditation program;
- (9) Establish work practice standards for the conduct of lead-based paint activities for:

- (a) Inspection for presence of lead-based paint;
- (b) Risk assessment; and
- (c) Abatement;

(10) Establish an enforcement response policy that shall include:

(a) Warning letters, notices of noncompliance, notices of violation, or the equivalent;

(b) Administrative or civil actions, including penalty authority, including accreditation or certification suspension, revocation, or modification; and

(c) Authority to apply criminal sanctions or other criminal authority using existing state laws as applicable.

The department shall prepare and submit a biennial report to the legislature regarding the program's status, its costs, and the number of persons certified by the program.

NEW SECTION. Sec. 6. The lead paint account is created in the state treasury. All receipts from section 7 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

NEW SECTION. Sec. 7. (1) The department shall collect a fee in the amount of twenty-five dollars for certification and recertification of lead paint firms, inspectors, project developers, risk assessors, supervisors, and abatement workers.

(2) The department shall collect a fee in the amount of two hundred dollars for the accreditation of lead paint training programs.

NEW SECTION. Sec. 8. (1)(a) The director or the director's designee is authorized to inspect at reasonable times and, when feasible, with at least twenty-four hours prior notification:

- (i) Premises or facilities where those engaged in training for lead-based paint activities conduct business; and
- (ii) The business records of, and take samples at, the businesses accredited or certified under this chapter to conduct lead-based paint training or activities.

(b) Any accredited training program or any firm or individual certified under this chapter that denies access to the department for the purposes of (a) of this subsection shall be subject to deaccreditation or decertification under section 4 of this act.

(2)(a) The director or the director's designee is authorized to inspect premises or facilities where federal funds have been used for conducting lead-based paint activities, at reasonable times and after consent to inspection is given with at least forty-eight hours prior notification of the inspection.

(b) For the purposes of (a) of this subsection, consent to inspect, solely for the purposes of lead-based paint activities, shall be given whenever the premise or facility is owned or operated by the state, a city, a town, a county, a housing authority created under chapter 35.82 RCW, or a community action agency designated in the state federal community service block grant plan under the authority of RCW 43.63A.115, and federal funds for the purposes of lead-based paint activities were applied for, received, or expended regarding that premise or facility.

(c) For the purposes of (a) of this subsection, consent to inspect, solely for the purposes of lead-based paint activities, shall be given by any person or entity who applied for, received, or expended federal funds for lead-based paint activities regarding that premise or facility, in order to determine compliance with the statutes and rules pertaining to lead-based paint activities.

(d) The inspection authority granted under this subsection (2) expires ninety days after the completion of a federally funded lead-based paint activity.

(3) Prior to receipt of federal lead-based paint abatement funding, all premise or facility owners shall be notified by any entity that receives and disburses the federal funds that an inspection may be conducted. If a premise or facility owner does not wish to have an inspection conducted, that owner will not be eligible to receive lead-based paint abatement funding.

NEW SECTION. Sec. 9. (1) The department is designated as the official agency of this state for purposes of cooperating with, and implementing the state lead-based paint activities program under the jurisdiction of the United States environmental protection agency.

(2) No individual or firm can perform, offer, or claim to perform lead-based paint activities without certification from the department to conduct these activities.

(3) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted under this chapter. No person whose certificate is revoked under this chapter shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) A risk assessor, inspector, contractor, project designer, or worker violates work practice standards established by the United States environmental protection agency or the United States department of housing and urban development governing work practices and procedures; or

(b) The certificate was obtained by error, misrepresentation, or fraud.

(4) Any person convicted of violating any of the provisions of this chapter is guilty of a misdemeanor. A conviction is an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this chapter, regardless of whether imposition of sentence is deferred or the penalty is suspended, and shall be treated as a violation conviction for purposes of certification forfeiture under this chapter. Violations of this chapter include:

- (a) Failure to comply with any requirement of this chapter;
- (b) Failure or refusal to establish, maintain, provide, copy, or permit access to records or reports as required;
- (c) Obtaining certification through fraud or misrepresentation;
- (d) Failure to obtain certification from the department and performing work requiring certification at a job site; or
- (e) Fraudulently obtaining certification and engaging in any lead-based paint activities requiring certification.

NEW SECTION. Sec. 10. The department's duties under this act are subject to the availability of sufficient funding from the federal government for this purpose. The director or his or her designee shall seek funding of the department's efforts under this chapter from the federal government. By October 15th of each year, the director shall determine if sufficient federal funding has been provided or guaranteed by the federal government. If the director determines sufficient funding has not been provided, the department shall cease efforts under this chapter due to the lack of federal funding.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act constitute a new chapter in Title 70 RCW."

MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "activities;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and prescribing penalties."

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5586 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5586.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5586 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Benton, Deccio, McCaslin, Parlette and Roach - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5142, by Senators Carlson, Eide, Schmidt, Johnson, B. Sheldon, Shin, Kohl-Welles, Rasmussen and Esser

Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5142 was substituted for Senate Bill No. 5142 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Carlson, the following amendment was adopted:

On page 1, line 8, after "(1)" strike "A" and insert "Except for students who reside out-of-state, a"

MOTION

Senator Carlson moved that the following amendments by Senators Carlson, Eide and Johnson be considered simultaneously and be adopted:

On page 1, line 17, after "membership;" strike "or"

On page 2, line 3, after "applicants" insert "; or"

(c) Enrollment of a child under this section would displace a child who is a resident of the district"

MOTION

On motion of Senator Carlson, the following amendment to the amendments by Senators Carlson, Eide and Johnson was adopted:

On page 1, line 4 of the amendment, after "district" insert ", except that if a child is admitted under subsection (1) of this section, that child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling"

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the amendments by Senators Carlson, Eide and Johnson on page 1, line 17, and page 2, line 3, as amended, to Substitute Senate Bill No. 5142.

Debate ensued.

The motion by Senator Carlson carried and the amendments, as amended, were adopted.

MOTION

On motion of Senator Carlson, the following amendment by Senators Carlson and Eide was adopted:
On page 3, line 15, after "of" strike "those students" and insert "total students applying for transfers"

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Substitute Senate Bill No. 5142 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5142.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5142 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Eide, Esser, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Brown, Doumit, Fairley, Franklin, McAuliffe, Prentice, Regala and Sheldon, T. - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5536, by Senators Finkbeiner, Reardon, Roach, Hale, Horn, Benton, Morton, Hewitt, Schmidt, Kastama, Sheahan, Mulliken, Johnson, Parlette, Stevens, West and Esser

Resolving claims relating to condominium construction.

MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5536 was substituted for Senate Bill No. 5536 and the substitute bill was placed on second reading and read the second time.

Senator Winsley moved that the following amendments by Senators Winsley and Kline be considered simultaneously and be adopted:

On page 17, line 5, after "within" strike "four" and insert "((~~four~~) six)"

On page 17, line 9, after "(5)." strike everything through "agreement" on line 10 and insert "((~~Such~~) Except under chapter 64.50 RCW, this period may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section)"

Senator Winsley demanded a roll call and the demand was sustained.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator West: "Mr. President, a parliamentary inquiry. We are currently on the substitute bill and the gentle lady from the Twenty-eighth District has offered amendments to the substitute bill. I believe she has the same amendments proposed to the striking amendment that will follow. If these amendments were adopted on the substitute bill, and then the striking amendment be adopted, these amendments would then go away. So, we would have to consider these current amendments again to the striking amendment. I think she has a draft if that was her choice. If she were to withdraw these amendments now--her amendments to the striking amendment--could we still consider them?"

REPLY BY THE PRESIDENT

President Owen: "That is correct, Senator. If the striking amendment passed, she could perfect the striking amendment with the amendments again. If she withdrew these amendments, she could still offer the amendments to the striking amendment. If these amendments should go down, she would not be able to offer the amendments again."

MOTION

On motion of Senator Winsley, the amendments by Senators Winsley and Kline on page 17, lines 5 and 9 were withdrawn.

MOTION

Senator Finkbeiner moved that the following striking amendment by Senators Finkbeiner and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds, declares, and determines that:

(a) Washington's cities and counties under the growth management act are required to encourage urban growth in urban growth areas at densities that accommodate twenty-year growth projections;

(b) One of the growth management act's planning goals is to encourage the availability of affordable housing for all residents of the state and promote a variety of housing types;

(c) Condominium construction needs to be encouraged to achieve growth management act mandated urban densities and ensure that residents of the state, particularly in urban growth areas, have a broad range of ownership choices;

(d) Ambiguity in the condominium act, particularly relating to implied warranties of quality, has led to legal actions and threats of legal action that allege minor or immaterial defects and deviations in construction that have no effect on the structure, safety, or marketability of condominiums;

(e) The result of these legal challenges is that many home builders cannot obtain insurance to build condominiums and as further result condominium construction is declining thereby reducing rather than expanding home ownership opportunities for the residents of Washington state; and

(f) Legislative action is needed to encourage residential condominium construction by:

(i) Requiring alternative methods of dispute resolution such as arbitration and setting standards to allow resolution of disputes in an expeditious and fair manner;

(ii) Requiring expanded disclosure to owners if implied warranties are excluded, modified, or replaced with an express warranty of quality;

(iii) Protecting associations, boards, and officers from liability for deciding to not commence a judicial proceeding or arbitration;

(iv) Requiring expanded disclosure to purchasers of legal proceeding;

(v) Clarifying that an express written warranty applies to claims against the declarant brought by the association or subsequent unit owners;

(vi) Clarifying that implied warranties of quality extend only to defects or deviations that affect the structural integrity of the unit; the safety of unit owners; or substantially impair the marketability of the unit for its intended purpose. Defects or deviations that can be discovered through normal purchaser inspections are not intended to be covered by the implied warranty of quality; and

(vii) Allowing an express written warranty of quality to replace implied warranties;

(2) It is the intent of the legislature that this act improve and clarify procedures for resolving claims relating to condominium construction and ensure that both a broad range of homeownership opportunities continue to be available to the residents of the state and that cities and counties can achieve density mandates of the growth management act.

(3) It is the further intent of the legislature that this act eliminate litigation over minor defects and deviations that have no material effect on the use of a condominium for its intended purpose.

Sec. 2. RCW 64.34.100 and 1989 c 43 s 1-113 are each amended to read as follows:

(1) The remedies provided by this chapter shall be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. However, consequential, special, or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

(2) Except as set forth in this chapter, any right or obligation declared by this chapter is enforceable by judicial proceeding. Any claim by an association and/or its board of directors relating to construction defects or deviations or claims by more than one unit owner relating to the same defects or deviations shall be resolved through binding arbitration.

(3) Binding arbitration involving construction defects or deviations under RCW 64.34.445 or 64.34.450 shall comply with the following minimum standards:

(a) Unless the parties agree otherwise, all disputes must be heard by one qualified arbitrator. When three arbitrators are used, one shall be appointed by each of the disputing parties and the third, who will chair the panel, appointed by the first two arbitrators. Should the required number of arbitrators fail to be appointed, then an arbitrator or arbitrators shall be appointed by the superior court of the county in which the condominium is located pursuant to RCW 7.04.050.

(b) Arbitrators must have experience with construction and engineering standards and practices, written construction warranties, or construction dispute resolution and a person shall not serve as an arbitrator in any arbitration in which that person has any financial or personal interest.

(c) The arbitration hearing must be conducted in a manner that permits full, fair, and expeditious presentation of the case by both parties. The arbitrators are bound by the law of Washington state. Parties may but are not required to be represented by attorneys. The arbitrators may permit discovery to ensure a fair hearing but may limit the scope or manner of discovery for good cause to avoid excessive delay and costs to the parties. Unless the parties agree otherwise or the arbitrator or arbitrators grant an extension for good cause, the arbitration hearing shall be completed within one year of the initial demand for arbitration.

(d) Arbitration shall be conducted under the condominium or construction dispute resolution rules of the American arbitration association and chapter 7.04 RCW unless the parties elect to use the rules of the superior court. The expenses of witnesses including expert witnesses shall be paid by the party producing such witnesses. All other expenses of arbitration shall be borne equally by the parties, unless they agree otherwise or unless the arbitrator or arbitrators award such expenses or any part thereof to any specified party or parties; and

(e) Arbitration shall be used only after the parties first attempt to resolve the dispute through mediation. Mediation shall be before a mediator who may not serve subsequently also as an arbitrator for the same dispute. All cost of mediation shall be borne equally by the parties.

Sec. 3. RCW 64.34.216 and 1992 c 220 s 7 are each amended to read as follows:

(1) The declaration for a condominium must contain:

(a) The name of the condominium, which must include the word "condominium" or be followed by the words "a condominium," and the name of the association;

(b) A legal description of the real property included in the condominium;

(c) A statement of the number of units which the declarant has created and, if the declarant has reserved the right to create additional units, the number of such additional units;

(d) The identifying number of each unit created by the declaration and a description of the boundaries of each unit if and to the extent they are different from the boundaries stated in RCW 64.34.204(1);

(e) With respect to each existing unit:

(i) The approximate square footage;

(ii) The number of bathrooms, whole or partial;

(iii) The number of rooms designated primarily as bedrooms;

(iv) The number of built-in fireplaces; and

(v) The level or levels on which each unit is located.

The data described in (ii), (iii), and (iv) of this subsection (1)(e) may be omitted with respect to units restricted to nonresidential use;

(f) The number of parking spaces and whether covered, uncovered, or enclosed;

(g) The number of moorage slips, if any;

(h) A description of any limited common elements, other than those specified in RCW 64.34.204 (2) and (4), as provided in RCW 64.34.232(2)(j);

(i) A description of any real property which may be allocated subsequently by the declarant as limited common elements, other than limited common elements specified in RCW 64.34.204 (2) and (4), together with a statement that they may be so allocated;

(j) A description of any development rights and other special declarant rights under RCW 64.34.020(29) reserved by the declarant, together with a description of the real property to which the development rights apply, and a time limit within which each of those rights must be exercised;

(k) If any development right may be exercised with respect to different parcels of real property at different times, a statement to that effect together with: (i) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each development right, or a statement that no assurances are made in those regards; and (ii) a statement as to whether, if any development right is exercised in any portion of the real property subject to that development right, that development right must be exercised in all or in any other portion of the remainder of that real property;

(l) Any other conditions or limitations under which the rights described in (j) of this subsection may be exercised or will lapse;

(m) An allocation to each unit of the allocated interests in the manner described in RCW 64.34.224;

(n) Any restrictions in the declaration on use, occupancy, or alienation of the units;

(o) A cross-reference by recording number to the survey map and plans for the units created by the declaration; and

(p) All matters required or permitted by RCW 64.34.220 through 64.34.232, 64.34.256, 64.34.260, 64.34.276, ~~((and))~~ 64.34.308(4), and 64.34.450.

(2) All amendments to the declaration shall contain a cross-reference by recording number to the declaration and to any prior amendments thereto. All amendments to the declaration adding units shall contain a cross-reference by recording number to the survey map and plans relating to the added units and set forth all information required by RCW 64.34.216(1) with respect to the added units.

(3) The declaration may contain any other matters the declarant deems appropriate.

Sec. 4. RCW 64.34.308 and 1992 c 220 s 15 are each amended to read as follows:

(1) Except as provided in the declaration, the bylaws, subsection ~~((2))~~ (3) of this section, or other provisions of this chapter, the board of directors shall act in all instances on behalf of the association. In the performance of their duties, the officers and members of the board of directors are required to exercise: (a) If appointed by the declarant, the care required of fiduciaries of the unit owners; or (b) if elected by the unit owners, ordinary and reasonable care.

(2) Neither an association nor its directors or officers or managing agents shall be liable for a decision, including a decision not to commence a judicial proceeding under any section of this chapter, if such a decision has been made by a board of directors elected pursuant to subsection (7) of this section which does not include any members who are affiliates of a declarant, and if, in reaching such a decision, the directors and officers and managing agents have acted in good faith, in a manner such directors and officers and managing agents believe to be in the best interests of the corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

(3) The board of directors shall not act on behalf of the association to amend the declaration in any manner that requires the vote or approval of the unit owners pursuant to RCW 64.34.264, to terminate the condominium pursuant to RCW 64.34.268, or to elect members of the board of directors or determine the qualifications, powers, and duties, or terms of office of members of the board of directors pursuant to subsection ~~((6))~~ (7) of this section; but the board of directors may fill vacancies in its membership for the unexpired portion of any term.

~~((3))~~ (4) Within thirty days after adoption of any proposed budget for the condominium, the board of directors shall provide a summary of the budget to all the unit owners and shall set a date for a meeting of the unit owners to consider ratification of the budget not less than fourteen nor more than sixty days after mailing of the summary. Unless at that meeting the owners of units to which a majority of the votes in the association are allocated or any larger percentage specified in the declaration reject the budget, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected or the required notice is not given, the periodic budget last ratified by the unit owners shall be continued until such time as the unit owners ratify a subsequent budget proposed by the board of directors.

~~((4))~~ (5)(a) Subject to subsection ~~((5))~~ (6) of this section, the declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by the declarant, may: (i) Appoint and remove the officers and members of the board of directors; or (ii) veto or approve a proposed action of the board or association. A declarant's failure to veto or approve such proposed action in writing within thirty days after receipt of written notice of the proposed action shall be deemed approval by the declarant.

(b) Regardless of the period provided in the declaration, a period of declarant control terminates no later than the earlier of: (i) Sixty days after conveyance of seventy-five percent of the units which may be created to unit owners other than a declarant; (ii) two years after the last conveyance or transfer of record of a unit except as security for a debt; (iii) two years after any development right to add new units was last exercised; or (iv) the date on which the declarant records an amendment to the declaration pursuant to which the declarant voluntarily surrenders the right to further appoint and remove officers and members of the board of directors. A declarant may voluntarily surrender the right to appoint and remove officers and members of the board of directors before termination of that period pursuant to (i), (ii), and (iii) of this subsection ~~((4))~~ (5)(b), but in that event the declarant may require, for the duration of the period of declarant control, that specified actions of the association or board of directors, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.

~~((5))~~ (6) Not later than sixty days after conveyance of twenty-five percent of the units which may be created to unit owners other than a declarant, at least one member and not less than twenty-five percent of the members of the board of directors must be elected by unit owners other than the declarant. Not later than sixty days after conveyance of fifty percent of the units which may be created to unit owners other than a declarant, not less than thirty-three and one-third percent of the members of the board of directors must be elected by unit owners other than the declarant.

~~((6))~~ (7) Within thirty days after the termination of any period of declarant control, the unit owners shall elect a board of directors of at least three members, at least a majority of whom must be unit owners. The number of directors need not exceed the number of units then in the condominium. The board of directors shall elect the officers. Such members of the board of directors and officers shall take office upon election.

~~((7))~~ (8) Notwithstanding any provision of the declaration or bylaws to the contrary, the unit owners, by a two-thirds vote of the voting power in the association present and entitled to vote at any meeting of the unit owners at which a quorum is present, may remove any member of the board of directors with or without cause, other than a member appointed by the declarant. The declarant may not remove any member of the board of directors elected by the unit owners. Prior to the termination of the period of declarant control, the unit owners, other than the declarant, may remove by a two-thirds vote, any director elected by the unit owners.

Sec. 5. RCW 64.34.410 and 2002 c 323 s 10 are each amended to read as follows:

- (1) A public offering statement shall contain the following information:
- (a) The name and address of the condominium;
 - (b) The name and address of the declarant;
 - (c) The name and address of the management company, if any;
 - (d) The relationship of the management company to the declarant, if any;
 - (e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;
 - (f) The nature of the interest being offered for sale;
 - (g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;
 - (h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;
 - (i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;
 - (j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;
 - (k) A list of the limited common elements assigned to the units being offered for sale;
 - (l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;
 - (m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;
 - (n) The status of construction of the units and common elements, including estimated dates of completion if not completed;
 - (o) The estimated current common expense liability for the units being offered;
 - (p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;
 - (q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;
 - (r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;
 - (s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;
 - (t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;
 - (u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;
 - (v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;
 - (w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;
 - (x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);
 - (y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;
 - (z) ~~(l)~~ A brief description of any construction warranties to be provided to the purchaser;
 - (ii) A brief statement as to whether any express written warranty replaces or other document excludes or modifies the implied warranties of quality provided in RCW 64.34.445;
 - (aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;
 - (bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;
 - (cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;
 - (dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;
 - (ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;
 - (ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);
 - (gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;
 - (hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;
 - (ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;
 - (jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant;
 - (kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; and
 - (ll) A notice that is substantially in the form required by RCW 64.50.050.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, ~~(and)~~ the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more, and any express written warranty or other document disclosed pursuant to subsection (1)(z) of this section.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), (z), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection 1(z), (ee), (hh), (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten- point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

Sec. 6. RCW 64.34.425 and 1992 c 220 s 23 are each amended to read as follows: (1) Except in the case of a sale where delivery of a public offering statement is required, or unless exempt under RCW 64.34.400(2), a unit owner shall furnish to a purchaser before execution of any contract for sale of a unit, or otherwise before conveyance, a resale certificate, signed by an officer or authorized agent of the association and based on the books and records of the association and the actual knowledge of the person signing the certificate, containing:

(a) A statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration;
(b) A statement setting forth the amount of the monthly common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner and a statement of any special assessments that have been levied against the unit which have not been paid even though not yet due;

(c) A statement, which shall be current to within forty-five days, of any common expenses or special assessments against any unit in the condominium that are past due over thirty days;

(d) A statement, which shall be current to within forty-five days, of any obligation of the association which is past due over thirty days;

(e) A statement of any other fees payable by unit owners;

(f) A statement of any anticipated repair or replacement cost in excess of five percent of the annual budget of the association that has been approved by the board of directors;

(g) A statement of the amount of any reserves for repair or replacement and of any portions of those reserves currently designated by the association for any specified projects;

(h) The annual financial statement of the association, including the audit report if it has been prepared, for the year immediately preceding the current year.

(i) A balance sheet and a revenue and expense statement of the association prepared on an accrual basis, which shall be current to within one hundred twenty days;

(j) The current operating budget of the association;

(k) A statement of any unsatisfied judgments against the association and the status of any pending suits or legal proceedings in which the association is a plaintiff or defendant;

(l) A statement describing any insurance coverage provided for the benefit of unit owners;

(m) A statement as to whether there are any alterations or improvements to the unit or to the limited common elements assigned thereto that violate any provision of the declaration;

(n) A statement of the number of units, if any, still owned by the declarant, whether the declarant has transferred control of the association to the unit owners, and the date of such transfer;

(o) A statement as to whether there are any violations of the health or building codes with respect to the unit, the limited common elements assigned thereto, or any other portion of the condominium;

(p) A statement of the remaining term of any leasehold estate affecting the condominium and the provisions governing any extension or renewal thereof; and

(q) A copy of the declaration, the bylaws, the rules or regulations of the association, and any other information reasonably requested by mortgagees of prospective purchasers of units. Information requested generally by the federal national mortgage association, the federal home loan bank board, the government national mortgage association, the veterans administration and the department of housing and urban development shall be deemed reasonable, provided such information is reasonably available to the association.

(2) The association, within ten days after a request by a unit owner, and subject to payment of any fee imposed pursuant to RCW 64.34.304(1)(l), shall furnish a resale certificate signed by an officer or authorized agent of the association and containing the information necessary to enable the unit owner to comply with this section. For the purposes of this chapter, a reasonable charge for the preparation of a resale certificate may not exceed one hundred fifty dollars. The association may charge a unit owner a nominal fee for updating a resale certificate within six months of the unit owner's request. The unit owner shall also sign the certificate but the unit owner is not liable to the purchaser for any erroneous information provided by the association and included in the certificate unless and to the extent the unit owner had actual knowledge thereof.

(3) A purchaser is not liable for any unpaid assessment or fee against the unit as of the date of the certificate greater than the amount set forth in the certificate prepared by the association unless and to the extent such purchaser had actual knowledge thereof. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate in a timely manner, but the purchaser's contract is voidable by the purchaser until the certificate has been provided and for five days thereafter or until conveyance, whichever occurs first.

Sec. 7. RCW 64.34.445 and 1992 c 220 s 26 are each amended to read as follows:

(1) A declarant and any dealer warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear and damage by casualty or condemnation excepted.

(2) A declarant and any dealer impliedly warrants that a unit and the common elements in the condominium are suitable for the ordinary uses of real estate of its type and that any improvements made or contracted for by such declarant or dealer will be:

(a) Free from defective materials; and

(b) Constructed in accordance with sound engineering and construction standards, and in a workmanlike manner in compliance with all laws then applicable to such improvements. However, an implied warranty of quality applies only to substantial defects or deviations. The implied warranty extends only to defective materials or deviations in construction practices that have a material effect on the structural integrity of a unit or common area; or have a material effect on the safety of unit owners; or substantially impair the marketability of the unit for its intended purpose. Defects or deviations that are discoverable through the purchaser's normal and prudent inspection are not covered by the implied warranty of quality. As used in this chapter, "material defect," "substantial," and "substantially impair" refer to a defect or deviation that prevents the unit or common element from being used for its intended purpose.

(3) A declarant and any dealer warrants to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(4) Warranties imposed by this section may be replaced, excluded, or modified as specified in RCW 64.34.450 and an express written warranty between a declarant and a unit purchaser applies to claims against the declarant that may be brought by subsequent purchasers.

(5) For purposes of this section, improvements made or contracted for by an affiliate of a declarant, as defined in RCW 64.34.020(1), are made or contracted for by the declarant.

(6) Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality unless replaced by an expressed warranty.

Sec. 8. RCW 64.34.450 and 1989 c 43 s 4-113 are each amended to read as follows:

(1) ~~((Except as limited by subsection (2) of this section))~~ For units intended for nonresidential use, implied warranties of quality:

(a) May be excluded or modified by written agreement of the parties; and

(b) Are excluded by written expression of disclaimer, such as "as is," "with all faults," or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(2) ~~((With respect to a purchaser of a unit that may be occupied for residential use, no))~~ For units intended for residential use:

(a) A general disclaimer of implied warranties of quality is effective, ~~((but))~~ if a declarant ~~((and any))~~ or dealer ~~((may disclaim liability in an instrument signed by the purchaser for a specified defect or specified failure to comply with applicable law, if the defect or failure entered into and became a part of the basis of the bargain))~~ replaces, excludes, or modifies the implied warranty as specified in this section with an expressed warranty as specified in (b) of this subsection;

(b) The implied warranties of quality under RCW 64.34.445 may be replaced with an express written warranty of quality if:

(i) The disclosure required by RCW 64.34.410(1)(z) is contained in a public offering statement as provided by RCW 64.34.410(3) and such disclosure is set forth in ten-point bold face type in the declaration or amendment thereto;

(ii) The express written warranty is set forth in full in the declaration, an amendment to the declaration, or a document recorded with the declaration; and

(iii) The unit purchaser who initially acquires the unit from the declarant expressly acknowledges in a recorded written conveyance or another recorded written instrument that the implied warranties of quality have been replaced by the express written warranty; and

(c) An express written warranty approved by the United States veterans administration or the United States department of housing and urban development shall be deemed to have satisfied the requirements of (b) of this subsection.

Sec. 9. RCW 64.34.452 and 2002 c 323 s 11 are each amended to read as follows:

(1) A judicial proceeding or arbitration for breach of any obligations arising under RCW 64.34.443 and 64.34.445 must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308((4)) (5). Such period may not be reduced by either oral or written agreement.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under RCW 64.50.020 within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under RCW 64.50.020.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

MOTION

Senator Winsley moved that the following amendment by Senators Winsley and Finkbeiner to the striking amendment by Senators Finkbeiner and Prentice be adopted:

On page 16, line 18 of the amendment, after "forth in" strike "ten-point" and insert "twelve-point"

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Jacobsen: "A point of parliamentary inquiry, Mr. President. Is it necessary to request a roll call vote again on this amendment, because it was previously requested on the same amendment?"

REPLY BY THE PRESIDENT

President Owen: "In answer to your question, Senator Jacobsen, if it was the same amendment, the answer would be 'yes' it would be necessary to do that. Were you demanding a roll call vote on this amendment?"

PARLIAMENTARY INQUIRY

Senator Kline: A point of parliamentary inquiry, Mr. President. Earlier I was going to congratulate the Senator from the Twenty-eighth for giving advice that sounded more like Martha Stewart, but now, I feel she sounds more like my optometrist. Thank you."

REPLY BY THE PRESIDENT

President Owen: "And the inquiry was what?"
The President declared the question before the Senate to be the adoption of the amendment by Senators Winsley and Finkbeiner on page 16, line 18, to the striking amendment by Senators Finkbeiner and Prentice to Substitute Senate Bill No. 5536.

The motion by Senator Winsley carried and the amendment to the striking amendment was adopted.

MOTION

Senator Winsley moved that the following amendments by Senators Winsley and Kline to the striking amendment by Senators Finkbeiner and Prentice be considered simultaneously and be adopted:

On page 16, line 35 of the amendment, after "within" strike "four" and insert "~~((four))~~ six"

On page 17, line 2 of the amendment, after "(5)." strike everything through "agreement" on line 3, and insert "~~((Such))~~ Except under chapter 64.50 RCW, this period may not be reduced by either oral or written agreement, or through the use of contractual claims or notice procedures that require the filing or service of any claim or notice prior to the expiration of the period specified in this section"

Debate ensued.

Senator McCaslin demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Winsley and Kline on page 16, line 35, and page 17, line 2, to the striking amendment by Senators Finkbeiner and Prentice to Substitute Senate Bill No. 5536.

ROLL CALL

The Secretary called the roll on the adoption of the amendments by Senators Winsley and Kline on page 16, line 35, and page 17, line 2, to the striking amendment by Senators Finkbeiner and Prentice to Substitute Senate Bill No. 5536 and the amendments to the amendment were adopted by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau, Winsley and Zarelli - 28.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Mulliken, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and West - 21.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Finkbeiner and Prentice to Substitute Senate Bill No. 5536.

The motion by Senator Finkbeiner carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Finkbeiner, the following title amendment was adopted:

On page 1, line 1 of the title, after "condominiums;" strike the remainder of the title and insert "amending RCW 64.34.100, 64.34.216, 64.34.308, 64.34.410, 64.34.425, 64.34.445, 64.34.450, and 64.34.452; creating a new section; providing an effective date; and declaring an emergency."

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Substitute Senate Bill No. 5536 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5536.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5536 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Fairley, Franklin, Haugen, Keiser, Kline, Kohl-Welles, Spanel and Thibaudeau - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, Senators Horn and Johnson were excused.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5065, by Senator Swecker

Modifying when a geologist license may be obtained without a written exam.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5065 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5065.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5065 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Voting nay: Senators Franklin, Keiser, Kohl-Welles, Prentice and Regala - 5.

Absent: Senator Hargrove - 1.

Excused: Senators Horn, Johnson and Kline - 3.

SENATE BILL NO. 5065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5269, by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Schmidt and Winsley

Creating a building mapping information system.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5269 was substituted for Senate Bill No. 5269 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brandlund, the following amendment was adopted:

On page 3, beginning on line 8, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs in consultation with the Washington state emergency management office, the information services board, the Washington state fire chiefs' association, and the Washington state patrol shall convene a committee to establish guidelines related to the statewide first responder building mapping information system. The committee shall have the following responsibilities:

(a) Develop the type of information to be included in the statewide first responder building mapping information system. The information shall include, but is not limited to: Floor plans, fire protection information, evacuation plans, utility information, known hazards, and text and digital images showing emergency personnel contact information;

(b) Develop building mapping software standards that must be utilized by all entities participating in the statewide first responder building mapping information system;

(c) Determine the order in which buildings shall be mapped when funding is received;

(d) Develop guidelines on how the information shall be made available to first responders. These guidelines shall include detailed procedures and security systems to ensure that the information is only made available to first responders;

(e) Recommend training guidelines regarding using the statewide first responder building mapping information system to the criminal justice training commission and the Washington state patrol fire protection bureau.

(2)(a) Nothing in this section supersedes the authority of the information services board under chapter 43.105 RCW.

(b) Nothing in this section supersedes the authority of state agencies and local governments to control and maintain access to information within their independent systems."

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5269.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5269 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5106, deferred earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Fraser that Substitute Senate Bill No. 5106 is outside of the scope and object of the bill, the President finds as follows:

"Senate Bill No. 5106 is a measure which sets forth a process by which the annual consumptive quantity of a water right shall remain at its peak historic use for purposes of a change or transfer, even if the right is not presently being fully exercised.

"The proposed substitute bill maintains this process, but it also makes two other changes: First, it further defines a 'beneficial use' right; and Second, it effectively restricts the ability of the Department of Ecology to limit or relinquish water rights.

"With respect to the first change in the proposed substitute, the President believes that the further definition of a 'beneficial use' right does little more than further explain the basis for the process set forth in the original bill. As a result, these associated sections would be within the scope and object of the bill.

"The sections which restrict the Department's ability to limit or relinquish water rights, however, go beyond the process originally set forth in the bill. While the President certainly recognizes that relinquishment processes affect the overall ability to change or transfer a water right and while it is logical that the two be considered together, the President finds that this language does change the scope and object of the original bill.

"The President, therefore, finds that Senator Fraser's point is well taken and that the substitute bill is outside the scope and object of the original bill."

The President ruled that the Substitute Bill to Senate Bill No. 5106 to be out of order.

MOTION

On motion of Senator Sheahan, further consideration of Senate Bill No. 5106 was deferred.

MOTION

On motion of Senator Eide, Senator Brown was excused.

SECOND READING

SENATE BILL NO. 5811, by Senators Hargrove, Stevens and McAuliffe

Requiring greater opportunities for involvement of birth families in foster care.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5811 was substituted for Senate Bill No. 5811 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5811 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5811.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5811 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 45.

Voting nay: Senators Haugen, Prentice and Winsley - 3.
Excused: Senator Brown - 1.

SUBSTITUTE SENATE BILL NO. 5811, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5153, by Senators Benton and Zarelli

Establishing a procedure for the election of county commissioners by district.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5153.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5153 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Kastama, Kohl-Welles, McCaslin, Morton, Oke, Poulsen, Reardon, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline, McAuliffe, Mulliken, Parlette, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 24.

SENATE BILL NO. 5153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5662, by Senators Hale, Tim Sheldon and Schmidt

Clarifying community economic revitalization board membership provisions.

The bill was read the second time.

MOTION

On motion of Senator Hale, the rules were suspended, Senate Bill No. 5662 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5662.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5662 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

SENATE BILL NO. 5662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 5106, deferred earlier today after the substitute bill was ruled out of order.

SECOND READING

SENATE BILL NO. 5106, by Senators Hewitt, Hale, T. Sheldon, Doumit, Sheahan, Rasmussen, Morton, Mulliken, Honeyford, Deccio and Parlette

Concerning the annual consumptive quantity of a water right.

The bill was read the second time.

MOTION

Senator Morton moved that the following amendment by Senators Morton, Tim Sheldon, Swecker, Rasmussen, and Honeyford be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.380 and 2001 c 237 s 5 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows (~~(, averaged over the two years of greatest use within the most recent five year period of continuous beneficial use of the water right)~~). The annual consumptive quantity of a water right may not be deemed to be less than the actual peak historic use of a water right, even if the right is not being fully exercised at the time of change or transfer, if: (a) The reduced use is due to cropping patterns or system efficiencies; (b) the water right holder intends to fully exercise the right; and (c) the water right holder has the facilities in place to make beneficial use of the full right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

(4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(5)(a) Pending applications for new water rights are not entitled to protection from impairment, injury, or detriment when an application relating to an existing surface or ground water right is considered.

(b) Applications relating to existing surface or ground water rights may be processed and decisions on them rendered independently of processing and rendering decisions on pending applications for new water rights within the same source of supply without regard to the date of filing of the pending applications for new water rights.

(c) Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection (5)(c) does not affect any other existing authority to process applications.

(d) Nothing in this subsection (5) is intended to stop the processing of applications for new water rights.

(6) No applicant for a change, transfer, or amendment of a water right may be required to give up any part of the applicant's valid water right or claim to a state agency, the trust water rights program, or to other persons as a condition of processing the application.

(7) In revising the provisions of this section and adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised.

(8) The right to use water for any beneficial use within the general category of an agricultural use includes the right to use the water, without applying to the department or any other governmental entity for approval, for any other beneficial use within the general category of an agricultural use. The general category of an agricultural use of water includes, but is not limited to, the beneficial use of water for stock watering, agricultural irrigation, agricultural frost control, processing agricultural commodities into agricultural products, and other agricultural uses.

"**Sec. 2.** RCW 90.44.100 and 1997 c 316 s 2 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and

findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public ground water as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public ground water as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well.

(5) The right to use water for any beneficial use within the general category of an agricultural use includes the right to use the water, without applying to the department or any other governmental entity for approval, for any other beneficial use within the general category of an agricultural use. The general category of an agricultural use of water includes, but is not limited to, the beneficial use of water for stock watering, agricultural irrigation, agricultural frost control, processing agricultural commodities into agricultural products, and other agricultural uses.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Fraser moved that the following amendment to the striking amendment be adopted:

On page 3 of the striking amendment, Strike all of Section 3

Debate ensued.

Senator Eide demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be roll call on the adoption of the amendment by Senator Fraser on page 3, line 24, to the striking amendment to Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 22.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Morton, Tim Sheldon, Swecker, Rasmussen and Honeyford to Senate Bill No. 5106.

Debate ensued.

The striking amendment by Senators Morton, Tim Sheldon, Swecker, Rasmussen and Honeyford to Senate Bill No. 5106. was adopted.

MOTIONS

On motion of Senator Morton, the following title amendment was adopted:

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 90.03.380 and 90.44.100; and declaring an emergency."

On motion of Senator Morton, the rules were suspended, Engrossed Senate Bill No. 5106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5106.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5106 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 30.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 19.

ENGROSSED SENATE BILL NO. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5561, by Senator Prentice

Concerning restrictions on assignments under UCC Article 9A.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5561 was substituted for Senate Bill No. 5561 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5561 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5561.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5561 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1280, by Representatives Murray, Alexander and Dunshee (by request of University of Washington)

Changing provisions for financing contracts for state university research facilities or equipment.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1280 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1280.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1280 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Poulsen - 1.

HOUSE BILL NO. 1280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. Just before the previous bill, I was discussing with our beloved leader about what time we were going to quit tonight. He said, 'five-thirty.' I said, 'That is great.' Then he said, 'No, six.' I said, 'Now wait a minute.' He said, 'How about six-thirty,' and I said, 'No way.' Now, as we work in here, we get tired and he just got up and called you, 'Mr. Bill.' Now, when you call the President, 'Mr. Bill,' I think it is time to adjourn."

SECOND READING

SENATE BILL NO. 5641, by Senators Benton, Prentice and Winsley (by request of Insurance Commissioner Kreidler)

Providing civil and criminal penalties for the unlawful transaction of insurance or health coverage.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5641 was substituted for Senate Bill No. 5641 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5641 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5641.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5641 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5641, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5011, by Senators Jacobsen, Winsley and Kohl-Welles

Promoting wildlife viewing.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5011.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5011 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5865, by Senators B. Sheldon and Oke

Including recreation facilities under certain public facilities districts' authority.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5865 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5865.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5865 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Oke, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Voting nay: Senators Benton, Fairley, Fraser, Haugen, Kohl-Welles, McAuliffe, Mulliken, Parlette, Prentice and Spanel - 10.

SENATE BILL NO. 5865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Oke: "Thank you, Mr. President, a point of personal privilege. I just want to compliment our staff. I mentioned to them less than a hour ago that when you go to the restroom around here that sometimes you are lobbied. We now have signs up in both restrooms that say, 'No lobbying in these facilities.'"

SECOND READING

SENATE BILL NO. 5748, by Senators Finkbeiner, Haugen, Horn, Spanel, Jacobsen, Swecker, Benton, Hale, Kohl-Welles, Oke, Rasmussen, Esser, Schmidt and Shin

Implementing performance audits of transportation-related agencies.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5748 was substituted for Senate Bill No. 5748 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5748.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Carlson was excused.

SECOND READING

SENATE BILL NO. 5226, by Senators Hale, Deccio, Thibaudeau, Keiser, Oke and Franklin

Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry.

MOTIONS

On motion of Senator Hale, Substitute Senate Bill No. 5226 was substituted for Senate Bill No. 5226 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hale, the rules were suspended, Substitute Senate Bill No. 5226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Hale, is it the intent of the definition of ophthalmic surgery in section one, subsection eight, of this bill to limit or reduce the current procedures of scope of practice of optometrists in Washington State?"

Senator Hale: "No, Senator, it is not the intent of any part of this bill to, in any way, limit or reduce the current procedures or scope of practice of optometry in this state."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5226.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5226 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Carlson - 1.

SUBSTITUTE SENATE BILL NO. 5226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5218, by Senators Roach, Kastama, Schmidt, Fairley, Stevens, Reardon, Horn, Benton, Keiser, Johnson, Kohl-Welles, Kline and Esser (by request of Secretary of State Reed)

Requiring timely mailing of ballots.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5218 was substituted for Senate Bill No. 5218 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5218 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5218.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5218 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Voting nay: Senators Fairley, Prentice and Thibaudeau - 3.

SUBSTITUTE SENATE BILL NO. 5218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5229, by Senators Haugen, Horn, B. Sheldon, Zarelli, Poulsen, Jacobsen, Mulliken, Hargrove, Roach, Rossi, Stevens, T. Sheldon and West

Separating training for two and three-wheeled motorcycles.

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 5229 was substituted for Senate Bill No. 5229 and the substitute bill was placed on second reading and read the second time.

Senator Haugen moved that the following amendment by Senators Haugen and Horn be adopted:

On page 4, after line 15, insert the following:

"NEW SECTION. Sec. 6. This act shall be known as the Monty Lish Memorial Act."

Renumber the section following consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Horn on page 4, after line 15, to Substitute Senate Bill No. 5229.

The motion by Senator Haugen carried and the amendment was adopted.

MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 3 of the title, after "46.81A.020;" insert "creating a new section;"

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5229 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5229.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5229 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Morton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5039, by Senators Kastama, Thibaudeau and Kohl-Welles

Concerning hepatitis C.

MOTIONS

On motion of Senator Kastama, Substitute Senate Bill No. 5039 was substituted for Senate Bill No. 5039 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kastama, the rules were suspended, Substitute Senate Bill No. 5039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5039.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5039 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5305, by Senators Mulliken, T. Sheldon, Sheahan, Reardon and Esser

Reviewing the state's need for construction aggregates.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5305 was substituted for Senate Bill No. 5305 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5305 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5305.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Brown, Keiser, Poulsen and Thibaudeau - 4.

Absent: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 5305, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5464, by Senators Finkbeiner, Fairley, Esser, Reardon, Schmidt, Doumit, West, Rossi and Tim Sheldon

Prohibiting local governments from imposing business and occupation tax on intellectual property.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 5464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5464.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5464 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Brown, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, Poulsen, Regala, Spanel and Thibaudeau - 12.

SENATE BILL NO. 5464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:35 p.m., on motion of Senator Sheahan, the Senate adjourned until 1:30 p.m., Wednesday, March 12, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-EIGHTH DAY, MARCH 11, 2003

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

FIFTY-NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Wednesday, March 12, 2003

The Senate was called to order at 1:30 p.m. by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Poulsen. On motion of Senator Eide, Senator Poulsen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Anne Sifford and Daren Threet, presented the Colors. Reverend Bob MacGregor, pastor of the City Harvest Church in Vancouver, and a guest of Senator Joe Zarelli, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

November 26, 2002

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

I have the honor to submit the following appointment, subject to your confirmation.
Georgia Gardner, to be appointed January 1, 2003, for a term ending March 1, 2007, as a member of the Board of Tax Appeals.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Ways and Means.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

March 3, 2003

The Honorable Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

Enclosed is the department's Report to the Legislature entitled "Number of Truancy, Children in Need of Service, and At-Risk Youth Petitions." It is mandated under Chapter 7, Laws of 2001, E2, Section 203(1)(1), RCW 13.40.540. The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Kathleen McBride at (360) 902-8092 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Number of Truancy, Children in Need of Service, and At-Risk Youth Petitions" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

March 11, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1061,
HOUSE BILL NO. 1073,
SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1136,
SUBSTITUTE HOUSE BILL NO. 1192,
HOUSE BILL NO. 1196,
SUBSTITUTE HOUSE BILL NO. 1217,
SUBSTITUTE HOUSE BILL NO. 1290,
HOUSE BILL NO. 1356,
HOUSE BILL NO. 1375,

HOUSE BILL NO. 1621,
HOUSE BILL NO. 1635,
SUBSTITUTE HOUSE BILL NO. 1711,
SUBSTITUTE HOUSE BILL NO. 1759,
SUBSTITUTE HOUSE BILL NO. 1785,
HOUSE BILL NO. 1815,
HOUSE BILL NO. 1816,
HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1867,
HOUSE BILL NO. 1954,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,
HOUSE JOINT MEMORIAL NO. 4012, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 11, 2003

MR. PRESIDENT:

The House has passed:
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
SECOND SUBSTITUTE HOUSE BILL NO. 1241,
SUBSTITUTE HOUSE BILL NO. 1569,
ENGROSSED HOUSE BILL NO. 1726, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6030 by Senators Kastama, Winsley, Rasmussen, Franklin, Regala, Oke and Roach

AN ACT Relating to regional transportation investment districts; and amending RCW 36.120.050 and 47.05.022.
Referred to Committee on Highways and Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1061 by House Committee on Higher Education (originally sponsored by Representatives Veloria, Kenney, Conway, Cox, Hunt, Clements, Morrell, Campbell, Kessler, Simpson, Wood and Berkey)

Authorizing associate degree pathways for persons in apprenticeship programs at community and technical colleges.

Referred to Committee on Higher Education.

HB 1073 by Representatives Haigh and Eickmeyer

Modifying the collection of property taxes on land subleased for residential and recreational purposes.

Referred to Committee on Ways and Means.

SHB 1100 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville, Schoesler, Grant, Rockefeller and Sump) (by request of Department of Agriculture)

Regulating the sale, processing, or purchase of agricultural products.

Referred to Committee on Agriculture.

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

Revising the provision for exchange agreements for environmental mitigation sites.

Referred to Committee on Highways and Transportation.

SHB 1136 by House Committee on Capital Budget (originally sponsored by Representatives Flannigan, Ericksen, Armstrong, McIntire, Condotta, Wallace, Dunshee and Cooper)

Implementing the recommendations of the state parks and outdoor recreation funding task force relating to the use of the outdoor recreation account.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1192 by House Committee on Health Care (originally sponsored by Representatives Cody, Pflug, Clibborn, Lovick, McDonald, Dunshee, Delvin, Benson, Miloscia, Eickmeyer, Mielke, Schindler, Schoesler, Linville, Pearson, Kessler, Cairnes, Mastin and Grant)

Regulating the catheterization of students.

Referred to Committee on Education.

HB 1196 by Representatives Simpson and Cairnes

Including hospital districts in the definition of "local government" for chapter 39.96 RCW.

Referred to Committee on Government Operations and Elections.

SHB 1217 by House Committee on Judiciary (originally sponsored by Representatives Lantz, McMahan, O'Brien, Carrell, Miloscia, Kagi, Schoesler and Delvin)

Authorizing speeding enforcement on certain private roads.

Referred to Committee on Judiciary.

2SHB 1240 by House Committee on Finance (originally sponsored by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Schindler)

Providing tax incentives for biodiesel and alcohol fuel production.

Referred to Committee on Ways and Means.

2SHB 1241 by House Committee on Finance (originally sponsored by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Schindler)

Providing tax incentives for the distribution and retail sale of biodiesel and alcohol fuels.

Referred to Committee on Ways and Means.

SHB 1290 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Sump and Mielke)

Establishing bond requirements for title insurance agent licenses.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1356 by Representatives Dunshee, Sommers, DeBolt and Alexander (by request of Utilities and Transportation Commission)

Updating utilities and transportation commission regulatory fees.

Referred to Committee on Highways and Transportation.

HB 1375 by Representatives Dickerson, Sommers, Cody, Wallace, Campbell and McMahan

Eliminating basic health plan eligibility of persons holding student visas.

Referred to Committee on Health and Long-Term Care.

SHB 1569 by House Committee on State Government (originally sponsored by Representatives Armstrong, Haigh, Nixon, Miloscia, Tom, McDermott, Shabro and Benson)

Excluding certain information supplied by a bidder on a public bid from public disclosure.

Referred to Committee on Government Operations and Elections.

HB 1621 by Representatives Morrell, Pflug, Skinner, Cody, Clibborn and Schual-Berke (by request of Department of Social and Health Services)

Modifying medical assistance provisions.

Referred to Committee on Health and Long-Term Care.

HB 1635 by Representatives Pettigrew, Boldt, Kagi, Edwards and Kenney (by request of Department of Social and Health Services)

Revising reporting requirements for income and resources under the public assistance program.

Referred to Committee on Children and Family Services and Corrections.

SHB 1711 by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Mielke and Darneille) (by request of Department of Community, Trade, and Economic Development)

Revising method for making distributions under the municipal criminal justice assistance account.

Referred to Committee on Children and Family Services and Corrections.

EHB 1726 by Representatives Haigh and Armstrong (by request of Office of Financial Management)

Changing provisions relating to an employer's indebtedness to a deceased person for unpaid wages, labor, or services performed.

Referred to Committee on Government Operations and Elections.

SHB 1759 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke and Benson)

Providing financial institution law parity.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1785 by House Committee on Health Care (originally sponsored by Representatives Cody, Pflug, Skinner, Schual-Berke, Dickerson and Edwards)

Limiting disclosure of client information.

Referred to Committee on Health and Long-Term Care.

HB 1815 by Representatives Schual-Berke and Benson

Defining security account under the uniform transfer on death security registration act.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1816 by Representatives Lantz and Carrell

Allowing attorney issued garnishments and simplifying garnishment answer forms.

Referred to Committee on Judiciary.

SHB 1837 by House Committee on Health Care (originally sponsored by Representatives Linville, Cody, Haigh, Schual-Berke, Santos, Morrell, Veloria and Chase)

Authorizing certain fire protection districts to establish health clinic services.

Referred to Committee on Health and Long-Term Care.

SHB 1867 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell and Rockefeller)

Establishing replevin procedures.

Referred to Committee on Judiciary.

HB 1954 by Representatives Moeller and McMahan

Permitting a retired judge acting as a judge pro tempore to decline compensation.

Referred to Committee on Judiciary.

SHJM 4004 by House Committee on Finance (originally sponsored by Representatives Nixon, Campbell, Bush, Kessler, Talcott and Simpson)

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

Referred to Committee on Ways and Means.

HJM 4012 by Representatives Miloscia, Delvin, Dickerson, Boldt, Chase, Moeller, Edwards, Haigh, Pettigrew, Benson, Veloria, Kagi and Schual-Berke

Encouraging counties and local governments to establish a Children's Advocacy Center.

Referred to Committee on Children and Family Services and Corrections.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9110, Anita Sheety, as a member of the Board of Trustees for Western Washington University, was confirmed.

Senators Spanel and Schmidt spoke to the confirmation of Anita Sheety as a member of the Board of Trustees for Western Washington University.

APPOINTMENT OF ANITA SHEETY

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Poulsen - 1.

MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9046, Laurie A. Jinkins, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

Senators Regala and Carlson spoke to the confirmation of Laurie A. Jinkins as a member of the Board of Trustees for Tacoma Community College.

APPOINTMENT OF LAURIE A. JINKINS

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Poulsen - 1.

MOTION

On motion of Senator Hewitt, Senator West was excused.

MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9063, Helen C. Malone, as a member of the Board of Trustees for Spokane and Spokane Fall Community Colleges District No. 17, was confirmed.

Senators Sheahan and Brown spoke to the confirmation of Helen C. Malone as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges.

APPOINTMENT OF HELEN C. MALONE

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senator West - 1.

Absent: Senators Hargrove and Swecker - 2.

MOTION

On motion of Senator Mulliken, Gubernatorial Appointment No. 9067, Kenneth J. Martin, as a member of the Board of Trustees for Central Washington University, was confirmed.

APPOINTMENT OF KENNETH J. MARTIN

The Secretary called the roll and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5870, by Senators Stevens, Regala, Parlette, McAuliffe, Rasmussen and Shin (by request of Department of Community, Trade, and Economic Development)

Revising provisions relating to registration of sex offenders and kidnapping offenders.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5870 was substituted for Senate Bill No. 5870 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5870 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5870.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5870 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Kline - 1.

SUBSTITUTE SENATE BILL NO. 5870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senate Rule 20 was suspended for the remainder of the day.

EDITOR'S NOTE: Rule 20 states 'The senate shall consider no more than one floor resolution per day in session.'

SENATE RESOLUTION 8636

By Senators Kastama, Regala, B. Sheldon, Roach, Shin, Rasmussen, McAuliffe and Franklin

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor to "rally 'round" fostering civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give vent to their enthusiasm in parades, pageantry, and events, and to stimulate the business economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, 2003 marks the Seventieth Annual Puyallup Valley Daffodil Festival; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934 when flowers, which previously had been largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival 2003 events are ongoing and will culminate in the April 12, 2003, Grand Floral Street Parade, winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's Festival royalty includes Princesses Holly Swan, Spanaway Lake High School; Angie Voiles, Sumner High School; Courtney Thetford, Bethel High School; Jamie Huish, Curtis High School; Ashley Blake, Lakes High School; Delia Orosco, Henry Foss High School; Kristin Stoehr, Franklin Pierce High School; Holly Milender, Rogers High School; Kristine Eugenio, Clover Park High School; Nicole Stevens, Wilson High School; Mariah Mayne, Eatonville High School; Lindsay Zenkner, Emerald Ridge High School; Melinda Ray, Puyallup High School; Cassi Crossley, Fife High School; Megan Loflin, Stadium High School; Miriah Jewell, Orting High School; Babylyn Aspuria, Mount Tahoma High School; Tabitha Halstead, Washington High School; Mika Meusburger, Lincoln High School; and Juanita Galarza, Chief Lechi High School;

NOW, THEREFORE, BE IT RESOLVED, That on March 12, 2003, the Washington State Senate recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers for the past seventy years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2003 Puyallup Valley Daffodil Festival Officers and to the members of the Festival Royalty.

Senators Kastama, Roach, Stevens, Rasmussen and Franklin spoke to Senate Resolution 8636.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the Festival Princesses, who were standing in front of the rostrum.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore welcomed and introduced Princess Ashley Blake from Lakes High School, who was seated on the rostrum.

With permission of the Senate, business was suspended to allow Princess Ashley to address the Senate.

The President Pro Tempore thanked the Princesses for visiting the Senate and wished them well during the festival activities.

MOTION

On motion of Senator Keiser, the following resolution was adopted:

SENATE RESOLUTION 8622

By Senators Keiser, Winsley, Johnson, Jacobsen, Schmidt, Brown, Reardon, Eide, Deccio, Spanel, Hargrove, Honeyford, Kohl-Welles, Carlson, Thibaudeau, Zarelli, Mulliken, T. Sheldon, Fairley, Rasmussen, McAuliffe, Roach and McCaslin

WHEREAS, Multiple sclerosis (MS) is an unpredictable neurological disease that affects nearly 400,000 people in the United States; and

WHEREAS, Approximately 200 people each week are diagnosed with MS, more than one person every hour; and

WHEREAS, The unpredictable physical and emotional effects, such as blurred vision, loss of balance, poor coordination, slurred speech, tremors, numbness, extreme fatigue, even paralysis and blindness, can last the rest of their lives; and

WHEREAS, Onset of symptoms occurs most often between the ages of twenty and fifty, at the prime of life when the impact of a chronic illness can be most damaging to family and career; and

WHEREAS, MS can be a very costly illness to an individual in terms of lost wages estimated annually at \$22,000, the cost of health care estimated annually at \$21,500, as well as time spent by family members providing care; and

WHEREAS, Approximately one hundred -fifty to two hundred -twenty per 100,000 people in Washington State have MS, making the incidence rate in this state one of the highest in the nation; and

WHEREAS, The National Multiple Sclerosis Society, Greater Washington Chapter and Inland Northwest Chapter services more than 35,368 people, including 8,843 with multiple sclerosis and nearly 26,525 others whose lives are directly impacted (ranging from spouses, children, and relatives to friends, coworkers, and caregivers) in Washington State counties; and

WHEREAS, Every month the National Multiple Sclerosis Society, Greater Washington Chapter and Inland Northwest Chapter responds to hundreds of requests for information from people newly diagnosed with the disease; and

WHEREAS, The Pacific Northwest Alliance of MS Centers works in collaboration with community clinicians, nurses, researchers, and persons affected by Multiple Sclerosis to organize ongoing patient educational lecture series; and

WHEREAS, The Pacific Northwest Alliance of MS Centers is working toward conducting collaborative clinical research to develop and maintain a common patient data base; and

WHEREAS, The MS clinics in the region are working towards sharing information about specific resources available, educational events, research opportunities, emerging findings in MS research, and ideas for improving MS patient care;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize that the Pacific Northwest is a region with one of the highest concentrations of MS in the country, and there is great demand for specialized MS care; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington recognize the dedication of those providing care and comfort to persons afflicted with MS and urge a higher level of awareness about the need to combat MS.

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5953, by Senators Finkbeiner, Esser, Horn, Stevens, Rossi and Honeyford

Penalizing disruption of traffic by pedestrians.

MOTION

On motion of Senator Finkbeiner, Senate Bill No. 5953 was not substituted.
The bill was read the second time.

MOTION

On motion of Senator Finkbeiner, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

(1) A pedestrian may not unlawfully and intentionally impede, or otherwise disrupt, the flow of traffic on a highway that has been designated, in whole or in part, as a highway of statewide significance.

(2) A violation of this section is a gross misdemeanor punishable under RCW 9A.20.021.

(3) Nothing in this section prohibits the filing, at any time, of a cause of action for damages resulting from the disruption of traffic caused by a pedestrian or pedestrians.

(4) In addition to any other costs that may be imposed by the court, the court shall require a defendant to reimburse the actual costs incurred by a law enforcement agency or emergency personnel, as a result of responding to the traffic disruption prohibited under this section.

Sec. 2. RCW 46.63.020 and 2001 c 325 s 4 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to assisting another person to start a vehicle equipped with an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(23) RCW 46.48.175 relating to the transportation of dangerous articles;

(24) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(25) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(26) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(27) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(28) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(29) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(30) RCW 46.61.015 relating to obedience to police officers, flaggers, or fire fighters;

(31) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(32) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(33) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(34) Section 1 of this act relating to impeding traffic;

(35) RCW 46.61.500 relating to reckless driving;

~~((35))~~ (36) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((36))~~ (37) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~((37))~~ (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((38))~~ (39) RCW 46.61.522 relating to vehicular assault;

~~((39))~~ (40) RCW 46.61.5249 relating to first degree negligent driving;

~~((40))~~ (41) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~((41))~~ (42) RCW 46.61.530 relating to racing of vehicles on highways;

~~((42))~~ (43) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((43))~~ (44) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((44))~~ (45) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((45))~~ (46) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((46))~~ (47) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((47))~~ (48) RCW 46.68.010 relating to false statements made to obtain a refund;

~~((48))~~ (49) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((49))~~ (50) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((50))~~ (51) RCW 46.72A.060 relating to limousine carrier insurance;

~~((51))~~ (52) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((52))~~ (53) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((53))~~ (54) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((54))~~ (55) Chapter 46.82 RCW relating to driver's training schools;

~~((55))~~ (56) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((56))~~ (57) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Finkbeiner, the following title amendments was adopted;

On line 1 of the title, after "pedestrians;" strike the remainder of the title and insert "amending RCW 46.63.020; adding a new section to chapter 46.61 RCW; prescribing penalties; and declaring an emergency."

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Senate Bill No. 5953 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Sheahan, Hale and McCaslin demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on shall the main question to be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel and Thibaudeau - 24.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5953.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5953 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau- 22.

ENGROSSED SENATE BILL NO. 5953, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE:

Senator Franklin: "Madam President Pro Tempore, a point of personal privilege. A few minutes ago we debated 5953. In that debate, it was stated about the Birmingham Jail. If we go back in history, those were not cheap heroes in the Birmingham Jail. The Birmingham Jail was Martin Luther King and Rosa Parks. She was tired and sat on the bus and would not give up her seat. If you remember, Dr. King wrote a letter from the Birmingham Jail. What took place in the sixties has changed the base of our country forever. We should never say that what took place during those turbulent years, where people were striving for equal rights to be not counted as not being a citizen--not given full rights--people died.

"Do not ever--ever--refer to those heroes as cheap heroes. This is very heart wrenching to sit and to hear that in the debate. Now, let me say that we can debate issues--disruption of traffic has nothing to do with the social changes of the sixties. Be very careful in the words when you debate issues on this floor, because what comes out of your mouth injures those who have been involved. Be very, very careful. Birmingham Jail is historical--go back and read about what happened if you don't know. You know, sometimes in these heated debates, we pass out words we can never recall. So, be very careful. I just have to say that. You pierced a lot of hearts here today when you mentioned cheap heroes and the Birmingham Jail."

PERSONAL PRIVILEGE

Senator Swecker: "A point of personal privilege. I just want to agree with the previous speaker wholeheartedly. In fact, in my mind, Martin Luther King was the preeminent Christian leader of the Twentieth Century in our country. I think Martin Luther King set the standard for the value of protest. Let me say that the value of our protests is directly proportional to the injustice of our punishment. I think Martin Luther King epitomized that. Thank you."

SECOND READING

SENATE BILL NO. 5185, by Senators Benton, Mulliken and Stevens

Changing provisions relating to open public meetings.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5185 was substituted for Senate Bill No. 5185 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5185 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5185.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5185 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Horn, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau and Winsley - 24.

SUBSTITUTE SENATE BILL NO. 5185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5552, by Senators Sheahan, Rasmussen, Swecker, Hale and Shin

Increasing the powers of the state agricultural commodity commissions.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5552 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5552.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5673, by Senators Brandland, Benton, Stevens, Hargrove, Honeyford, Haugen, Mulliken and Winsley

Clarifying that confinement facilities are not liable for former confined persons' acts after release.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 5673 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5673.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5673 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5786, by Senators T. Sheldon and Mulliken

Clarifying the scope of industrial uses allowed in rural areas under GMA.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5786 was substituted for Senate Bill No. 5786 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5786 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5786.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5786 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5786, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5210, by Senators Honeyford, Rasmussen, Roach, Mulliken, T. Sheldon, Parlette and Stevens

Modifying electrician certification provisions.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the following amendment by Senators Honeyford and Keiser was adopted:

On page 3, line 7, after "department." insert "The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits, but excludes the replacement or repair of circuit breakers."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Senate Bill No. 5210 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5210.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5210 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5824, by Senators Parlette and Horn

Allowing rural fire protection districts to contract with cities for ambulance services and impose a monthly utility service charge on each developed residential property located in the fire protection district.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5824 was substituted for Senate Bill No. 5824 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5824 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5824.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5824 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5824, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5302, by Senators Honeyford and Keiser (by request of Liquor Control Board)

Changing provisions relating to the summary suspension of a liquor license pending revocation proceedings.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5302 was substituted for Senate Bill No. 5302 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5302 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5302.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5302 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5378, by Senators Honeyford, Hewitt, T. Sheldon, Mulliken, Rasmussen and Hale

Simplifying and adding certainty to the calculation of workers' compensation benefits.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5378 was substituted for Senate Bill No. 5378 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Keiser moved that the following amendments by Senators Keiser and Franklin be considered simultaneously and be adopted:

On page 3, beginning on line 30, after "nature;" strike all material through "nature;" on line 31

On page 3, after line 37, insert the following:

"(d) Medical, dental, and vision benefits provided in part or entirely by the worker's employer at the time of injury or disease manifestation shall be included as wages under this subsection. The amount and value of these wages is fixed as of the date the worker applies for benefits under this title. For claims filed on or after the effective date of this act, the value of these wages is fixed at four hundred fifty-seven dollars per month.

(I) The fixed value of the medical, dental, and vision benefits under this subsection shall be adjusted annually on July 1st to reflect changes in the prior calendar year average of the medical portion of the national consumer price index for all urban consumers. This adjusted figure shall only be used to determine the value of these benefits for new claims filed by workers after the date of adjustment.

(ii) The amount and value of medical, vision, and dental insurance under this subsection shall not be added to the worker's wages for any period in which the worker continues to receive the same level of medical, vision, and dental insurance that were provided to the worker at the time of the injury or disease manifestation from any past or current employment with any employer."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Keiser and Franklin on page 3, lines 30 and 37, to Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

Senator Franklin moved that the following amendments by Senators Franklin and Keiser be adopted:

On page 5, beginning on line 11, after "(1)" strike all material through "where" on line 12 and insert "Where"

On page 5, beginning on line 16, strike all of subsection (b)

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Franklin and Keiser on page 5, lines 11 and 16, to Substitute Senate Bill No. 5378.

The motion by Senator Franklin carried and the amendments were adopted.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5378 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5378.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5378 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

SECOND READING

SENATE BILL NO. 5718, by Senators Winsley, Prentice, Roach, Fairley, Kastama, Fraser, Keiser, Kline, Shin, Kohl-Welles, Thibaudeau, Regala, B. Sheldon, Reardon, Brown, Hargrove, Franklin, Spanel, McAuliffe, Jacobsen, Haugen, Rasmussen, Doumit and Schmidt

Exempting bank account, social security, and credit card numbers from public disclosure.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5718 was substituted for Senate Bill No. 5718 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5718 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5718.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5718 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 5718, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5937, by Senators Parlette, Jacobsen, Haugen, Sheahan and Shin

Adding to the scenic and recreational highway system.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5937 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5937.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5937 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Honeyford - 1.

SENATE BILL NO. 5937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5975, by Senators Reardon, Esser, Poulsen, Finkbeiner and Schmidt

Forming the strategic interoperability executive committee.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5975 was substituted for Senate Bill No. 5975 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 5975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5975.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5975 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5680, by Senators Mulliken, T. Sheldon and Morton

Allowing counties with low population densities to be exempt from GMA review requirements.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5680 was substituted for Senate Bill No. 5680 and the substitute bill was placed on second reading and read the second time.

Senator Kline moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 15 delete "fifty-five" and insert "thirty"

On page 2, line 24 delete "fifty-five" and insert "thirty"

On page 2, line 30 delete "fifty-five" and insert "thirty"

On page 2, line 34 delete "fifty-five" and insert "thirty"

On page 3, line 2 delete "fifty-five" and insert "thirty"

On page 3, line 6 delete "fifty-five" and insert "thirty"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Kline on page 2, lines 15, 24, 30, 34, and page 3, lines 2 and 6, to Substitute Senate Bill No. 5680.

The motion by Senator Kline failed and the amendments were not adopted.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Tim Sheldon be adopted:

On page 4, beginning after line 21, strike all material through "that county;" on line 29 and insert the following:

"(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, (~~Lewis, Mason,~~) San Juan, and Skagit(~~and Skamania~~) counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton(~~, Chelan, Douglas, Grant, Kittitas,~~) and Spokane(~~and Yakima~~) counties and the cities within those counties;"

POINT OF INQUIRY

Senator Spanel: "Senator Mulliken, on the bill before us, on page four, line twenty, Whatcom County is removed. Yet, in your corrective amendment, you do not deal with Subsection A, which is lines eighteen, nineteen, twenty, and twenty-one. So, it means those counties don't get mentioned anywhere for when--they don't have any guidelines now--mean any date?"

Senator Mulliken: "Now Whatcom County has eighty-one point twenty-two people per square mile and they are the first group that will be updating in 2004."

Senator Spanel: "No, because they are deleted in the bill."

Senator Mulliken: "Well, okay, we will have to make sure that Whatcom is in it."

Senator Spanel: "Actually, there are three counties--Clallam, Jefferson and Whatcom."

MOTION

On motion of Senator Sheahan further consideration of Substitute Senate Bill No. 5680 was deferred.

SECOND READING

SENATE BILL NO. 5653, by Senators Sheahan and Brown

Expanding "residency" for purposes of attending Washington public schools.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 5653 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5653.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5653 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Regala and Shin - 2.

SENATE BILL NO. 5653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5012, by Senators Johnson, Finkbeiner, Esser and Oke

Authorizing charter schools.

MOTIONS

On motion of Senator Johnson, Substitute Senate Bill No. 5012 was substituted for Senate Bill No. 5012 and the substitute bill was placed on second reading and read the second time.

Senator Johnson moved that the following striking amendment by Senators Johnson and Reardon be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. The legislature intends to authorize the establishment of charter schools for the purpose of providing more, high quality public school choices for families, students, and teachers. High quality public school choices are those proven and promising learning environments that are likely to result in improved student achievement.

NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a nonprofit corporation that has submitted an application to a sponsor to obtain approval to operate a charter school. The nonprofit corporation must either be a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax-exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under section 12 of this act.

(2) "Charter" means a contract between an applicant and a sponsor. The charter establishes, in accordance with this chapter, the terms and conditions for the management, operation, and educational program of the charter school.

(3) "Charter school" means a public school managed by an applicant's board of directors and operating independently of any school district board under a charter approved in accordance with this chapter.

(4) "Board of directors" means the board of directors of the public benefit nonprofit corporation that manages and operates the charter school.

(5) "Sponsor" means: (a) The school district in which the charter school is located; (b) the state and regional universities as defined in RCW 28B.10.016; or (c) The Evergreen State College. Charter schools sponsored under (b) or (c) of this subsection shall be approved by the governing board of the sponsoring institution or by an official or agency designated by and accountable to the governing board.

NEW SECTION. Sec. 3. CHARTER SCHOOLS--POWERS. (1) The charter school's board of directors may hire, manage, and discharge any charter school employee in accordance with the terms of this chapter and that school's charter.

(2) The charter school's board of directors may enter into a contract with any school district, or any other public or private entity, also empowered to enter into contracts, for any and all real property, equipment, goods, supplies, and services, including educational instructional services.

(3) Charter schools may rent, lease, or own property, but may not acquire property by eminent domain. All charters and charter school contracts with other public and private entities must include provisions regarding the disposition of the property if the charter school fails to open as planned, closes, or the charter is revoked or not renewed. Charter schools may accept gifts and donations from other governmental and private entities, excluding sectarian or religious organizations. Charter schools may not accept any gifts or donations the conditions of which violate this chapter.

(4) Neither a charter school sponsor nor the school district in which the charter school is located is liable for acts or omissions of a charter school, including acts or omissions related to the application, the charter, the operation, and the performance of the charter school.

(5) Charter schools may not charge tuition, levy taxes, or issue bonds, however they may charge fees for optional noncredit extracurricular events.

(6) Charter schools may issue secured and unsecured debt to manage cash flow, improve operations, or finance the acquisition of real property or equipment. Such an issuance does not constitute an obligation, either general, special, or moral of the state, the charter school sponsor, the school district in which the charter school is located or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, the charter school sponsor, the school district in which the charter school is located, or any other political subdivision or agency of the state may be pledged for the payment of such debt.

NEW SECTION. Sec. 4. LEGAL STATUS. A charter school is a public school including one or more of grades kindergarten through twelve, operated by a public benefit nonprofit corporation, according to the terms of a renewable five-year contract granted by a sponsor.

NEW SECTION. Sec. 5. CHARTER SCHOOLS--EXEMPTIONS. (1) A charter school shall operate independently of any school district board, under a charter approved by a sponsor under this chapter.

(2) Charter schools are exempt from all state statutes and rules applicable to school districts and school district boards of directors except as provided in this chapter and in the school's approved charter.

(3) A charter school's board of directors may elect to comply with one or more provisions of the statutes or rules that are applicable to school districts and school district board of directors.

(4) All approved charter schools shall:

(a) Comply with state and federal health, safety, and civil rights laws applicable to school districts;

(b) Participate in nationally normed standardized achievement tests as required in RCW 28A.230.190, 28A.230.193, and 28A.230.230 and the elementary, middle school, and high school standards and assessment examinations as required in RCW 28A.655.060;

(c) Employ certificated instructional staff as required in RCW 28A.410.010, however charter schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.260;

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Be subject to the same financial and audit requirements as a school district;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Follow the performance improvement goals and requirements adopted by the academic achievement and accountability commission by rule under RCW 28A.655.030;

(h) Report at least annually to its sponsor, the school district in which the charter school is located, and to parents of children enrolled at the charter school on progress toward the student performance goals specified in the charter; and

(i) Comply with the open public meetings act in chapter 42.30 RCW and open public records requirements in RCW 42.17.250.

NEW SECTION. Sec. 6. ADMISSION REQUIREMENTS. (1) A charter school must enroll all students who submit a timely application. If capacity is insufficient to enroll all students who submit a timely application, the charter school must give enrollment priority to students who reside within the school district boundaries in which the charter school is physically located. Priority also must be given to siblings of students who are currently enrolled in the school. Students must be selected through an equitable selection process, such as a lottery, to fill any remaining spaces. Schools that convert to charter schools must also give priority to the students who are currently enrolled in school.

(2) A charter school may not limit admission based on race, religion, ethnicity, national origin, gender, income level, intellectual ability, disabling condition, proficiency in the English language, or athletic ability. A charter school may limit admission to students within a given age group or grade level.

NEW SECTION. Sec. 7. CHARTER APPLICATION--CHARTERING PROCESS.

(1) An applicant may apply to a sponsor to establish a charter school as provided in this section.

(2) An application for a charter school may be submitted to any qualified sponsor.

(3) The school district board of directors must elect whether to hold a public hearing in the school district on the application within twenty days of receipt of the application. If the school board is going to accept the application, a public hearing must be held before the granting of a charter. The school board must either accept or reject the application within sixty days after the receipt of the application. The sixty-day deadline for acceptance or rejection of the charter school application may be extended for an additional thirty days if both parties agree in writing.

(4) If the school board elects not to hold a hearing or rejects the application, the school board must notify the applicant in writing of the reasons for that decision. The applicant may submit a revised application for the school board's reconsideration. The school board may provide assistance to improve the application. If the school board rejects the application after submission of a revised application, the school board must notify the applicant in writing of the reasons for the rejection.

(5) Sponsors other than school districts must comply with the procedures in subsections (1) through (4) of this section for consideration of the charter application. A sponsor is not bound by another sponsor's findings or decision to deny the application.

(6) The superintendent of public instruction shall maintain copies of all approved charter applications. An applicant may obtain copies of those applications from the office of the superintendent of public instruction.

NEW SECTION. Sec. 8. APPLICATION REQUIREMENTS. The charter school application is a proposed contract and must include:

(1) The identification and description of the nonprofit corporation submitting the application, including the names and descriptions of the individuals who will operate the school;

(2) The nonprofit corporation's proposed articles of incorporation, bylaws, and most recent financial statement and balance sheet;

(3) A mission statement for the proposed school, consistent with the description of legislative intent in this chapter;

(4) A description of the school's educational program, including curriculum and instructional strategies;

(5) A description of the school's admissions policy and marketing program, including deadlines for applications or admission;

(6) A description of student performance standards that must meet those determined under RCW 28A.655.060, and be measured according to the assessment system determined under RCW 28A.655.060;

(7) A description of the plan for evaluating student performance and the procedures for taking corrective action in the event that student performance at the charter school falls below standards established in its charter;

(8) A description of the financial plan for the school. The plan shall include: (a) A proposed five-year budget of projected revenues and expenditures; (b) a plan for starting the school; (c) a five-year facilities plan; (d) evidence supporting student enrollment projections of at least twenty students; and (e) a description of major contracts planned for equipment and services, leases, improvements, purchases of real property, and insurance;

(9) A description of the proposed financial management procedures, including annual audits of the school's financial and administrative operations, which shall meet or exceed generally accepted standards of management and public accounting;

(10) An assessment of the school's potential legal liability and a description of the types and limits of insurance coverage the nonprofit corporation plans to obtain that are adequate. For purposes of this subsection, a liability policy of between one million and five million dollars is required;

(11) A description of the procedures to discipline and dismiss students; and

(12) A description of procedures to assure the health and safety of students, employees, and guests of the school and to comply with applicable federal and state health and safety laws and regulations.

NEW SECTION. Sec. 9. APPROVAL CRITERIA. A sponsor may approve an application for a charter school, if in the sponsor's reasonable judgment, after exercising due diligence and good faith, the sponsor finds:

(1) The applicant is a public benefit nonprofit corporation and the individuals it proposes to manage the school are qualified to operate a charter school and implement the proposed educational program;

(2) The mission statement is consistent with the description of legislative intent and restrictions on charter school operations in this chapter;

(3) The school's proposed educational program is free from religious or sectarian influence;

(4) The school's proposed educational program includes student academic performance standards that meet those determined under RCW 28A.655.060 and are measured according to the assessment system determined under RCW 28A.655.060;

(5) The application includes a viable plan for evaluating pupil performance and procedures for taking appropriate corrective action in the event that pupil performance at the charter school falls below standards established in its charter;

(6) The school's educational program, including curriculum and instructional strategies, has the potential to improve student performance as measured under section 5 of this act;

(7) The school's admissions policy and marketing program is consistent with state and federal law;

(8) The financial plan for the school is designed to reasonably support the charter school's educational program based on a review of the proposed five-year budget of projected revenues, expenditures, and facilities;

(9) The school's financial and administrative operations, including its annual audits, meet or exceed generally accepted standards of accounting and management;

(10) The assessment of the school's potential legal liability, and the types and limits of insurance coverage the school plans to obtain, are adequate. For purposes of this subsection, a liability policy of between one million and five million dollars is required;

(11) The procedures the school plans to follow for discipline and dismissal of students are reasonable and comply with federal law;

(12) The procedures the school plans to follow to assure the health and safety of students, employees, and guests of the school comply with applicable state and federal health and safety laws and regulations; and

(13) The public benefit nonprofit corporation has been approved or conditionally approved by the internal revenue service for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)).

NEW SECTION. Sec. 10. CHARTER AGREEMENT--AMENDMENT. (1) A charter application approved by a sponsor with any changes constitutes a charter.

(2) A charter may be amended during its term at the request of the charter school board of directors and on the approval of the sponsor.

NEW SECTION. Sec. 11. CHARTER RENEWAL AND REVOCATION. (1) An approved plan to establish a charter school is effective for five years from the first day of operation. At the conclusion of the first three years of operation, the charter school may apply to the sponsor for renewal. A request for renewal must be submitted no later than six months before the expiration of the charter.

(2) A charter school renewal application must include:

(a) A report on the progress of the charter school in achieving the goals; student performance standards, including the student performance standards adopted by rule by the academic achievement and accountability commission in accordance with RCW 28A.655.030; and other terms of the charter; and

(b) A financial statement that discloses the costs of administration, instruction, and other expenditure objects and activities of the charter school.

(3) The sponsor may reject the application for renewal if any of the following occurred:

(a) The charter school materially violated its contract with the sponsor, as set forth in the charter;

(b) The students enrolled in the charter school failed to meet student performance standards identified in the charter, including the student performance standards adopted by rule by the academic achievement and accountability commission in accordance with RCW 28A.655.030;

(c) The charter school failed to meet generally accepted standards of fiscal management; or

(d) The charter school violated provisions in law that have not been waived in accordance with this chapter.

(4) A sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school within three months of the request for renewal to allow the charter school an opportunity to correct identified deficiencies in its operation. At the request of the board of directors of the charter school, the sponsor shall review its decision for nonrenewal after the charter school has corrected any identified deficiencies.

(5) The sponsor may revoke a previously approved charter before the expiration of the term of the charter, and before application for renewal, for any of the reasons specified in subsection (3) of this section. Except in cases of emergency where the health and safety of children are at risk, a charter may not be revoked unless the sponsor first provides written notice of the specific violations alleged, a public hearing, and a reasonable opportunity for the charter school to correct the identified areas of concern. The sponsor of a charter school shall provide for an appeal process upon a determination by the sponsor that grounds exist to revoke a charter.

NEW SECTION. Sec. 12. FUNDING. (1) When the sponsor is a school district:

(a) For purposes of funding, students in charter schools shall be considered students of the sponsoring district for general fund apportionment purposes. Without violating section 13 of this act, the sponsoring school district shall provide prompt and timely funding for charter schools on a per student basis in amounts the schools would have received if the students were enrolled in a noncharter public school in the district except that a charter school shall not generate eligibility for small school assistance. Funding for charter schools shall include regular apportionment, categorical, and nonbasic education funds, as appropriate and shall be based on enrollment and other financial information submitted by the charter school to the school district as is required to determine state apportionment amounts;

(b) Local levy moneys approved by the voters before the effective date of a charter between a school district and an applicant shall not be allocated to a charter school unless the sponsoring school district determines it has received sufficient authority from voters to allocate maintenance and operation excess tax levy money to the charter school. For levies approved after the effective date of a charter, charter schools shall be included in levy planning, budgets, and funding distribution in the same manner as other schools in the district only to the extent agreed to by the school district board of directors. In making the decision, the school district board of directors shall consult with the charter school board of directors; and

(c) A charter school is eligible for state matching funds for common school construction if a sponsoring school district determines it has received voter approval of local capital funds for the project.

(2) Public schools converting to charter schools shall receive funding in the same manner as other charter schools sponsored by school districts.

(3) If the sponsor is not a school district, students in the charter school shall still be considered students of the district in which the charter school is located for general fund apportionment purposes. Without violating section 13 of this act, the superintendent of public instruction shall provide prompt and timely funding for charter schools on a per student basis in amounts the schools would have received if the students were enrolled in a noncharter school in the district except that a charter school shall not generate eligibility for small school assistance. The funding shall include regular apportionment, categorical, and nonbasic education funds and shall be based on enrollment and other financial information submitted by the charter school to the school district or the superintendent of public instruction, as is required to determine state apportionment amounts.

(4) No local levy money may be allocated to a charter school if the charter school is sponsored by a sponsor that is not a school district.

NEW SECTION. Sec. 13. ADMINISTRATION FEE. To offset costs of oversight and administering the charter, a sponsor may retain up to three percent of state funding and local excess levy funding, if applicable, that is being driven to the charter school. Except for the administration fee in this section, no other offsets or deductions are allowed, whether for central administration or other off-site support services, from a charter school's per-pupil share of state appropriations, local levies, or other funds, unless the charter school has contracted with a school district to obtain specific additional services.

NEW SECTION. Sec. 14. LEAVES OF ABSENCE. If a school district employee makes a written request for an extended leave of absence to work at a charter school, the school district shall grant the request. The school district may require that the request for

a leave be made up to ninety days before the employee would otherwise have to report for duty. The leave shall be granted for up to three years. If the employee returns to the school district within the three-year period, the employee shall be hired before the district hires anyone else with fewer years of service, with respect to any position for which the returning employee is certificated or otherwise qualified.

NEW SECTION. Sec. 15. STUDY OF CHARTER SCHOOLS. The Washington institute for public policy shall study the implementation and effectiveness of this act. The institute shall make recommendations to the legislature about the effectiveness of charter schools and the impact of charter schools. The institute shall also recommend changes to this chapter including improvements that could be made to the application and approval process. A preliminary report of the study is due to the legislature by March 1, 2006, and a final report is due September 1, 2007.

NEW SECTION. Sec. 16. NUMBER OF CHARTER SCHOOLS. (1) Applications for charter schools may begin on the effective date of this section. The maximum number of charters that can be granted under this chapter is five in the first year commencing July 1, 2003, five in the second year, and fifteen in each of the next four years. These annual allocations shall be cumulative so that if the maximum is not reached in any given year the maximum shall be increased accordingly for the successive years.

(2) A sponsor may not sponsor a charter school in a school district with a student enrollment of less than three thousand students, except that a sponsor may sponsor a charter school in a school district with a student enrollment between two and three thousand students in counties where the population exceeds five hundred thousand persons.

(3) For purposes of monitoring compliance with this section and providing information to new charter school applicants, the superintendent of public instruction shall maintain a running total of the projected and actual enrollment at charter schools and the number of charters granted.

(4) For purposes of implementing this subsection, a sponsor shall notify the office of the superintendent of public instruction when it receives a charter school application, when it approves a charter school, and when a charter school is terminated.

(5) The maximum number of charter schools allowed under this section does not include public schools converting to charter schools.

NEW SECTION. Sec. 17. A new section is added to chapter 41.56 RCW to read as follows:

This chapter applies to charter schools as defined in section 2 of this act and the charter school's employees included in the bargaining unit. The bargaining unit of employees of charter schools must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district.

This section, designating charter schools as employers and charter schools as members under the teachers' retirement systems, the school employees' retirement systems, and the public employees' retirement systems, takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

NEW SECTION. Sec. 18. A new section is added to chapter 41.59 RCW to read as follows:

This chapter applies to collective bargaining agreements between charter schools and the employees of charter schools included in the bargaining unit. The bargaining unit of employees of charter schools must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district.

This section, designating charter schools as employers and charter schools as members under the teachers' retirement systems, the school employees' retirement systems, and the public employees' retirement systems, takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

Sec. 19. RCW 41.59.080 and 1998 c 244 s 11 are each amended to read as follows:

The commission, upon proper application for certification as an exclusive bargaining representative or upon petition for change of unit definition by the employer or any employee organization within the time limits specified in RCW 41.59.070(3), and after hearing upon reasonable notice, shall determine the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the educational employees; the history of collective bargaining; the extent of organization among the educational employees; and the desire of the educational employees; except that:

(1) A unit including nonsupervisory educational employees shall not be considered appropriate unless it includes all such nonsupervisory educational employees of the employer; and

(2) A unit that includes only supervisors may be considered appropriate if a majority of the employees in such category indicate by vote that they desire to be included in such a unit; and

(3) A unit that includes only principals and assistant principals may be considered appropriate if a majority of such employees indicate by vote that they desire to be included in such a unit; and

(4) A unit that includes both principals and assistant principals and other supervisory employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(5) A unit that includes supervisors and/or principals and assistant principals and nonsupervisory educational employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(6) A unit that includes only employees in vocational-technical institutes or occupational skill centers may be considered to constitute an appropriate bargaining unit if the history of bargaining in any such school district so justifies; and

(7) Notwithstanding the definition of collective bargaining, a unit that contains only supervisors and/or principals and assistant principals shall be limited in scope of bargaining to compensation, hours of work, and the number of days of work in the annual employment contracts; and

(8) The bargaining unit of certificated employees of school districts, educational service districts, or institutions of higher education that are education providers under chapter 28A.193 RCW must be limited to the employees working as education providers to juveniles in each adult correctional facility maintained by the department of corrections and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education; and

(9) The bargaining unit for employees of charter schools as defined in section 2 of this act must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district.

NEW SECTION. Sec. 20. CAPTIONS NOT LAW. Captions used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 21. Sections 1 through 16 and 20 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

Senator Eide: "A parliamentary inquiry, Madam President. Don't we have other amendments?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "Yes, we have other amendments. I was just trying to get Senator McAuliffe's attention."

Senator Eide: "Thank you very much, Madam President."

MOTION

Senator Hargrove moved that the following amendments to the striking amendment by Senators Johnson and Reardon be considered simultaneously and be adopted:

On page 2, line 7 of the amendment, after "located;" insert "or"

On page 2, line 8 of the amendment, after "28B.10.016" strike "; or (c) The Evergreen State College"

On page 2, line 9 of the amendment, after "(b)" strike "or (c)"

Debate ensued.

Senator Hargrove demanded a roll call and the demand was not sustained. Further debate ensued.

Senators Sheahan, McCaslin and Zarelli demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Hargrove closed debate on the amendments to the striking amendment to Substitute Senate Bill No. 5012.

PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege, Madam President. On this last debate, I just want everyone to know that I was not in favor of having Mumia Abu-Jamal's voice piped in. I wanted to make sure that that was very clear."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Hargrove on page 2, lines 7, 8 and 9, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

The motion by Senator Hargrove failed and the amendments were not adopted.

MOTION

Senator McAuliffe moved that the following amendment to the striking amendment be adopted:

On page 3, line 26 of the amendment, after "safety," insert "parents' rights,"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 3, line 26, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

The motion by Senator McAuliffe carried and the amendment to the striking amendment was adopted.

MOTION

Senator Kohl-Welles moved that the following amendment to the striking amendment be adopted:

On page 3, line 27 of the amendment, after "laws" insert ", including chapter 28A.640 RCW (sexual equality) and Title IX of the education amendments of 1972 (20 U.S.C. Sec. 1681 et seq.)"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Wells on page 3, line 27, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

The motion by Senator Kohl-Welles carried and the amendment was adopted.

MOTION

Senator Rasmussen moved that the following amendment to the striking amendment be adopted:

On page 4, line 30 of the amendment, after "ability," insert "If consistent with applications, the charter school shall, at a minimum, enroll the same number of students with similar types of disabling conditions as are enrolled in the public school district where the charter school is located."

Debate ensued.

Senator McAuliffe demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Rasmussen on page 4, line 30, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll and the amendment by Senator Rasmussen to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

Senator Kohl-Welles moved that the following amendment to the striking amendment be adopted:

On page 5, beginning on line 2 of the amendment, after "application" strike "within twenty days of receipt of the application"
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Wells on page 5, line 2, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

The motion by Senator Kohl-Welles failed and the amendment was not adopted.

MOTION

Senator McAuliffe moved that the following amendment to the striking amendment be adopted:

On page 10, after line 28 of the amendment, insert the following:

"(5)(a) School districts that experience an enrollment decline during the 2003-04 school year due to students leaving the school district to attend a charter school shall receive funding for those students on a per student basis in the amounts that the school district would have received if the students were enrolled in a noncharter public school in the school district. Funding for the enrollment decline shall include regular apportionment, categorical, and nonbasic education funds, as appropriate, and shall be based on enrollment and other financial information submitted by the charter school to the school district as is required to determine the appropriate state apportionment amounts.

(b) School districts that experience an enrollment decline during the 2004-05 school year due to students leaving the school district to attend a charter school shall receive sixty percent of the funding for those students on a per student basis in the amounts that the school district would have received if the students were enrolled in a noncharter public school in the school district. Funding for the enrollment decline shall include regular apportionment, categorical, and nonbasic education funds, as appropriate, and shall be based on enrollment and other financial information submitted by the charter school to the school district as is required to determine the appropriate state apportionment amounts.

(c) School districts that experience an enrollment decline during the 2005-06 school year due to students leaving the school district to attend a charter school shall receive forty percent of the funding for those students on a per student basis in the amounts that the school district would have received if the students were enrolled in a noncharter public school in the school district. Funding for the enrollment decline shall include regular apportionment, categorical, and nonbasic education funds, as appropriate, and shall be based on enrollment and other financial information submitted by the charter school to the school district as is required to determine the appropriate state apportionment amounts."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 10, line 28, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

The motion by Senator McAuliffe failed and the amendment to the striking amendment was not adopted.

MOTION

Senator McAuliffe moved that the following amendments to the striking amendment be considered simultaneously and be adopted:

On page 11, beginning on line 25 of the amendment, after "chapter is" strike all material through "years" on line 29, and insert "twenty"

On page 12, line 11 of the amendment, after "section" strike "does not" and insert "shall"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments on page 11 and 12 to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

The motion by Senator McAuliffe failed and the amendments were not adopted.

MOTION

Senator McAuliffe moved that the following amendment to the striking amendment be adopted:

On page 11, after line 29 of the amendment, strike all of subsection (2)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator McAuliffe: "Senator Johnson, does this bill allow all of the Seattle School Districts to become a Charter District? Does it allow all of them to be chartered?"

Senator Johnson: "There is no provision for a charter district, only for charter schools."

Senator McAuliffe: "But, they could all become charter schools?"

Senator Johnson: "If the Seattle School Board chose to do that, that could happen."

Senator McAuliffe: "Then what would you respond would be the problem with a small school then--in a small district--allowing them to do the same?"

Senator Johnson: "None. I think I just advised that it was up to each person on how to vote on this matter. I wasn't resisting--sorry, I wasn't clear about that."

Senator McAuliffe: "Thank you."

Senator McAuliffe demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McAuliffe on page 11, line 29, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll and the amendment by Senator McAuliffe to the striking amendment was adopted by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 41.

Voting nay: Senators Brandland, Hale, Honeyford, McCaslin, Parlette, Sheahan, Stevens and West - 8.

MOTION

Senator Schmidt moved that the following amendment by Senators Schmidt, Reardon and Prentice to the striking amendment be adopted:

On page 12, line 19 of the amendment, after "district" insert the following:

"unless the charter school is a public school that has converted to a charter school. The employees of public schools that have converted to a charter school shall remain members of the bargaining units in the school district"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Schmidt, Reardon and Prentice on page 12, line 19, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

The motion by Senator Schmidt carried and the amendment to the striking amendment was adopted.

MOTION

Senator Eide moved that the following amendment to the striking amendment be adopted:

On page 14, after line 27 of the amendment, strike all of section 22, and insert the following:

"NEW SECTION. Sec. 22. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Debate ensued.

Senator Eide demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Eide on page 14, line 27, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll and the amendment by Senator Eide to the striking amendment was not adopted by the following vote:

Yeas, 18; Nays, 30; Absent, 1; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Regala, Sheldon, B., Shin and Spanel - 18.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 30.

Absent: Senator Hargrove - 1.

MOTION

Senator Eide moved that the following amendment to the striking amendment be adopted:

On page 14, beginning on line 28 of the amendment, strike all of section 22

Renumber the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF ORDER

Senator Carlson: "A point of order, Madam President Pro Tempore. I believe I just heard the impugning of the motives of folks on this side of the aisle. I think there has been an excellent debate throughout this discussion and I don't particularly appreciate that and I would appreciate if you would remind the Senator of that."

REMARKS BY SENATOR KLINE

Senator Kline: "If I may reply, there is absolutely nothing to impugn the motives on the other side. If I had been allowed to continue my thought, I am sure the good Senator would have thought otherwise. And if he doesn't mind, I certainly will continue my thought."

Further debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Kline, I appreciate your comments on 'consistency.' I am just wondering if you would feel the same way on the referendum clause that I intent to add to any gas tax that comes through the Senate this year?"

Senator Kline: "I have no problem with that. I would be more than happy to vote in favor of that amendment."

Senator Benton: "Thank you."

Further debate ensued.

Senator Eide demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Eide on page 14, line 28, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll and the amendment by Senator Eide to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Regala, Roach, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Reardon, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

Senator McAuliffe moved that the following amendment to the striking amendment be adopted:

On page 15, after line 2 of the amendment, insert the following:

"**NEW SECTION. Sec. 24.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Debate ensued.

Senator McAuliffe demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator McAuliffe on page 15, line 2, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

Senator Rasmussen moved that the following amendment to the striking amendment be adopted:

On page 2, line 5 of the amendment, after "school" insert "a majority of the members of the board of directors shall be members elected by the board of directors or board of regents or trustees of the sponsor, as applicable"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was not sustained

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 2, line 5, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012.

The motion by Senator Rasmussen failed and the amendment was not adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side on the amendment by Senator Eide on page 14, line 28, the amendment to delete the emergency clause to the bill, Senator West gave notice of immediate reconsideration of the vote by which the amendment by Eide failed to pass the Senate.

The President Pro Tempore declared the question before the Senate to be the motion for immediate reconsideration of the amendment by Senator Eide on page 14, line 28, to the striking amendment to Substitute Senate Bill No 5012, which failed to pass the Senate earlier today.

The motion by Senator West carried and the Senate will immediately reconsider the vote on the amendment by Senator Eide on page 14, line 28, to the striking amendment.

Senator West demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Eide on page 14, line 28, to the striking amendment by Senators Johnson and Reardon to Substitute Senate Bill No. 5012, on reconsideration.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment, on reconsideration, was adopted by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West and Winsley - 27.

Voting nay: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Rossi, Schmidt, Sheahan, Swecker and Zarelli - 22.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Johnson and Reardon, as amended, to Substitute Senate Bill No. 5012.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Benton: "A parliamentary inquiry, Madam President Pro Tempore, did all the amendments that we previously voted on during the last hour and a half, were those the amendments to the striking amendment?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "They were amendments to the striking amendment by Senators Johnson and Reardon."

Senator Benton: "So, the amendment to remove the emergency clause was an amendment to the striker?"

President Pro Tempore Winsley: "That is correct."

Senator Benton: "And if we adopt this, it will be adopting this without an emergency clause? Is that correct?"

President Pro Tempore Winsley: "That is correct."

Senator Benton: "Thank you."

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Johnson and Reardon, as amended, to Substitute Senate Bill No. 5012.

The motion by Senator Johnson carried and the striking amendment, as amended, was adopted.

MOTION

On motion of Senator Johnson, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 41.59.080; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; providing contingent effective dates; and declaring an emergency."

On page 15, beginning on line 6 of the title amendment, after "28A RCW;" strike the remainder of the title amendment, and insert "and providing contingent effective dates."

MOTION

Senator Johnson moved that the rules be suspended and Engrossed Substitute Senate Bill No. 5012 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

OBJECTION TO SUSPEND RULES

Senator Betti Sheldon objected to the suspension of the rules.

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "Is your motion to not advance the bill to third reading?"
Senator Betti Sheldon: "Yes, that is my motion."

PARLIAMENTARY INQUIRY

Senator Betti Sheldon: "A point of parliamentary inquiry, Madam President Pro Tempore. This motion to suspend the rules requires a two-thirds vote. Is that correct?"

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "That is correct."
Senator Betti Sheldon: "A 'no' vote would be to not suspend the rules. Is that correct?"

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "That is correct."
Senator Betti Sheldon: "Thank you, Madam President Pro Tempore."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Johnson to suspend the rules and advance Engrossed Substitute Senate Bill No. 5012 to third reading.
The motion to suspend the rules failed to receive the necessary two-thirds vote.
Engrossed Substitute Senate Bill No. 5012 was referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 5697, by Senators Hewitt, T. Sheldon, Hale, Mulliken, Rasmussen, Parlette, Swecker, Oke, Deccio, Sheahan, Stevens, Honeyford and Morton.

Modifying the inflationary adjustment to the minimum wage.

MOTIONS

On motion of Senator Hewitt, Substitute Senate Bill No. 5697 was substituted for Senate Bill No. 5697 and the substitute bill was placed on second reading and read the second time.
On motion of Senator Hewitt, the following amendments were considered simultaneously and were adopted:
On page 1, line 8, after "has" insert "one of"
On page 1, line 9, after "unemployment" strike "rate" and insert "rates"

MOTION

Senator Keiser moved that the following amendment be adopted:
On page 7, after "(1)" on line 29, delete everything through "(2)" on line 33.
Renumber the sections consecutively and correct any internal references accordingly.
Debate ensued.
The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Keiser on page 7, line 29, to Engrossed Substitute Senate Bill No. 5697.
The motion by Senator Keiser failed and the amendment was not adopted.

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 5697 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.
Senators Sheahan, Hale and West demanded the previous question and the demand was sustained.
The President Pro Tempore declared the question before the Senate to be shall the main question be now put.
The demand for the previous question carried.
The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5697.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5697 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.
Voting nay: Senators Brown, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Roach, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 6:47 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Thursday, March 13, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTY-NINTH DAY, MARCH 12, 2003

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

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 13, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Swecker. On motion of Senator Esser, Senator Swecker was excused.

The Sergeant at Arms Color Guard, consisting of Pages Eron Napier and Ryan Paxton, presented the Colors. Reverend Larry Rounsley, Jr., pastor of the Liberty Bible Church of the Nazarene in Vancouver, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 11, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1742, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 11, 2003

MR. PRESIDENT:

The House has passed:

HOUSE BILL NO. 1420,

SUBSTITUTE HOUSE BILL NO. 1571,

SUBSTITUTE HOUSE BILL NO. 1593,

HOUSE BILL NO. 1594,

SUBSTITUTE HOUSE BILL NO. 1597,

SUBSTITUTE HOUSE BILL NO. 1604,

HOUSE BILL NO. 1654,

SUBSTITUTE HOUSE BILL NO 1676,

HOUSE BILL NO. 1712,

SUBSTITUTE HOUSE BILL NO. 1723,

HOUSE BILL NO. 1746,

SUBSTITUTE HOUSE BILL NO. 1789, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 11, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1000,
SECOND SUBSTITUTE HOUSE BILL NO. 1123,
SUBSTITUTE HOUSE BILL NO. 1222,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243,
SECOND SUBSTITUTE HOUSE BILL NO. 1245,
SUBSTITUTE HOUSE BILL NO. 1275,
HOUSE BILL NO. 1292,
SUBSTITUTE HOUSE BILL NO. 1298,
SUBSTITUTE HOUSE BILL NO. 1409,
SUBSTITUTE HOUSE BILL NO. 1442,
HOUSE BILL NO. 1473,
HOUSE BILL NO. 1480,
SUBSTITUTE HOUSE BILL NO. 1486,
HOUSE BILL NO. 1510,
HOUSE BILL NO. 1591,
SUBSTITUTE HOUSE BILL NO. 1605,
SUBSTITUTE HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1731,
SUBSTITUTE HOUSE BILL NO. 1738,
HOUSE BILL NO. 1786,
SUBSTITUTE HOUSE BILL NO. 1805,
HOUSE BILL NO. 1822,
HOUSE JOINT MEMORIAL NO. 4010,

HOUSE JOINT RESOLUTION NO. 4206, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

March 12, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 1280, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1280.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1000 by House Committee on Local Government (originally sponsored by Representatives Sullivan, Cooper, Chase, O'Brien, Haigh and Nixon)

Regulating the authority of metropolitan municipal corporations to acquire property.

Referred to Committee on Land Use and Planning.

2SHB 1123 by House Committee on Appropriations (originally sponsored by Representatives Kenney, Cox, Fromhold, Jarrett, Berkey, Chase, Kessler, Wallace, Conway, Wood, Cody, McCoy and Upthegrove)

Creating the state financial aid account.

Referred to Committee on Ways and Means.

SHB 1222 by House Committee on State Government (originally sponsored by Representatives Dickerson, Ruderman, Lovick, Romero, Schual-Berke, Hunt, Nixon, Wood, Conway, Simpson, Chase and Haigh)

Requiring voting devices to be accessible to individuals with disabilities.

Referred to Committee on Government Operations and Elections.

ESHB 1242 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Mielke)

Establishing requirements for the use of biodiesel by state agencies.

Referred to Committee on Natural Resources, Energy and Water.

ESHB 1243 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Sullivan, Wood, Crouse, Morris and Schoesler)

Establishing a biodiesel pilot project for school transportation.

Referred to Committee on Natural Resources, Energy and Water.

2SHB 1245 by House Committee on Appropriations (originally sponsored by Representatives Linville, Schoesler, Rockefeller, Sump, Orcutt, Eickmeyer, Quall and Mielke) (by request of Commissioner of Public Lands Sutherland)

Establishing contract harvesting of timber on state trust lands.

Referred to Committee on Natural Resources, Energy and Water.

SHB 1275 by House Committee on Health Care (originally sponsored by Representatives Darneille, Pflug, Moeller, Cody, Romero, Wood and Upthegrove) (by request of Department of Health)

Transferring the human immunodeficiency virus insurance program to the department of health.

Referred to Committee on Health and Long-Term Care.

HB 1292 by Representatives Rockefeller, Delvin, Grant, Moeller, Hankins, Hinkle, Mastin, Eickmeyer, Orcutt, Wallace, Fromhold, Haigh, Holmquist, McMahan and Woods

Authorizing additional superior court judicial positions.

Referred to Committee on Judiciary.

SHB 1298 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Alexander, Fromhold, Conway and Benson)

Vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3.

Referred to Committee on Ways and Means.

SHB 1409 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Upthegrove, Hunt and Clibborn)

Defining "potentially dangerous litter" and making it a civil infraction to improperly dispose of potentially dangerous litter.

Referred to Committee on Natural Resources, Energy and Water.

HB 1420 by Representatives Quall, Schoesler, Eickmeyer, Sump, Grant, Kristiansen, Hunt, Blake, McDermott, Hatfield, Sehlin, Bailey and Linville

Allowing special districts to provide drainage ditches and tide gates.

Referred to Committee on Agriculture.

SHB 1442 by House Committee on Commerce and Labor (originally sponsored by Representatives Wood and Chandler)

Revising provisions for sale of timeshares.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1473 by Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove

Specifying when vacancies in certain public offices may be filled.

Referred to Committee on Government Operations and Elections.

HB 1480 by Representatives Clibborn, Ericksen and Wallace (by request of Department of Transportation)

Allowing sharing of condemnation appraisal information.

Referred to Committee on Judiciary.

SHB 1486 by House Committee on Higher Education (originally sponsored by Representatives O'Brien, Delvin, Cairnes, Lovick, Hankins, Simpson, Roach, Bush, Fromhold, Ericksen, McDonald, Woods, Cooper, Campbell, Anderson and Kenney)

Exempting the surviving spouse and children of certain law enforcement officers or fire fighters from paying tuition and fees.

Referred to Committee on Higher Education.

HB 1510 by Representatives Haigh, Eickmeyer, Morris and Simpson

Modifying the prorating of fire protection district property tax levies.

Referred to Committee on Government Operations and Elections.

SHB 1571 by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Holmquist, Dickerson, Delvin, Upthegrove, Pettigrew, Hinkle, Priest, Condotta, Kristiansen, Orcutt, Rockefeller, Bush, McCoy and Clements)

Enhancing enforcement of child support obligations.

Referred to Committee on Children and Family Services and Corrections.

HB 1591 by Representatives Gombosky, Cairnes and McIntire (by request of Department of Revenue)

Modifying excise tax interest provisions.

Referred to Committee on Ways and Means.

SHB 1593 by House Committee on Local Government (originally sponsored by Representatives Berkey, Mielke, Dunshee, Haigh, Benson, Romero, Ahern, Moeller, Wood, Hinkle and Sullivan)

Requiring the delivery of endorsements by recording officers.

Referred to Committee on Government Operations and Elections.

HB 1594 by Representatives Berkey, Haigh, Dunshee, Romero, Mielke, Benson, Ahern, Moeller, Wood, Alexander, Hinkle and Sullivan

Clarifying the role of a chief financial officer in a charter county.

Referred to Committee on Government Operations and Elections.

SHB 1597 by House Committee on Transportation (originally sponsored by Representatives Mielke, Armstrong, Boldt, Orcutt, Wood, Woods, Kristiansen, Campbell, Hatfield, Sump and Schoesler)

Allowing holders of commercial drivers' licenses to delay a physical examination.

Referred to Committee on Highways and Transportation.

SHB 1604 by House Committee on Commerce and Labor (originally sponsored by Representatives Cody, Edwards, Conway, Schual-Berke, Morrell, Moeller, Clibborn, Simpson, Wood and Campbell)

Increasing the number of health care facilities that are prohibited from requiring employees to perform overtime work.

Referred to Committee on Health and Long-Term Care.

SHB 1605 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Ruderman, Anderson, Sullivan, Miloscia, Schual-Berke, Conway, O'Brien and Lovick)

Creating a statewide justice information network.

Referred to Committee on Judiciary.

HB 1654 by Representatives Schual-Berke and Benson

Borrowing money by domestic mutual insurers.

Referred to Committee on Financial Services, Insurance and Housing.

ESHB 1656 by House Committee on Finance (originally sponsored by Representatives Ruderman, Nixon, McIntire and Cairnes)

Modifying fees for locating unclaimed property.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1676 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson and Simpson) (by request of Insurance Commissioner Kreidler)

Providing civil and criminal penalties for the unlawful transaction of insurance or health coverage.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1712 by Representatives O'Brien, Mielke and Darneille (by request of Department of Community, Trade, and Economic Development)

Revising provisions relating to registration of sex offenders and kidnapping offenders.

Referred to Committee on Children and Family Services and Corrections.

SHB 1721 by House Committee on Health Care (originally sponsored by Representatives Moeller, Boldt, Fromhold and Wallace)

Concerning dentistry.

Referred to Committee on Health and Long-Term Care.

SHB 1723 by House Committee on Finance (originally sponsored by Representatives Carrell, Gombosky, Talcott, Cairnes and Roach)

Exempting qualified historic property from the state property tax.

Referred to Committee on Ways and Means.

SHB 1731 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox and Chase) (by request of Higher Education Coordinating Board)

Changing provisions in the educational opportunity grant program.

Referred to Committee on Higher Education.

SHB 1738 by House Committee on Commerce and Labor (originally sponsored by Representatives Haigh and Armstrong) (by request of Office of Financial Management)

Providing for recoupment of state employee salary and wage overpayments.

Referred to Committee on Commerce and Trade.

ESHB 1742 by House Committee on Trade and Economic Development (originally sponsored by Representatives Rockefeller, Eickmeyer, McIntire, Lantz, Woods and Haigh)

Modifying public facilities district authority.

Referred to Committee on Economic Development.

HB 1746 by Representatives Alexander, Conway, DeBolt, Chandler and Simpson

Requiring electrical contractors to be licensed before advertising.

Referred to Committee on Commerce and Trade.

HB 1786 by Representatives Veloria and Santos

Modifying mobile home landlord-tenant provisions.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1789 by House Committee on Capital Budget (originally sponsored by Representatives Blake, Priest and Dunshee)

Concerning capital budget project savings.

Referred to Committee on Ways and Means.

SHB 1805 by House Committee on Judiciary (originally sponsored by Representatives O'Brien, Nixon, Kagi, Tom, Sommers and Clibborn)

Changing the number of district court judges.

Referred to Committee on Judiciary.

HB 1822 by Representatives Lantz, Delvin, O'Brien, Armstrong, Cairnes and Darneille

Changing the number of district court judicial positions.

Referred to Committee on Judiciary.

HJM 4010 by Representatives Haigh, Conway, Talcott, Bush, Sehlin, Bailey, O'Brien, Simpson, McCoy, Hatfield, Carrell, Woods, Rockefeller, Anderson, Blake, Eickmeyer, Wood, Linville, McMahan, Campbell, Wallace, Upthegrove, Kenney and McDonald (by request of Joint Select Committee on Veterans' and Military Affairs)

Requesting that veterans receive concurrent retirement and disability payments.

Referred to Committee on Government Operations and Elections.

HJR 4206 by Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove

Amending the Constitution to provide for vacancies that occur after the general election.

Referred to Committee on Government Operations and Elections.

MOTION

On motion of Senator Sheahan, House Bill No. 1604 was referred to the Committee on Health and Long-Term Care.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9076, Donald Meyer, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

Senators Rasmussen and Carlson spoke to the confirmation of Donald Meyer as a member of the Board of Trustees for Pierce Community College District No. 11.

APPOINTMENT OF DONALD MEYER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Swecker - 1.

MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9148, Kenneth Alhadeff, as a member of the Board of Regents for Washington State University, was confirmed.

APPOINTMENT OF KENNETH ALHADEFF

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

MOTION

On motion of Senator Brandland, Gubernatorial Appointment No. 9149, Art George, as a member of the Board of Trustees for Bellingham Technical College District No. 25, was confirmed.

Senators Brandlund and Prentice spoke to Art George as a member of the Board of Trustees for Bellingham Technical College District No. 25.

APPOINTMENT OF ART GEORGE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5680 and the pending amendment by Senators Mulliken and Tim Sheldon on page 4, line 21, deferred March 12, 2003.

MOTION

On motion of Senator Mulliken, and there being no objection, the amendment on page 4, line 21, to Substitute Senate Bill No. 5680 was withdrawn.

MOTION

On motion of Senator Mulikken, the following amendment by Senators Mulliken, Spanel and Tim Sheldon was adopted:

On page 4, line 18, after "(a)" strike all material through "that county;" on line 29 and insert the following:
"On or before December 1, 2004, and every seven years thereafter, for ~~((Clallam,))~~ Clark, ~~((Jefferson,))~~ King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, ~~((Lewis, Mason,))~~ San Juan, and Skagit~~((and Skamania))~~ counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton~~((Chelan, Douglas, Grant, Kittitas,))~~ and Spokane~~((and Yakima))~~ counties and the cities within those counties;"

MOTION

On motion of Senator Mulliken, the rules were suspended, Engrossed Substitute Senate Bill No. 5680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5680.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5680 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Fairley, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Spanel and Thibaudeau - 11.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5022, by Senators Parlette, Haugen, Zarelli, Hale, Stevens, Mulliken and T. Sheldon

Authorizing comprehensive plan amendments to be considered as often as once every six months.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5022 was substituted for Senate Bill No. 5022 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5022 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 40.

Voting nay: Senators Fairley, Franklin, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Regala and Thibaudeau - 9.

SUBSTITUTE SENATE BILL NO. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

EDITOR'S NOTE: The motion to advance Engrossed Substitute Senate Bill No 5012 to third reading failed to receive the constitutional two-thirds vote on the Fifty-ninth Day, March 12, 2003, and the bill was referred to the Committee on Rules.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5012, by Senators Johnson, Finkbeiner, Esser and Oke

Authorizing charter schools.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5012.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5012 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Swecker, West and Zarelli - 26.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Stevens, Thibaudeau and Winsley - 23.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5012, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute Senate Bill No. 5012 was ordered to be immediately transmitted to the House of Representatives.

MOTION TO LIMIT DEBATE

Senator West: "Mr. President, Pursuant to Rule 29, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the sixty-sixth day, March 19, 2003.

The President declared the question before the Senate to be the motion by Senator West to limit debate through the sixty-sixth day, March 19, 2003.

The motion by Senator West carried and debate will be limited through the sixty-sixth day, March 19, 2003.

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5601, by Senators McCaslin and Deccio

Including charity care in the good samaritan law.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5601 was substituted for Senate Bill No. 5601 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5601 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5601.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5601 and the bill passed the Senate by the following vote Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Kastama, Kline, McAuliffe, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 15.

SUBSTITUTE SENATE BILL NO. 5601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5737, by Senators Benton and Prentice

Reporting abandoned property.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5737 was substituted for Senate Bill No. 5737 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendments by Senators Fraser and Prentice be considered simultaneously be adopted:

On page 1, line 13, strike "~~((twenty-five))~~ more than one hundred" and insert "twenty-five"

On page 1, line 15, strike "~~((twenty-five))~~ more than one hundred" and insert "twenty-five"

On page 2, line 8, strike "~~((under twenty-five))~~ of one hundred dollars or less" and insert "under twenty-five dollars"

Debate ensued.

The President declared the question the question before the Senate to be the adoption of the amendments on page 1, lines 13 and 15, and page 2, line 8, to Senate Bill No. 5737.

The motion by Senator Fraser failed and the amendments were not adopted.

MOTION

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5737 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5737.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5737 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Fairley, Fraser, Kline and Kohl-Welles - 4.

Absent: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5737, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5709, by Senators Deccio, Thibaudeau, Franklin, Winsley and Shin (by request of Department of Social and Health Services and Department of Health)

Concerning nursing practices in community-based and in-home care.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Senate Bill No. 5709 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5709.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5709 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:33 p.m., on motion of Senator Sheahan, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Owen.

MOTION

On motion of Senator Hewitt, Senators Benton, Parlette and Roach were excused.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Doumit, Gubernatorial Appointment No. 9015, Kay Cochran, as a member of the Board of Trustees for Lower Columbia Community College District No. 13, was confirmed.

Senators Doumit and Carlson spoke to the confirmation of Kay Cochran as a member of the Board of Trustees for Lower Columbia Community College District No. 13.

APPOINTMENT OF KAY COCHRAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 37; Nays, 0; Absent, 8; Excused, 4.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Mulliken, Oke, Prentice, Rasmussen, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 37.

Absent: Senators Deccio, Hale, Johnson, McAuliffe, McCaslin, Morton, Reardon and Winsley - 8.

Excused: Senators Benton, Parlette and Poulsen and Roach - 4.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MOTION

On motion of Senator Hewitt, Senators Deccio and McCaslin were excused.

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9029, Susan Fratt, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

Senators Carlson and Kohl-Welles spoke to the confirmation of Susan Fratt as a member of the Board of Trustees for Clark Community College District No. 14.

APPOINTMENT OF SUSAN FRATT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Excused: Senators Benton, Deccio, Kline, McCaslin, Parlette, Poulsen and Roach - 7.

MOTION

On motion of Senator Mulliken, Gubernatorial Appointment No. 9040, Robert Holloway, as a member of the Board of Trustees for Big Bend Community College District No 18, was confirmed.

APPOINTMENT OF ROBERT HOLLOWAY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Excused: Senators Benton, Deccio, Kline, McCaslin, Parlette, Poulsen and Roach - 7.

MOTION

On motion of Senator Reardon, Gubernatorial Appointment No. 9031, Thomas J. Gaffney, as a member of the Board of Trustees for Everett Community College District No 5, was confirmed.

APPOINTMENT OF THOMAS J. GAFFNEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senator Johnson - 1.

Excused: Senators Benton, McCaslin, Poulsen and Roach - 4.

SECOND READING

SENATE BILL NO. 5540, by Senators Sheahan and Rasmussen

Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5540 was substituted for Senate Bill No. 5540 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5540.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5540 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Benton, McCaslin and Roach - 3.

SUBSTITUTE SENATE BILL NO. 5540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5780, by Senators Stevens, Hargrove and Shin (by request of Department of Community, Trade, and Economic Development)

Revising method for making distributions under the municipal criminal justice assistance account.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5780 was substituted for Senate Bill No. 5780 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5780 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5780.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5780 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

SUBSTITUTE SENATE BILL NO. 5780, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5719, by Senators Winsley, Prentice, Benton, Finkbeiner and Shin

Penalizing the fraudulent use of credit card scanning devices.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5719 was substituted for Senate Bill No. 5719 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5719.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5719 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5716, by Senators Prentice, Winsley, Benton, Kline, McCaslin and Rasmussen

Prohibiting manufacture or sale of fraudulent drivers' licenses and identicards.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5716 was substituted for Senate Bill No. 5716 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5716 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5716.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5716 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 5716, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5248, by Senators Horn, Haugen, Prentice, Oke and Stevens

Achieving transportation workforce efficiencies.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5248 was substituted for Senate Bill No. 5248 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5248 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5248.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5769, by Senators Horn, Haugen, Swecker, Esser and Kline

Authorizing bond authority for regional transportation investment districts.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5769 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5769.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5769 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Benton - 1.

SENATE BILL NO. 5769, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5282, by Senators Hargrove, Mulliken, T. Sheldon, Doumit, Benton and Zarelli

Eliminating growth management hearings boards.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 5282 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5282.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5282 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Fairley, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 29.

Voting nay: Senators Brown, Eide, Esser, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 20.

SENATE BILL NO. 5282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5646, by Senators Oke, Poulsen and B. Sheldon

Providing incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5646.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5646 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5850, by Senators Oke, B. Sheldon, T. Sheldon, Poulsen, Kohl-Welles and McAuliffe

Providing passenger ferry services.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5850 was substituted for Senate Bill No. 5850 and the substitute bill was placed on second reading and read the second time.

Senator Oke moved that the following striking amendment by Senators Oke, Betti Sheldon, Esser and Tim Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature finds that passenger-only ferry service is a key element to the state's transportation system and that it is in the interest of the state to ensure provision of such services. The legislature further finds that diminished state transportation resources require that regional and local authorities be authorized to develop, operate, and fund needed services.

It is the intent of the legislature that the state provide for a transition from state-provided to local service and that the department of transportation provide resources to assist in this effort.

It is the intent of the legislature to encourage interlocal agreements to ensure passenger-only ferry service is maintained on routes that the Washington state ferry system eliminates.

NEW SECTION. Sec. 2. A new section is added to chapter 36.57A RCW to read as follows:

PTBA AUTHORIZATION FOR PASSENGER-ONLY FERRIES. A public transportation benefit area having a boundary located on Puget Sound may implement a passenger ferry service. For the purposes of this chapter and sections 7, 8, and 10 of this act, Puget Sound is considered as extending north as far as the Canadian border and west as far as Port Angeles. The benefit area must develop a passenger ferry investment plan including elements to operate or contract for the operation of passenger ferry services, purchase, lease, or rental of ferry vessels and dock facilities for the provision of transit service, and identify other activities necessary to implement the plan. The plan must set forth terminal locations to be served, projected costs of providing services, and revenues to be generated from tolls, locally collected tax revenues, and other revenue sources. The benefit area may use any of its powers to carry out this purpose, unless otherwise prohibited by law. In addition, the public transportation benefit area may enter into contracts and agreements to operate passenger-only ferry service and public-private partnerships and design-build, general contractor/construction management, or other alternative procurement process substantially consistent with chapter 39.10 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 36.57A RCW to read as follows:

TAXES, FEES, AND TOLLS. (1) A public transportation benefit area may, as part of a passenger ferry investment plan, recommend some or all of the following revenue sources as provided in this chapter:

- (a) A motor vehicle excise tax, as provided in section 7 of this act;
- (b) A sales and use tax, as provided in section 8 of this act;
- (c) Tolls for passengers and packages and, where applicable, parking; and
- (d) Charges or licensing fees for advertising, leasing space for services to ferry passengers, and other revenue-generating activities.

(2) Taxes may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the area voting on a single ballot proposition to both approve a passenger ferry investment plan and to approve taxes to implement the plan. Revenues from these taxes and fees may be used only to implement the plan. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or charges authorized in this section.

NEW SECTION. Sec. 4. A new section is added to chapter 47.52 RCW to read as follows:

CONVEYANCE OF FERRY VESSELS. The department of transportation may enter into contracts with public transportation benefit areas meeting the requirements of section 2 of this act and ferry districts created under section 10 of this act to convey passenger ferry vessels and other properties associated with passenger-only ferry service that serve to provide passenger ferry service, as full or part consideration for the benefit area or ferry district assuming all future maintenance and operation obligations and costs required to maintain and operate the vessel and facilities. The conveyances must provide that the vessels or properties revert to the department if the vessels are not used for providing passenger ferry service.

Sec. 5. RCW 47.60.120 and 1993 c 427 s 1 are each amended to read as follows:

TEN-MILE RULE EXEMPTION. (1) If the department acquires or constructs, maintains, and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters, there shall not be constructed, operated, or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the department excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the department.

(2) The ten-mile distance in subsection (1) of this section means ten statute miles measured by airline distance. The ten-mile restriction shall be applied by comparing the two end points (termini) of a state ferry crossing to those of a private ferry crossing.

(3) The Washington utilities and transportation commission may, upon written petition of a commercial ferry operator certificated or applying for certification under chapter 81.84 RCW, and upon notice and hearing, grant a waiver from the ten-mile restriction. The waiver must not be detrimental to the public interest. In making a decision to waive the ten-mile restriction, the commission shall consider, but is not limited to, the impact of the waiver on transportation congestion mitigation, air quality improvement, and the overall impact on the Washington state ferry system. The commission shall act upon a request for a waiver within ninety days after the conclusion of the hearing. A waiver is effective for a period of five years from the date of issuance. At the end of five years the waiver becomes permanent unless appealed within thirty days by the commission on its own motion, the department, or an interested party.

(4) The department shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters that would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the department, without first acquiring the rights granted to such franchise holder under the franchise.

(5) This section does not apply to the operation of passenger-only ferry service operated by public transportation benefit areas meeting the requirements of section 2 of this act or by ferry districts created under section 10 of this act.

Sec. 6. RCW 47.64.090 and 1983 c 15 s 27 are each amended to read as follows:

USE OF STATE FERRY FACILITIES. (1) Except as provided in section 4 of this act and subsection (2) of this section, if any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions, and seniority rights of employees will be established by the marine employees' commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

(2) If a public transportation benefit area meeting the requirements of section 2 of this act or a ferry district created under section 10 of this act has voter approval to operate passenger-only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase passenger-only vessels, related equipment, or terminal space for purposes of loading and unloading the passenger-only ferry. A benefit area or ferry district or subcontractor of that benefit area or ferry district that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is subject to the terms of those agreements and contracts that it or its subcontractor negotiates with its labor groups. These labor contracts will be conducted in accordance with the provisions of the public employment relations commission, as provided for in chapter 41.58 RCW, or the National Labor Relations Act, as appropriate.

NEW SECTION. Sec. 7. A new section is added to chapter 82.80 RCW to read as follows:

MOTOR VEHICLE EXCISE TAX AUTHORIZED. (1) Public transportation benefit areas authorized to implement passenger ferry service under section 2 of this act whose boundaries (a) are on the Puget Sound, but (b) do not include an area where a regional transit authority has been formed, may submit an authorizing proposition to the voters and, if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing passenger ferry service. The tax may be collected only at the time of vehicle license renewal under chapter 46.16 RCW. The tax will be imposed on vehicles previously registered in another state or nation when they are initially registered in this state. In a county imposing a motor vehicle excise tax surcharge under RCW 81.100.060, the maximum tax rate under this section must be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed under RCW 81.100.060. This rate does not apply to vehicles licensed under RCW 46.16.070 with an unladen weight more than six thousand pounds, or to vehicles licensed under RCW 46.16.079, 46.16.085, or 46.16.090.

(2) The department of licensing shall administer and collect the tax. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer for monthly distribution to the public transportation benefit area.

(3) The public transportation benefit area imposing this tax shall delay the effective date at least six months from the date the fee is approved by the qualified voters of the authority area to allow the department of licensing to implement administration and collection of the tax.

(4) Before an authority may impose a tax authorized under this section, the authorization for imposition of the tax must be approved by a majority of the qualified electors of the authority area voting on that issue.

(5) An authority imposing a tax under subsection (1) of this section may also impose a sales and use tax solely for the purpose of providing passenger ferry service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the authority's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio to the 2.172 percent rate authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. The revenue collected under this subsection must be used in the same manner as excise taxes under subsection (1) of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 82.14 RCW to read as follows:

SALES AND USE TAX AUTHORIZATION. Public transportation benefit areas providing passenger ferry service as provided in section 2 of this act whose boundaries (1) are on the Puget Sound, but (2) do not include an area where a regional transit authority has been formed, may submit an authorizing proposition to the voters and, if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing passenger ferry service.

The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of a taxable event within the taxing district. The maximum rate of the tax must be approved by the voters and may not exceed one percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax. The maximum rate of the tax that may be imposed may not exceed nine-tenths of one percent in a county that imposes a tax under RCW 82.14.340. The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

Sec. 9. RCW 82.14.050 and 2002 c 56 s 406 are each amended to read as follows:

ADMINISTRATION AND COLLECTION--LOCAL SALES AND USE TAX ACCOUNT.

The counties, cities, and transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under section 8 of this act, and regional transportation investment districts shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, and regional transportation investment districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, public facilities districts, public transportation benefit areas, and regional transportation investment districts monthly.

NEW SECTION. Sec. 10. A new section is added to chapter 36.54 RCW to read as follows:

(1) The establishment of a ferry district to provide passenger ferry service is authorized for areas bordering the Puget Sound. Written application for the formation of such a district signed by at least twenty-five percent of the registered voters who reside in the proposed district, must be filed with the county legislative authority. The authority shall immediately transmit the application to the proper registrar of voters for the proposed district who shall check the names, residence, and registration of the signers with the records of the office and shall, as soon as possible, certify to the county legislative authority the number of qualified signers. If the requisite number of signers is so certified, the authority shall place the proposition, "Shall a ferry district be established in the following area to operate ferries between the following termini: (describing the proposed district and ferry routes)?" upon the ballot for a vote of the people of the proposed district at the next election, general or special. If sixty percent of the voters on the proposition vote in favor of the proposition, the authority shall, by resolution, declare the district established. If the requisite number of qualified persons have not signed the application, further signatures may be added and certified until the requisite number have signed and the procedure set forth in this subsection then followed.

(2) When established, a ferry district is a municipality as defined by the statutes of the state and is entitled to all the powers conferred by law and exercised by municipal corporations in this state. A ferry district may levy a property tax in an amount not to exceed one dollar and twenty-five cents per thousand dollars of assessed value against the assessed valuation of the property lying within the district.

(3) A ferry district has the right of eminent domain according to the laws of the state.

(4) A ferry district may operate any vessel over its authorized routes upon any of the waters of the state that touch any of the area of the district.

NEW SECTION. **Sec. 11.** CAPTIONS NOT LAW. Captions used in this act are not part of the law.

NEW SECTION. **Sec. 12.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 13.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

MOTION

On motion of Senator Oke, the following amendment by Senators Oke and Betti Sheldon to the striking amendment was adopted:

On page 6, beginning on line 4, strike subsection 5

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, to Substitute Senate Bill No. 5850.

The motion by Senator Oke carried and the striking amendment, as amended, was adopted.

MOTIONS

On motion of Senator Oke, the following title amendment was adopted:

On line 1 of the title, after "service;" strike the remainder of the title and insert "amending RCW 47.60.120, 47.64.090, and 82.14.050; adding new sections to chapter 36.57A RCW; adding a new section to chapter 47.52 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 36.54 RCW; creating new sections; providing an effective date; and declaring an emergency."

On motion of Senator Oke, the rules were suspended, Engrossed Substitute Senate Bill No. 5850 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5850.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5850 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5850, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5034, by Senators Zarelli, Winsley, McCaslin, T. Sheldon, Hale, Benton, West, Esser, Sheahan, Oke and Kohl-Welles

Providing property tax relief for senior citizens and persons retired because of physical disability.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 5034 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5034.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5034 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 43.

Voting nay: Senators Mulliken, Parlette, Regala, Sheldon, B., Spanel and Thibaudeau - 6.

SENATE BILL NO. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5654, by Senators McCaslin and Roach

Authorizing multiple fire districts to annex portions of a newly incorporated city or town.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5654 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5654.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5654 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5521, by Senators Deccio, Rasmussen, Swecker, Haugen, Parlette, T. Sheldon, Finkbeiner, Doumit, Hale, Schmidt, Honeyford, Rossi, Morton, Sheahan, Johnson, Hewitt, Mulliken, McCaslin, Stevens, West, Shin, Zarelli, Winsley, Carlson, Esser and Oke

Offering health insurance to small employers.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5521 was substituted for Senate Bill No. 5521 and the substitute bill was placed on second reading and read the second time.

Senator Prentice moved that the following amendments be considered simultaneously and be adopted:

On page 2, after "rendered by" on line 5, delete everything through "18.71 RCW" on line 6 and insert the following: "health care practitioners licensed under Title 18".

On page 12, line 31, strike "individual".

On page 15, after "rendered by" on line 11, delete everything through "18.71 RCW" on line 6 and insert the following: "health care practitioners licensed under Title 18".

Debate ensued.

Senator Eide demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Prentice on page 2, line 5; page 12, line 31; and page 15, line 11; to Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 22; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 22.

Voting nay: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 27.

MOTION

Senator Prentice moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 6, after "18.57", strike "or" and insert ((~~or~~)).

On page 2, line 6, after "18.71" insert "or 18.25"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the two amendments by Senator Prentice on page 2, line 6, to Substitute Senate Bill No. 5521.

The motion by Senator Prentice failed and the amendments were not adopted.

MOTION

Senator Franklin moved that the following amendments by Senators Franklin, Thibaudeau, Kohl-Welles, Fairley, Keiser, Spanel, Kline, Prentice and Fraser be considered simultaneously and be adopted:

On page 2, after line 23, insert the following:

"(3) An insurer offering any health benefit plan to a small employer shall offer and actively market to the small employer at least one health benefit plan that includes coverage for clinical preventive services as recommended by the United States Clinical Preventive Services Task Force."

On page 15, after line 28, insert the following:

"(3) A health care service contractor offering any health benefit plan to a small employer shall offer and actively market to the small employer at least one health benefit plan that includes coverage for clinical preventive services as recommended by the United States Clinical Preventive Services Task Force."

On page 20, after line 22, insert the following:

"(3) A health maintenance organization offering any health benefit plan to a small employer shall offer and actively market to the small employer at least one health benefit plan that includes coverage for clinical preventive services as recommended by the United States Clinical Preventive Services Task Force."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Franklin, Thibaudeau, Kohl-Welles, Fairley, Keiser, Spanel, Kline, Prentice and Fraser on page 2, line 23, page 15, line 28, and page 20, line 22, to Substitute Senate Bill No. 5521.

The motion by Senator Franklin failed and the amendments were not adopted.

MOTION

Senator Thibaudeau moved that the following amendments by Senators Thibaudeau, Franklin, Keiser, Kline, Kohl-Welles, Spanel and Fraser be considered simultaneously and be adopted:

On page 2, line 10 before "48.21.244" strike "48.21.240," and insert ((~~48.21.240~~)).

On page 15, line 16 before "48.44.344" strike "48.44.340," and insert ((~~48.44.340~~)).

On page 20, line 8 after "RCW" strike "48.46.290," and insert ((~~48.46.290~~)).

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Thibaudeau, Franklin, Keiser, Kline, Kohl-Welles, Spanel and Fraser on page 2, line 10, page 15, line 16, and page 20, line 8, to Substitute Senate Bill No. 5521.

The motion by Senator Thibaudeau failed and the amendments were not adopted.

MOTION

Senator Thibaudeau moved that the following amendment by Senators Thibaudeau, Fairley, Keiser and Prentice be adopted:

On page 3, line 6 after "(d)" strike all material through "~~thereafter.~~" on line 9, and insert "The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Eide demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Thibaudeau, Fairley, Keiser and Prentice on page 3, line 6, to Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 20.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 29.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Prentice and Fairley be adopted:
On page 3, after "section" on line 32, strike all material through "differences" on line 35 and insert "shall pool the medical experience of all small groups purchasing coverage"
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser, Prentice and Fairley on page 3, line 32, to Substitute Senate Bill No. 5521.

The motion by Senator Keiser failed and the amendment was not adopted.

MOTION

Senator Franklin moved that the following amendments by Senators Franklin, Thibaudeau, Fairley, Keiser, Kline, Spanel, Kohl-Welles, Prentice, Regala and Fraser be considered simultaneously and be adopted:

On page 9, beginning on line 7, strike "sole proprietor."

On page 9, line 10, strike "at least two but"

On page 9, line 23 after "definition.", strike all material through "~~year.))~~" on line 30 and insert "The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year."

On page 12, strike all material beginning with "(6)" on line 22 through "act." on line 28.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Franklin demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Franklin, Thibaudeau, Fairley, Keiser, Kline, Spanel, Kohl-Welles, Prentice, Regala and Fraser, on page 9, lines 7 and 10, and 23, and page 12, line 22, to Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 1; Excused, 0.

Voting yea: Senators Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 20.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 28.

Absent: Senator Brown - 1.

MOTION

Senator Rasmussen moved the following amendment by Senators Rasmussen and Doumit be adopted:

On page 23, after line 5, insert the following:

"**NEW SECTION Sec. 10.** The legislature finds that access to health care services is an unavoidable need of all human beings, and that the primary method used to pay for care is health insurance whether financed by private or public funds. The cost of health care insurance is rising at three times the rate of inflation, having a significant impact on the solvency of state and local governments. Fourteen percent of citizens nationally and about five hundred thousand citizens in the state are without health care insurance. Employers, whether large or small, public or private, are finding it increasingly difficult to find and provide health care benefits to employees, with employees and their families being forced to bear an increasing portion of this rising health care insurance burden. Health care providers are struggling to remain competitive in an increasingly complex market.

NEW SECTION Sec. 11. A new section is added to Chapter 48.21 RCW as follows:

(1) A health care access options task force is created to be composed of nineteen members appointed as follows:

(a) Twelve members are to be appointed jointly by the speaker of the House of Representatives and the president of the Senate: (i) a representative of a major state corporation, selected in consultation with the Association of Washington Business; (ii) a representative of small businesses, to be selected from a list of nominees submitted jointly by the national federation of independent business and the independent business association; (iii) two representatives of health care consumers, one of whom shall represent people with individual health insurance, and one of whom shall represent the interests of people without health insurance; (iv) two representatives of organized labor, one representing a trust that purchases insurance through a Taft-Hartley plan, to be selected in consultation with the Washington State Labor Council; (v) three members selected to represent health care providers, including a hospital representative, a licensed physician, and a rural health care provider, selected in consultation with appropriate health care provider organizations; (vi) two representatives of health insurance carriers; and (vii) the insurance commissioner, who shall serve as the cochair of the task force and shall, in addition, be responsible for coordinating its administrative and ministerial duties. One of the health care consumer representatives shall serve as the cochair of the task force, to be elected by the members of the task force.

(b) Four members shall be selected to represent the Legislature, to be chosen by each of the four caucuses.

(c) The Secretary of the Department of Social and Health Services, the Secretary of the Department of Health, and the Administrator of the Washington State Health Care Authority shall serve as ex officio members of the task force.

(2) The health care access options task force shall examine the privately funded health care insurance system in the State of Washington and make recommendations for its improvement, emphasizing the availability of health insurance for businesses with fewer than 51 employees. The underserved areas of Washington and the total aspect of the delivery of health care in Washington, including telemedicine, shall also be reviewed. The task force shall prepare a report of its findings, including health insurance laws in other states that are providing greater choice, more participating insurance carriers offering health insurance, and greater price flexibility as compared to Washington state. The task force shall seek testimony and information from a broad range of health care stakeholders, and actively solicit public comment in a community meeting process to build a consensus on the values to be used as a guide to improving the privately and publicly funded health care system. The task force shall review the recommendations of previous health care system analyses. The task force is authorized to establish

subcommittees and technical advisory committees as needed to carry out its responsibilities. The task force shall seek grant funds for the community meeting process, and is encouraged to coordinate its efforts with ongoing efforts such as those of the Washington health foundation. The task force shall prepare a report including its findings and recommendations and transmit this report to the Legislature and the Governor no later than January 1, 2005."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Doumit, on page 23, line 5, to Substitute Senate Bill No. 5521.

The motion by Senator Rasmussen failed and the amendment was not adopted.

MOTION

Senator Doumit moved that the following striking amendment by Senators Doumit, Reardon, Prentice, Thibaudeau, Spanel, and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION Sec. 1.** The legislature finds that access to health care services is an unavoidable need of all human beings, and that the primary method used to pay for care is health insurance whether financed by private or public funds. The cost of health care insurance is rising at three times the rate of inflation, having a significant impact on the solvency of state and local governments. Fourteen percent of citizens nationally and about five hundred thousand citizens in the state are without health care insurance. Employers, whether large or small, public or private, are finding it increasingly difficult to find and provide health care benefits to employees, with employees and their families being forced to bear an increasing portion of this rising health care insurance burden. Health care providers are struggling to remain competitive in an increasingly complex market.

NEW SECTION Sec. 2. A new section is added to Chapter 48.21 RCW as follows:

(1) A health care access options task force is created to be composed of nineteen members appointed as follows:

(a) Twelve members are to be appointed jointly by the speaker of the House of Representatives and the president of the Senate: (i) a representative of a major state corporation, selected in consultation with the Association of Washington Business; (ii) a representative of small businesses, to be selected from a list of nominees submitted jointly by the national federation of independent business and the independent business association; (iii) two representatives of health care consumers, one of whom shall represent people with individual health insurance, and one of whom shall represent the interests of people without health insurance; (iv) two representatives of organized labor, one representing a trust that purchases insurance through a Taft-Hartley plan, to be selected in consultation with the Washington State Labor Council; (v) three members selected to represent health care providers, including a hospital representative, a licensed physician, and a rural health care provider, selected in consultation with appropriate health care provider organizations; (vi) two representatives of health insurance carriers; and (vii) the insurance commissioner, who shall serve as the cochair of the task force and shall, in addition, be responsible for coordinating its administrative and ministerial duties. One of the health care consumer representatives shall serve as the cochair of the task force, to be elected by the members of the task force.

(b) Four members shall be selected to represent the Legislature, to be chosen by each of the four caucuses.

(c) The Secretary of the Department of Social and Health Services, the Secretary of the Department of Health, and the Administrator of the Washington State Health Care Authority shall serve as ex officio members of the task force.

(2) The health care access options task force shall examine the privately funded health care insurance system in the State of Washington and make recommendations for its improvement, emphasizing the availability of health insurance for businesses with fewer than 51 employees. The underserved areas of Washington and the total aspect of the delivery of health care in Washington, including telemedicine, shall also be reviewed. The task force shall prepare a report of its findings, including health insurance laws in other states that are providing greater choice, more participating insurance carriers offering health insurance, and greater price flexibility as compared to Washington state. The task force shall seek testimony and information from a broad range of health care stakeholders, and actively solicit public comment in a community meeting process to build a consensus on the values to be used as a guide to improving the privately and publicly funded health care system. The task force shall review the recommendations of previous health care system analyses. The task force is authorized to establish subcommittees and technical advisory committees as needed to carry out its responsibilities. The task force shall seek grant funds for the community meeting process, and is encouraged to coordinate its efforts with ongoing efforts such as those of the Washington health foundation. The task force shall prepare a report including its findings and recommendations and transmit this report to the Legislature and the Governor no later than January 1, 2005."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Doumit, Reardon, Prentice, Thibaudeau, Spanel and Hargrove to Substitute Senate Bill No. 5521.

The motion by Senator Doumit failed and the striking amendment was not adopted.

MOTION

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5521 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5521.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5521 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 29.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 20.

SUBSTITUTE SENATE BILL NO. 5521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:04 p.m., on motion of Senator Sheahan, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:00 p.m by President Owen.

MOTION

On motion of Senator Eide, Senators Fairley and Haugen were excused.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9033, James Garrison, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF JAMES GARRISON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 7; Excused, 2.

Voting yea: Senators Benton, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 40.

Absent: Senators Brandland, Brown, Deccio, McAuliffe, Parlette, Stevens and Zarelli - 7.

Excused: Senators Fairley and Haugen - 2.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

MOTION

On motion of Senator Hale, Gubernatorial Appointment No. 9039, John Hirsch, as a member of the Board of Trustees for Columbia Basin Community College District No. 19, was confirmed.

APPOINTMENT OF JOHN HIRSCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Benton and McAuliffe - 2.

Excused: Senators Deccio and Haugen - 2.

MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9051, Joe Kosai, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF JOE KOSAI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Brown - 1.

Excused: Senators Deccio, Haugen and McAuliffe - 3.

MOTION

On motion of Senator Hewitt, Senator Rossi was excused.

SECOND READING

SENATE BILL NO. 5995, by Senators Honeyford and Keiser

Regarding collective bargaining agreements concerning meal and rest periods.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5995 was substituted for Senate Bill No. 5995 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5995 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5995.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5995 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Haugen and Rossi - 3.

SUBSTITUTE SENATE BILL NO. 5995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5602, by Senators Kline, Mulliken, Shin, Reardon, T. Sheldon, Esser, Oke, Sheahan, Hewitt, Prentice, Doumit, Keiser and Kohl-Welles

Concerning the accommodation of housing and employment growth under local comprehensive plans.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5602 was substituted for Senate Bill No. 5602 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5602 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5602.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5602 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 40.

Voting nay: Senators Brown, Eide, Fairley, Haugen, Prentice, Sheldon, B., Spanel and Thibaudeau - 8.

Excused: Senator Rossi - 1.

SUBSTITUTE SENATE BILL NO. 5602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5717, by Senators Winsley, Prentice and Benton

Criminalizing possession of instruments or equipment of financial fraud.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5717 was substituted for Senate Bill No. 5717 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the following amendment by Senators Benton, Winsley and Prentice was adopted:

On page 2, beginning on line 33, after "age;" strike "and

(b)" and insert:

and "(b) A person engaged in a lawful business who obtains another person's personal identification in the ordinary course of business;

(c)"

Correct any internal references accordingly.

MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5717.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Rossi - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5563, by Senators Deccio, Thibaudeau, Franklin and Shin (by request of Department of Social and Health Services)

Requiring the department of social and health services to inspect boarding homes at least every eighteen months.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5563 was substituted for Senate Bill No. 5563 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5563 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5563.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5563 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Rossi - 1.

SUBSTITUTE SENATE BILL NO. 5563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5803, by Senators Esser, Prentice and Keiser

Making it a most serious offense to assault a peace officer.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5803 was substituted for Senate Bill No. 5803 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5803 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5803.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5803 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Kline - 1.

Excused: Senator Rossi - 1.

SUBSTITUTE SENATE BILL NO. 5803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5434, by Senator Swecker

Concerning certified electricians.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5434 was substituted for Senate Bill No. 5434 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5434 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5434.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5434 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Rossi - 1.

SUBSTITUTE SENATE BILL NO. 5434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5028, by Senators Morton and Hale

Clarifying the state's authority to regulate water pollution.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5028 was substituted for Senate Bill No. 5028 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5028.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5028 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Deccio, Doumit, Esser, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26.

Voting nay: Senators Brandland, Brown, Carlson, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

SUBSTITUTE SENATE BILL NO. 5028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5025, by Senators Honeyford, Mulliken and Hale

Concerning the relinquishment of water rights.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5025 was substituted for Senate Bill No. 5025 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5025 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5025.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5025 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Spanel and Thibaudeau - 16.

SUBSTITUTE SENATE BILL NO. 5025, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5077, by Senators Honeyford, Rasmussen, Doumit, Hewitt, Swecker, Morton, Brandland, Hale and Mulliken

Exempting certain withdrawals of water from the provisions of RCW 90.44.050.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5077 was substituted for Senate Bill No. 5077 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5077 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hewitt: "Senator Honeyford, I understand that recent court action provided clarification as to the interpretation of the use of exempt wells which are the subject of this measure. Is this the case?"

Senator Honeyford: "Thank you Senator Hewitt. Yes, on January 24, 2003, the Washington State Court of Appeals issued its decisions in *Kim v. PCHB*. The decision interpreted the intent of the 1945 Legislature, when it enacted RCW 90.44.050, as follows, and I quote: 'The overall scheme of this statute is to require a permit except for certain 'small withdrawals.' The 1945 Legislature defined a 'small withdrawal' as (1) any amount of water for livestock; (2) any amount of water for a noncommercial garden of a half acre or less; (3) not more than five thousand gallons per day for domestic use; and (4) not more than five thousand gallons per day for an industrial purpose.

"Further the Court stated that 'When a statute is rendered obsolete by changing conditions, the remedy is for the Legislature to amend it; neither the administrative agency nor the courts may read it in a way that the enacting Legislature never intended.'

"While this statute is not obsolete, it obviously needs some clarification based on recent Pollution Control Hearings Board decisions. To meet this need, Substitute Senate Bill No. 5077 codified language from the *Kim* decision.

"Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5077.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5077 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Winsley - 27.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 21.

Absent: Senator Zarelli - 1.

SUBSTITUTE SENATE BILL NO. 5077, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5086, by Senators Honeyford, Doumit, Hewitt, Deccio, Hale, Sheahan, Morton, Parlette, Mulliken and Rasmussen

Altering appeal procedures for water-related actions of the department of ecology.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 5086 was substituted for Senate Bill No. 5086 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The water rights disputes task force created by section 302(21), chapter 371, Laws of 2002, shall include in its report a consideration of the following alternatives to the current jurisdiction of the pollution control hearings board over appeals taken from water-related decisions of the department of ecology:

(1) At the option of the appealing party, review by either the board or by the superior court where the land is located upon which the water is or would be used; and

(2) Review by the superior court where the land is located upon which the water is or would be used.

For both alternatives the task force shall include a consideration of such direct review in the superior court to be conducted de novo.

The task force shall also consider the alternative of an appeal from a board decision being taken directly to the court of appeals."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Fraser to Substitute Senate Bill No. 5086.

Debate ensued.

The motion by Senator Fraser failed and the striking amendment was not adopted.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5086.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5086 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Doumit, Esser, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

Voting nay: Senators Brown, Carlson, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

SUBSTITUTE SENATE BILL NO. 5086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5023, by Senators Honeyford and Hale

Concerning the use of public ground water for municipal or domestic supply.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5023 was substituted for Senate Bill No. 5023 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5023.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5023 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 32.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Spanel and Thibaudeau - 17.

SUBSTITUTE SENATE BILL NO. 5023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5027, by Senators Morton, Rasmussen and Hale

Giving local citizens and governments authority to determine the allocation and management of water in a water resource inventory area.

MOTIONS

On motion of Senator Honeyford, Second Substitute Senate Bill No. 5027 was substituted for Senate Bill No. 5027 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Second Substitute Senate Bill No. 5027 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5027.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5027 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 30.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 19.

SECOND SUBSTITUTE SENATE BILL NO. 5027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5135, by Senators Carlson, Kohl-Welles, West, Horn, Schmidt and Rossi

Creating tuition surcharges.

MOTION

On motion of Senator Carlson, Second Substitute Senate Bill No. 5135 was substituted for Senate Bill No. 5135 and the second substitute bill was advanced to second reading and read the second time.

MOTION

Senator Carlson moved that the following amendments be considered simultaneously and be adopted:
On page 1, line 14, after "(3)", insert "(a)".
On page 1, after line 18, insert the following:
"(b) For resident undergraduate students who have accumulated more than one hundred twenty-five percent of the number of credits required to complete their respective associate degree or certificate programs at a state community or technical college, tuition fees shall equal a sum not less than the cost of instruction."
On page 2, line 1, after "(4)", insert "(a)".
On page 2, after line 6, insert the following:
"(b) For nonresident undergraduate students who have accumulated more than one hundred twenty-five percent of the number of credits required to complete their respective associate degree or certificate programs at a state community or technical college, tuition fees shall equal a sum not less than twice the cost of instruction."
On page 2, line 29, after "assessed", insert "only on full-time students and".
On page 2, line 29, after "higher education", strike all material down thru "basis" on line 30.
Debate ensued.
Senator Sheahan demanded a roll call and the demand was sustained.
The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Carlson on page 1, lines 14, and 18; page 2, lines 1, 6, 29 (2) to Second Substitute Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West and Zarelli - 26.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Španel, Thibaudeau and Winsley - 23.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Doumit, Brown and Shin be adopted:

On page 2, line 20, after "years" insert ";
(e) This section shall not apply to students who are enrolled in institutionally established double degree programs"
Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Kohl-Welles, Doumit, Brown and Shin on page 2, line 20, to Second Substitute Senate Bill No. 5135.
Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Kohl-Welles, Doumit, Brown and Shin on page 2, line 20, to Second Substitute Senate Bill No. 5135.
The motion by Senator Kohl-Welles failed and the amendment was not adopted.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Doumit, Brown and Shin be adopted:

On page 2, after line 20, strike all of subsection (6)(a), (b), and (c)
Renumber the remaining subsections consecutively and correct any internal references accordingly.
Debate ensued.

Senator Brown demanded a roll call and the demand was sustained.
The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Kohl-Welles, Doumit, Brown and Shin on page 2, line 20, to Second Substitute Senate Bill No. 5135.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "A point of personal privilege, Mr. President. I would just like to clarify that at the end of my remarks on my amendment, I said, 'This amendment doesn't make sense.' Of course, I think the amendment makes sense. I don't think the underlying bill any longer makes sense and my amendment is to make a very needed change."

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Kohl-Welles, Doumit, Brown and Shin on page 2, line 20, to Second Substitute Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 25.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West and Zarelli - 24.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Doumit, Brown and Shin be adopted:

On page 3, beginning on line 2, after "determined." strike "The process shall include a one hundred dollar administrative fee, half of which shall be refunded for those students who make a successful petition."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles, Doumit, Brown and Shin on page 3, line 2, to Second Substitute House Bill No. 5135.

The motion by Senator Kohl-Welles failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Brandlund, the following amendment was adopted:

On page 3, line 3, after "fee" strike ", half of which shall be refunded for those students who make a successful petition." and insert ". The entire amount of the fee shall be refunded for those students who make a successful petition."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Hargrove moved that the following amendment be adopted:

On page 3, after line 4, insert the following:

"(8) For students unable to enroll in a class required for the student's major due to the sequencing of courses, if the student enrolls in the class the next time it is offered, the institution must waive the tuition and fees for that class."

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 3, line 4, to Second Substitute Senate Bill No. 5135.

The motion by Senator Hargrove carried and the amendment was adopted.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles, Doumit and Winsley be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28B.15 RCW to read as follows:

State universities, regional universities, and The Evergreen State College shall have a policy to encourage students to progress toward an undergraduate degree in an efficient way. The procedures for implementing the policy shall include, but not be limited to, the percent of excess credits triggering action, exemptions to the policy, an appeal process, and fees that may be charged."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Kohl-Welles, Doumit and Winsley to Second Substitute Senate Bill No. 5135.

The motion by Senator Kohl-Welles failed and the striking amendment was not adopted.

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5135 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5135.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5135 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West and Zarelli - 28.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 21.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5209, by Senators Deccio, Rasmussen, Winsley, Hewitt, T. Sheldon, Morton, Parlette, Stevens, Hale, Brandland, Mulliken, McCaslin and Oke

Concerning actions for injury or damage against a health care provider based upon professional negligence.

MOTION

On motion of Senator Deccio, Substitute Senate Bill No. 5209 was substituted for Senate Bill No. 5209 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Franklin moved that the following amendments by Senators Franklin, Fairley and Kline be considered simultaneously and be adopted:

Beginning on page 3, line 19, strike all of section 3

Re-number the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 11, line 32, strike all of section 11

Re-number the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Franklin demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Franklin, Fairley and Kline on page 3, line 19, and page 11, line 32, to Substitute Senate Bill No. 5209.

ROLL CALL

The Secretary called the roll on the amendments by Senators Franklin, Fairley and Kline on page 3, line 19, and page 11, line 32, to Substitute Senate Bill No. 5209 and the amendments were not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 20.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 29.

MOTION

Senator Franklin moved that the following amendment by Senators Franklin, Fairley and Kline be adopted:

On page 3, beginning on line 26, after "exceed" strike all material through "dollars." on line 34, and insert "eight hundred fifty thousand dollars except as provided in this subsection. The eight hundred fifty thousand dollar limitation must be recalculated annually using the consumer price index for urban wage earners and clerical workers, cpi-w, or a successor index, for the twelve months prior to each July 1st as calculated by the United States department of labor."

Debate ensued.

Senator Franklin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Franklin, Fairley and Kline on page 3, line 26, to Substitute Senate Bill No. 5209.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Franklin, Fairley and Kline on page 3, line 26, to Substitute Senate Bill No. 5209 and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 20.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 29.

MOTION

Senator Brandland moved that the following amendment by Senator Brandland and Deccio be adopted:

On page 3, beginning on line 26, after "exceed" strike all material through "seven" on line 34 and insert "three"

Debate ensued.

Senator Eide demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Brandland and Deccio on page 3, line 26, to Substitute Senate Bill No. 5209.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Brandland and Deccio on page 3, line 26, to Substitute Senate Bill No. 5209 and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Rasmussen, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Benton, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Reardon, Regala, Roach, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

MOTION

Senator Johnson moved that the following amendment by Senators Johnson and Esser be adopted:

On page 4, beginning on line 10, strike all of section 4.

Re-number the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson and Esser on page 4, line 10, to Substitute Senate Bill No. 5209.

The motion by Senator Johnson failed and the amendment was not adopted.

MOTION

Senator Franklin moved that the following amendments by Senators Franklin, Fairley and Kline be considered simultaneously and be adopted:

On page 4, beginning on line 33, after "person" strike all material through "negligence" on line 34 and insert "or entity in connection with an action based upon professional negligence in health care"

On page 5, after line 19, insert the following:

"(e) If there is no amount recovered, or a defense verdict, then subsection (1) of this section applies to attorneys' fees."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Franklin, Fairley and Kline on page 4, line 33, and page 5, line 19, to Substitute Senate Bill No. 5209.

The motion by Senator Franklin failed and the amendments were not adopted.

PERSONAL PRIVILEGE

Senator Swecker: "A point of personal privilege, Mr. President. I have some information from our federal capitol that the House of Representatives, today, passed a bill that establishes a cap of two hundred and fifty thousand dollars--"

PARLIAMENTARY INQUIRY

Senator Brown: "Mr. President, a point of parliamentary inquiry. Isn't a point of personal privilege supposed to relate to the members's personal circumstances and not to a bill that may have been considered in the US Senate today?"

REPLY BY THE PRESIDENT

President Owen: "Senator Brown, your point is well taken. A point of personal privilege is occasionally abused around here. It is intended to be used to make a point of something that is personal to the member's specifically."

MOTION

Senator Rasmussen moved that the following amendments by Senators Rasmussen, Hargrove and Deccio be adopted:

Beginning on page 5, line 22, strike all of section 5 and insert the following:

"**Sec. 5.** RCW 7.70.100 and 1993 c 492 s 419 are each amended to read as follows:

(1) No action based upon a health care provider's professional negligence may be commenced unless the defendant has been given at least ninety days' notice of the intention to commence the action. If the notice is served within ninety days of the expiration of the applicable statute of limitations, the time for the commencement of the action must be extended ninety days from the service of the notice.

(2) The provisions of subsection (1) of this section are not applicable with respect to any defendant whose name is unknown to the plaintiff at the time of filing the complaint and who is identified therein by a fictitious name.

(3) After the filing of the ninety-day presuit notice, and before a superior court trial, all causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after July 1, 1993, shall be subject to mandatory mediation prior to trial.

(2) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall require mandatory mediation without exception and address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators;

(b) Appropriate limits on the amount or manner of compensation of mediators;

(c) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(d) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(e) The number of days following the selection of a mediator within which a mediation conference must be held;

(f) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(g) Any other matters deemed necessary by the court.

(3) Mediators shall not impose discovery schedules upon the parties.

(4) The supreme court shall by rule also adopt procedures for the parties to certify to the court the manner of mediation used by the parties to comply with this section.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen, Hargrove and Deccio on page 5, line 22, to Substitute Senate Bill No. 5209.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTION

Senator Kastama moved that the following amendment be adopted:

On page 11, after line 31, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 7.70 RCW to read as follows:

In any action under this chapter for personal injuries, wrongful deaths, or damage to property, in which the harm is alleged to have been caused by an act which violates the appropriate standard of care to be exercised by an individual licensed, certified, or registered pursuant to chapter 18.120 RCW, the person initiating the action shall serve upon each defendant an affidavit within ninety days of service of process initiating the action. The affidavit shall be executed by a person whose license, certification, or registration is identical to the defendant. If there is more than one defendant, there shall be an affidavit for each defendant. Each affidavit shall contain a statement that the affiant believes there is a reasonable probability that the defendant's conduct does not meet the standard of care required to be exercised by the defendant. The affiant shall have no financial interest in the outcome of the trial and have at least five years of professional experience in the same vocation as the defendant who is the subject of the affidavit. The affidavit shall be filed within sixty days of the defendant answering the initial complaint.

In the event a defendant refuses to provide information necessary to allow the execution of an affidavit, the court may, upon motion of the plaintiff, waive the requirement following a hearing on the motion. No hearing on the motion shall be held in fewer than forty-five days following the receipt by the defendant of the request to provide the information.

The court may, upon motion by the defendant and a showing of good cause, grant only one additional period of forty-five days, following the motion to waive the requirement of an affidavit, for the defendant to provide the information required under this section."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 11, line 31, to Substitute Senate Bill No. 5209.

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

MOTION

Senator Franklin moved that the following amendment be adopted:

On page 12, after line 3, insert the following:

"NEW SECTION. Sec. 12. A new section is added to chapter 48.01 RCW to read as follows:

(1) The commissioner shall notify the public of any application by an insurer for a rate change to medical malpractice premiums. All the applications are subject to a public hearing before the commissioner.

(2) Hearings and other administrative proceedings arising under this section must be conducted under chapter 34.05 RCW."

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Franklin on page 12, line 3, to Substitute Senate Bill No. 5209.

The motion by Senator Franklin failed and the amendment was not adopted.

MOTION

On motion of Senator Sheahan, Rule 15 was suspended for the remainder of the day.

EDITOR'S NOTE: Rule 15 states: 'The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The senate shall adjourn not later than 10:00 p.m. of each working day. This rule may be suspended by a majority.'

MOTION

Senator Thibaudeau moved that the following amendment be adopted:

On page 12, after line 3, insert the following:

"**Sec. 12.** RCW 43.70.110 and 1993 sp.s. c 24 s 918 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in section 14 of this act, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 13. RCW 43.70.250 and 1996 c 191 s 1 are each amended to read as follows:

It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the patient safety fee established in section 14 of this act. All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 14. A new section is added to chapter 43.70 RCW to read as follows:

(1) The secretary shall increase the licensing fee established under RCW 43.70.110 for health care professionals and facilities designated in subsection (2) of this section by one percent of the amount of the applicable annual licensing fee. Proceeds of the patient safety fee must be dedicated to patient safety and medical error reduction efforts that have been proven to improve the quality of care provided by health care professionals and facilities.

(2) Health care professionals and facilities subject to the one percent patient safety fee include:

(a) Health care professionals licensed under Title 18 RCW; and

(b) Hospitals licensed under chapter 70.41 RCW, psychiatric hospitals licensed under chapter 71.12 RCW, and ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW.

(3) Patient safety fee proceeds shall be administered by the department of health, in consultation with established patient safety coalitions. Proceeds will be distributed in the form of grants, loans, or other appropriate arrangements to support strategies that have been proven to reduce medical errors and enhance patient safety. In developing criteria, for the award of grants, loans, or other funding arrangements under this section, the department shall rely upon evidence-based practices to improve patient safety that have been identified and recommended by governmental and private organizations, including but not limited to:

(a) The federal agency for health care quality and research;

(b) The federal institute of medicine; and

(c) The joint commission on accreditation of health care organizations.

NEW SECTION. Sec. 15. A new section is added to chapter 7.70 RCW to read as follows:

(1) One percent of the present value of the settlement or verdict in any action for damages based upon injuries resulting from health care shall be deducted from the settlement or verdict as a patient safety fee. Proceeds of the patient safety fee will be distributed by the department of health in the form of grants, loans, or other appropriate arrangements to support strategies that have been proven to reduce medical errors and enhance patient safety as provided in section 14 of this act.

(2) Patient safety fees shall be transmitted to the secretary of the department of health for deposit into the patient safety account established in section 17 of this act.

(3) The supreme court shall by rule adopt procedures to implement this section.

NEW SECTION. Sec. 16. A new section is added to chapter 43.70 RCW to read as follows:

The secretary may solicit and accept grants or other funds from public and private sources to support patient safety and medical error reduction efforts under this act. Any grants or funds received may be used to enhance these activities as long as program standards established by the secretary are maintained.

NEW SECTION. Sec. 17. A new section is added to chapter 43.70 RCW to read as follows:

The patient safety account is created in the custody of the state treasurer. All receipts from the fees created in section 14 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes of this act. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

Renumber the remaining sections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Thibaudeau on page 12, line 3, to Substitute Senate Bill No. 5209.

The motion by Senator Thibaudeau failed and the amendment was not adopted.

MOTIONS

On motion of Senator Rasmussen, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "7.70.070," insert "7.70.100,"

On page 1, line 3 of the title, strike "adding a new section to chapter 4.28 RCW;"

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute Senate Bill No. 5209 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5209.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5209 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 30.

Voting nay: Senators Benton, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 19.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

February 21, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5403 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 2002 c 371 s 108 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT General Fund--State Appropriation (FY 2002) \$5,500,000
General Fund--State Appropriation (FY 2003) (~~(\$5,487,000)~~)

\$5,507,000

TOTAL APPROPRIATION (~~(\$10,987,000)~~)

\$11,007,000

Sec. 102. 2002 c 371 s 109 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY General Fund--State Appropriation (FY 2002) \$1,982,000
General Fund--State Appropriation (FY 2003) (~~(\$1,924,000)~~)

\$1,929,000

TOTAL APPROPRIATION (~~(\$3,906,000)~~)

\$3,911,000

Sec. 103. 2002 c 371 s 110 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS General Fund--State Appropriation (FY 2002) \$12,894,000
General Fund--State Appropriation (FY 2003) (~~(\$12,724,000)~~)

\$12,743,000

TOTAL APPROPRIATION (~~(\$25,618,000)~~)

\$25,637,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$505,000 of the general fund--state appropriation for fiscal year 2002 and \$606,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for lease increases associated with the division I facility.

(2) \$168,000 of the general fund--state appropriation for fiscal year 2002 and \$159,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

Sec. 104. 2002 c 371 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS General Fund--State Appropriation (FY 2002) \$14,900,000
General Fund--State Appropriation (FY 2003) (~~(\$15,388,000)~~)

\$17,501,000

Public Safety and Education Account--State

Appropriation \$27,468,000

Judicial Information Systems Account--State

Appropriation \$27,758,000

TOTAL APPROPRIATION (~~(\$85,514,000)~~)

\$87,627,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) ~~(No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. During each fiscal year in the 2001-03 biennium, the office of the administrator for the courts shall send written notice to the office of community development in the department of community, trade, and economic development when each county pays its fifty percent share for the year.)~~

~~(3))~~ \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

~~((4))~~ (3) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

((5)) (4) \$278,000 of the general fund--state appropriation for fiscal year 2002, \$285,000 of the general fund--state appropriation for fiscal year 2003, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

((6)) (5) \$750,000 of the general fund--state appropriation for fiscal year 2002 and \$750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

((7)) (6) \$750,000 of the public safety and education account-- state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

((8)) (7) \$1,800,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information systems. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2001-03 biennium.

Sec. 105. 2002 c 371 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE General Fund--State Appropriation (FY 2002) \$600,000

General Fund--State Appropriation (FY 2003) \$170,000

Public Safety and Education Account--State

Appropriation \$12,344,000

TOTAL APPROPRIATION (~~(\$13,444,000)~~)

\$13,114,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The general fund--state appropriations are provided solely for the continuation of a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than February 1, 2002.

(d) The chair of the office of public defense advisory committee shall appoint an implementation committee to:

(i) Develop criteria for a statewide program to improve dependency and termination defense;

(ii) Examine caseload impacts to the courts resulting from improved defense practices; and

(iii) Identify methods for the efficient use of expert services and means by which parents may effectively access services.

If sufficient funds are available, the office of public defense shall contract with the Washington state institute for public policy to research how reducing dependency and termination case delays affects foster care and to identify factors that are reducing the number of family reunifications that occur in dependency and termination cases.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(6) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense to contract with an existing public defender association to establish a capital defense assistance center.

Sec. 106. 2002 c 371 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR General Fund--State Appropriation (FY 2002) \$4,497,000

General Fund--State Appropriation (FY 2003) (~~(\$4,028,000)~~)

\$3,970,000

General Fund--Federal Appropriation \$219,000

Water Quality Account--State

Appropriation \$3,908,000

TOTAL APPROPRIATION (~~(\$12,652,000)~~)

\$12,594,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,908,000 of the water quality account appropriation and \$219,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the salmon recovery office to support the efforts of the independent science panel.

Sec. 107. 2002 c 371 s 118 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS General Fund--State Appropriation (FY 2002) \$269,000

General Fund--State Appropriation (FY 2003) (~~(\$274,000)~~)

\$279,000

TOTAL APPROPRIATION (~~(\$543,000)~~)

\$548,000

Sec. 108. 2002 c 371 s 119 (uncodified) is amended to read as follows:
FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS General Fund--State Appropriation (FY 2002) \$233,000
General Fund--State Appropriation (FY 2003) (~~(\$201,000)~~)

TOTAL APPROPRIATION (~~(\$434,000)~~)

\$184,000

\$417,000

Sec. 109. 2002 c 371 s 122 (uncodified) is amended to read as follows:
FOR THE ATTORNEY GENERAL General Fund--State Appropriation (FY 2002) \$4,811,000
General Fund--State Appropriation (FY 2003) (~~(\$4,070,000)~~)

General Fund--Federal Appropriation \$2,868,000
Public Safety and Education Account--State
Appropriation \$1,753,000
Tobacco Prevention and Control Account
Appropriation \$277,000
New Motor Vehicle Arbitration Account--State
Appropriation \$1,163,000
Legal Services Revolving Account--State
Appropriation \$147,422,000
TOTAL APPROPRIATION (~~(\$162,364,000)~~)

\$4,073,000

\$162,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(4)(a) \$87,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the office of the attorney general to prepare a report by October 1, 2002, on federal and Indian reserved water rights, and to submit the report to the standing committees of the legislature having jurisdiction over water resources. The objectives of the report shall be to:

(i) Examine and characterize the types of water rights issues involved;

(ii) Examine the approaches of other states to such issues and their results;

(iii) Examine methods for addressing such issues including, but not limited to, administrative, judicial, or other methods, or any combinations thereof; and

(iv) Examine implementation and funding requirements.

(b) Following receipt of the report, the standing committees of the legislature having jurisdiction over water resources shall seek and consider the recommendations of the relevant departments and agencies of the United States, the federally recognized Indian tribes with water-related interests in the state, and water users in the state and shall develop recommendations.

Sec. 110. 2002 c 371 s 125 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT General Fund--
State Appropriation (FY 2002) \$70,893,000
General Fund--State Appropriation (FY 2003) (~~(\$60,499,000)~~)

General Fund--Federal Appropriation (~~(\$173,342,000)~~)

\$59,723,000

\$201,965,000

General Fund--Private/Local Appropriation \$7,980,000
Public Safety and Education Account--State
Appropriation \$10,094,000
Public Works Assistance Account--State
Appropriation \$1,911,000
Salmon Recovery Account--State Appropriation \$1,500,000
Film and Video Promotion Account--State
Appropriation \$25,000
Building Code Council Account--State
Appropriation (~~(\$1,226,000)~~)

\$1,061,000

Administrative Contingency Account--State
Appropriation \$1,777,000
Low-Income Weatherization Assistance Account--State
Appropriation \$3,292,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$7,513,000
Manufactured Home Installation Training Account--
State Appropriation \$256,000
Community Economic Development Account--
State Appropriation \$113,000
Washington Housing Trust Account--State
Appropriation \$10,368,000
Public Facility Construction Loan Revolving
Account--State Appropriation \$586,000
TOTAL APPROPRIATION (~~(\$351,375,000)~~)

\$379,057,000

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the department of community, trade, and economic development receive separate programmatic allotments for the office of community development and the office of trade and economic development. Any appropriation made to the department of community, trade, and economic development for carrying out the powers, functions, and duties of either office shall be credited to the appropriate office.

(2) \$3,085,000 of the general fund--state appropriation for fiscal year 2002 and \$2,838,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(3) \$61,000 of the general fund--state appropriation for fiscal year 2002 and \$62,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(4) \$10,804,156 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2002 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$200,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$88,000 to the department to continue a substance abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$697,075 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$60,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident-based reporting system;

(k) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(l) \$91,000 to the department to continue the governor's council on substance abuse;

(m) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(n) \$901,180 to the office of financial management for criminal history records improvement; and

(o) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) \$320,000 of the general fund--state appropriation for fiscal year 2002 and \$320,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the rural economic opportunity fund.

(6) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(8) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for consolidated emergency assistance to homeless families with children.

(9) \$205,000 of the general fund--state appropriation for fiscal year 2002 and \$205,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(10) \$698,000 of the general fund--state appropriation for fiscal year 2002, \$698,000 of the general fund--state appropriation for fiscal year 2003, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(11) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(12) \$680,000 of the Washington housing trust account appropriation is provided solely to conduct a pilot project designed to lower infrastructure costs for residential development.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(14) \$370,000 of the general fund--state appropriation for fiscal year 2002, \$371,000 of the general fund--state appropriation for fiscal year 2003, and \$25,000 of the film and video promotion account appropriation are provided solely for the film office to bring film and video production to Washington state.

(15) \$22,000 of the general fund--state appropriation for fiscal year 2002 is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local governmental funds.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to food banks and food distribution centers to increase their ability to accept, store, and deliver perishable food.

(17) \$230,000 of the general fund--state appropriation for fiscal year 2002, \$230,000 of the general fund--state appropriation for fiscal year 2003, and the entire community economic development account appropriation are provided solely for support of the developmental disabilities endowment governing board and startup costs of the endowment program. Startup costs are a loan from the state general fund and will be repaid from funds within the program as determined by the governing board. The governing board may use state appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income. The director of the department, or the director of the subsequent department of community development, may implement fees to support the program as provided under RCW 43.330.152.

(18) \$880,000 of the public safety and education account appropriation is provided solely for community-based legal advocates to assist sexual assault victims with both civil and criminal justice issues. If Senate Bill No. 5309 is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the Washington housing trust account appropriation for fiscal year 2003 are provided solely as one-time pass-through funding to currently licensed overnight youth shelters. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(21) \$1,868,000 of the Washington housing trust account appropriation for fiscal year 2003 is provided solely for emergency shelter assistance. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(22) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(23) \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the community connections program in Walla Walla.

(24) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to the office of community development solely for the purposes of providing assistance to industrial workers who have been displaced by energy cost-related industrial plant closures in rural counties. For purposes of this subsection, "rural county" is as defined in RCW 82.14.370(5). The office of community development shall distribute the amount in this subsection to community agencies that assist the displaced industrial workers in meeting basic needs including, but not limited to, emergency medical and dental services, family and mental health counseling, food, energy costs, mortgage, and rental costs. The department shall not retain more than two percent of the amount provided in this subsection for administrative costs.

(25) \$91,500 of the general fund--state appropriation for fiscal year 2002 and \$91,500 of the general fund--state appropriation for fiscal year 2003 are provided solely for services related to the foreign representative contract for Japan.

(26) \$81,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for business finance and loan programs.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the quick sites initiative program.

(28) \$120,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for operating a business information hotline.

(29) \$29,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for travel expenses associated with the office of trade and economic development's provision of outreach and technical assistance services to businesses and local economic development associations.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for information technology enhancements designed to improve the delivery of agency services to customers.

~~((32))~~ (31) \$10,111,682 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2003 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$89,705 to the department to continue the governor's council on substance abuse;

(j) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(k) \$494,675 to the office of financial management for criminal history records improvement;

(l) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence; and

(m) \$813,358 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

~~((33))~~ \$165,000 of the building code council account appropriation for fiscal year 2003 is provided solely for the state building code council pursuant to Senate Bill No. 5352 (building code council fee increase). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~(35))~~ (32) The appropriations in this section reflect a reduction of \$504,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of trade and economic development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

((36)) (33) \$40,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to implement the state task force on funding for community-based services to victims of crime as provided in Senate Bill No. 6763. If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

((37)) (34) The appropriations in this section reflect a reduction of \$1,641,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of community development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

Sec. 111. 2002 c 371 s 127 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT General Fund--State Appropriation (FY 2002) \$12,456,000
General Fund--State Appropriation (FY 2003) (~~(\$12,508,000)~~)

\$12,488,000

General Fund--Federal Appropriation (~~(\$23,657,000)~~)

\$35,657,000

Violence Reduction and Drug Enforcement

Account--State Appropriation \$226,000

State Auditing Services Revolving

Account--State Appropriation \$25,000

TOTAL APPROPRIATION (~~(\$48,872,000)~~)

\$60,852,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall review policies and procedures regarding purchasing of information technology upgrades by state agencies. Information technology upgrades include replacement workstations, network equipment, operating systems and application software. The review shall document existing policies and procedures, and shall compare alternative upgrade policies that reduce the overall cost to state government for maintaining adequate information technology to meet the existing business needs of state agencies. Findings and recommendations from this review shall be reported to appropriate committees of the legislature by December 1, 2001.

(2) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The office of financial management shall achieve a reduction of \$339,000 in its billings for financial system services purchased by state agencies in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

(3) \$500,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2671 (permit assistance center). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) \$350,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for an assessment and performance scoring of state agencies and separate systemwide performance audits of two governmental functions: State capital construction practices and state contracting practices.

(a) The scorecard on state agencies shall include, but not be limited to, the following:

(i) Quality and process management practices;

(ii) Independent and internal audit functions;

(iii) Internal and external customer satisfaction;

(iv) Program effectiveness;

(v) Fiscal productivity and efficiency; and

(vi) Statutory and regulatory compliance.

Each agency shall be graded on the categories selected for the scorecard. The office of financial management shall submit the results of the performance scoring, forward recommendations for legislation to the governor and the appropriate committees of the legislature by November 30, 2002, and release the results of the performance scoring to the public.

(b)(i) The office of financial management shall conduct separate systemwide performance audits on the state's capital construction and contracting practices using generally accepted government auditing standards. Each performance audit shall include, but not be limited to, a review of the following:

(A) Validity and reliability of management's performance measures;

(B) A review of internal controls and internal audits;

(C) The adequacy of systems used for measuring, reporting, and monitoring performance;

(D) The extent to which legislative, regulatory, and organizational goals and objectives are being achieved; and

(E) Identification and recognition of best practices.

(ii) The performance audit on state capital construction practices shall include building projects, highway projects, and architectural and engineering services. The following state agencies, at a minimum, shall be subject to audit sampling: Department of transportation, department of general administration, and state higher education agencies.

(iii) The performance audit on state contracting practices shall include state agencies with sufficient activity with personal services contracts and other types of contracts to evaluate the state's contracting practices.

(iv) The office of financial management shall grade the results of the performance audits to indicate agencies' performance regarding capital construction and contracting practices. The office of financial management shall report findings from the performance audits to the governor and appropriate legislative committees by November 30, 2002.

(c) The office of financial management may contract for consulting services in completing requirements under this subsection.

Sec. 112. 2002 c 371 s 128 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS Administrative Hearings Revolving Account--State
Appropriation (~~(\$22,394,000)~~)

\$23,473,000

Sec. 113. 2002 c 371 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS General Fund--State Appropriation (FY 2002) \$226,000
General Fund--State Appropriation (FY 2003) (~~(\$210,000)~~)

\$215,000

TOTAL APPROPRIATION (~~(\$436,000)~~)

\$441,000

Sec. 114. 2002 c 371 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS General Fund--State Appropriation (FY 2002) \$211,000
General Fund--State Appropriation (FY 2003) (~~(\$207,000)~~)

\$212,000

TOTAL APPROPRIATION (~~(\$418,000)~~)

\$423,000

Sec. 115. 2002 c 371 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS Dependent Care Administrative Account--State

Appropriation \$378,000
Department of Retirement Systems Expense Account--
State Appropriation (~~(\$49,183,000)~~) \$49,044,000

TOTAL APPROPRIATION (~~(\$49,561,000)~~) \$49,422,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the department of retirement systems expense account appropriation is provided solely for support of the information systems project known as the electronic document image management system.

(2) \$120,000 of the department of retirement systems expense account appropriation is provided solely for locating inactive members entitled to retirement benefits.

(3) \$117,000 of the department of retirement systems expense account appropriation is provided solely for modifications to the retirement information systems to accommodate tracking of postretirement employment on an hourly basis.

(4) \$440,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5143 (Washington state patrol retirement systems plan 2).

(5) \$6,420,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of public employees' retirement system plan 3 (chapter 247, Laws of 2000).

(6) \$96,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6376 (PERS plan 3 transfer payment). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~(7) (\$9,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6377 (TRS plan 1 extended school year). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~

~~(8))~~ (8)) \$12,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6378 (LEOFF plan 2 part-time leave of absence). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~((9))~~ (8) \$122,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6379 (transferring service credit to WSPRS). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~((10))~~ (9) \$651,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6380 (survivor benefits). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~((11))~~ (10) \$53,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6381 (PERS plan 1 terminated vested). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~((12) \$130,000 of the department of retirement systems expense account appropriation for fiscal year 2003 is provided solely for the implementation of House Bill No. 2896 (EMT service credit transfer). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~

~~(13))~~ (11) The appropriations in this section are reduced to reflect savings resulting from a 0.01 percent reduction of the department of retirement systems administrative expense rate, effective May 1, 2002, from 0.23 to 0.22 for the remainder of the 2001-03 biennium.

Sec. 116. 2002 c 371 s 137 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE General Fund--State Appropriation (FY 2002) (~~(\$72,823,000)~~) \$72,820,000

General Fund--State Appropriation (FY 2003) (~~(\$78,149,000)~~) \$77,118,000

Timber Tax Distribution Account--State
Appropriation \$5,131,000

Waste Education/Recycling/Litter Control--State
Appropriation \$101,000

State Toxics Control Account--State
Appropriation \$67,000

Oil Spill Administration Account--State
Appropriation \$14,000

Multimodal Transportation Account--State
Appropriation (~~(\$109,000)~~)

TOTAL APPROPRIATION (~~(\$156,394,000)~~) \$9,000
\$155,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund--state appropriation for fiscal year 2002 and \$49,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to establish and provide staff support to a committee on taxation to study the elasticity, equity, and adequacy of the state's tax system.

(a) The committee shall consist of eleven members. The department shall appoint six academic scholars from the fields of economics, taxation, business administration, public administration, public policy, and other relevant disciplines as determined by the department, after consulting with the majority and minority leaders in the senate, the co-speakers in the house of representatives, the chair of the ways and means committee in the senate, and the co-chairs of the finance committee in the house of representatives. The governor and the chairs of the majority and minority caucuses in each house of the legislature shall each appoint one member to the committee. These appointments may be legislative members. The members of the committee shall either elect a voting chair from among their membership or a nonvoting chair who is not a member of the committee. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(b) The purpose of the study is to determine how well the current tax system functions and how it might be changed to better serve the citizens of the state in the twenty-first century. In reviewing options for changes to the tax system, the committee shall develop multiple alternatives to the existing tax system. To the extent possible, the alternatives shall be designed to increase the harmony between the tax system of this state and the surrounding states, encourage commerce and business creation, and encourage home ownership. In developing alternatives, the committee shall examine and consider the effects of tax incentives, including exemptions, deferrals, and credits. The alternatives shall range from incremental improvements in the current tax structure to complete replacement of the tax structure. In

conducting the study, the committee shall examine the tax structures of other states and review previous studies regarding tax reform in this state. In developing alternatives, the committee shall be guided by administrative simplicity, economic neutrality, fairness, stability, and transparency. Most of the alternatives presented by the committee to the legislature shall be revenue neutral and contain no income tax.

(c) The department shall create an advisory group to include, but not be limited to, representatives of business, state agencies, local governments, labor, taxpayers, and other advocacy groups. The group shall provide advice and assistance to the committee.

(d) The committee shall present a final report of its findings and alternatives to the ways and means committee in the senate and the finance committee in the house of representatives by November 30, 2002.

~~((3) \$109,000)) (2) \$9,000~~ of the multimodal transportation account--state appropriation for fiscal year 2003 is provided solely for the department to implement the provisions of House Bill No. 2969 (transportation). If the bill is not enacted by January 1, 2003, the amount provided in this subsection shall lapse. Further, the amount provided in this subsection shall lapse to the extent that funds are provided for this purpose in the transportation appropriations act.

Sec. 117. 2002 c 371 s 139 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION General Fund--State Appropriation (FY 2002) \$549,000
General Fund--State Appropriation (FY 2003) ~~((655,000))~~

\$646,000

General Fund--Federal Appropriation \$1,930,000
General Fund--Private/Local Appropriation \$223,000
State Capitol Vehicle Parking Account--
State Appropriation \$154,000
General Administration Services Account--State
Appropriation \$39,546,000
TOTAL APPROPRIATION ~~((43,057,000))~~

\$43,048,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall conduct a review of the ultimate purchasing system to evaluate the following: (a) The degree to which program objectives and assumptions were achieved; (b) the degree to which planned schedule of phases, tasks, and activities were accomplished; (c) an assessment of estimated and actual costs of each phase; (d) an assessment of project cost recovery/cost avoidance, return on investment, and measurable outcomes as each relate to the agency's business functions and other agencies' business functions; and (e) the degree to which integration with the agency and state information technology infrastructure was achieved. The department will receive written input from participating pilot agencies that describes measurable organizational benefits and cost avoidance opportunities derived from use of the ultimate purchasing system. The performance review shall be submitted to the office of financial management and the appropriate legislative fiscal committees by July 1, 2002.

(2) \$60,000 of the general administration services account appropriation is provided solely for costs associated with the development of the information technology architecture to link the risk management information system and the tort division's case management system, and the reconciliation of defense cost reimbursement information.

(3) \$44,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the department to implement the waste management and recycling provisions of Substitute House Bill No. 2308 (encouraging recycling and waste reduction). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The department of general administration shall achieve a reduction of \$1,302,000 in its billings for motor pool, consolidated mail, and other services that state agencies purchase in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

Sec. 118. 2002 c 371 s 143 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD General Fund--State Appropriation (FY 2002) \$1,483,000
General Fund--State Appropriation (FY 2003) \$1,439,000
General Fund--Federal Appropriation (FY 2003) \$99,000
Liquor Control Board Construction and Maintenance
Account--State Appropriation \$9,684,000
Liquor Revolving Account--State
Appropriation ~~((125,927,000))~~

\$126,407,000

TOTAL APPROPRIATION ~~((138,632,000))~~

\$139,112,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,573,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$4,803,000 of the liquor revolving account appropriation is provided solely for the costs associated with the development and implementation of a merchandising business system. Expenditures of any funds for this system are conditioned upon the approval of the merchandising business system's feasibility study by the information services board. The amount provided in this subsection is also conditioned upon satisfying the requirements of section 902 of this act.

(3) \$84,000 of the liquor control board construction and maintenance account appropriation for fiscal year 2003 is provided solely for the liquor control board to employ additional staff during the holiday season to handle the expected increase in sales volume at the Seattle distribution center.

Sec. 119. 2002 c 371 s 145 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT General Fund--State Appropriation (FY 2002) \$9,165,000
General Fund--State Appropriation (FY 2003) ~~((8,740,000))~~

\$8,740,000

General Fund--Federal Appropriation ~~((22,509,000))~~

\$28,003,000

General Fund--Private/Local Appropriation \$234,000
Enhanced 911 Account--State Appropriation \$20,269,000
Disaster Response Account--State Appropriation ~~((2,040,000))~~

\$1,531,000

Disaster Response Account--Federal Appropriation ~~((6,510,000))~~

\$3,243,000

Worker and Community Right to Know Fund--State

Nisqually Earthquake Account--State Appropriation ((\$29,027,000))	\$24,101,000
Nisqually Earthquake Account--Federal Appropriation ((\$49,641,000))	\$48,153,000
TOTAL APPROPRIATION ((\$148,358,000))	<u>\$143,722,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$1,906,000)~~) \$1,427,000 of the disaster response account-- state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disasters approved in the 1999-01 biennium budget. The military department may, upon approval of the director of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2003. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information shall be displayed by individual disaster, by fund, and by type of assistance. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2001-03 biennium based on current revenue and expenditure patterns.

(2) \$100,000 of the general fund--state fiscal year 2002 appropriation and \$100,000 of the general fund--state fiscal year 2003 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(3) \$60,000 of the general fund--state appropriation for fiscal year 2002 and \$60,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5256 (emergency management compact). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state fiscal year 2002 appropriation and \$35,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the north county emergency medical service.

(5) (~~(\$2,145,000)~~) \$1,967,000 of the Nisqually earthquake account-- state appropriation and (~~(\$4,174,000)~~) \$3,305,000 of the Nisqually earthquake account--federal appropriation are provided solely for the military department's costs associated with coordinating the state's response to the February 28, 2001, earthquake.

(6) (~~(\$678,000)~~) \$641,000 of the Nisqually earthquake account-- state appropriation and (~~(\$3,420,000)~~) \$3,797,000 of the Nisqually earthquake account--federal appropriation are provided solely for mitigation costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, (~~(\$217,000)~~) \$227,000 is provided for the state matching share for state agencies and (~~(\$462,000)~~) \$414,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(7) (~~(\$8,970,000)~~) \$10,493,000 of the Nisqually earthquake account--state appropriation and (~~(\$42,047,000)~~) \$41,051,000 of the Nisqually earthquake account--federal appropriation are provided solely for public assistance costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, (~~(\$3,924,000)~~) \$5,237,000 is provided for the state matching share for state agencies and (~~(\$5,046,000)~~) \$5,256,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(8) (~~(\$17,234,000)~~) \$11,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(9) \$2,818,000 of the enhanced 911 account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6034 or House Bill No. 2595 (enhanced 911 excise tax). If neither bill is enacted by June 30, 2002, the amount provided in this subsection shall lapse.

PART II HUMAN SERVICES

Sec. 201. 2002 c 371 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2002, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2002 among programs after approval by the director of financial management; and after May 1, 2003, the department may transfer general fund--state appropriations for fiscal year 2003 among programs after such approval. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2002 or fiscal year 2003 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

(4) In the event the department receives additional unrestricted federal funds or achieves savings in excess of that anticipated in this act, the department shall use up to \$5,000,000 of such funds to initiate a pilot project providing integrated support services to homeless individuals needing mental health services, alcohol or substance abuse treatment, medical care, or who demonstrate community safety concerns. Before such a pilot project is initiated, the department shall notify the fiscal committees of the legislature of the plans for such a pilot project including the source of funds to be used.

Sec. 202. 2002 c 371 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM General Fund--State Appropriation (FY 2002) \$225,104,000	
General Fund--State Appropriation (FY 2003) ((\$231,042,000))	<u>\$227,756,000</u>
General Fund--Federal Appropriation ((\$369,403,000))	<u>\$376,403,000</u>
General Fund--Private/Local Appropriation \$400,000	
Public Safety and Education Account--	
State Appropriation \$964,000	
Violence Reduction and Drug Enforcement Account--	
State Appropriation \$5,639,000	
TOTAL APPROPRIATION ((\$832,552,000))	<u>\$836,266,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, \$2,271,000 of the fiscal year 2003 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation, \$375,000 of the general fund--state fiscal year 2003 appropriation, and \$4,150,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and \$4,150,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, \$5,710,000 of the fiscal year 2003 general fund--state appropriation, and \$19,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, \$1,767,000 of the general fund--state appropriation for fiscal year 2003, and \$1,241,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

Sec. 203. 2002 c 371 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM General Fund--
State Appropriation (FY 2002) \$83,151,000

General Fund--State Appropriation (FY 2003) (~~(\$79,407,000)~~)

\$79,172,000

General Fund--Federal Appropriation (~~(\$13,803,000)~~)

\$13,763,000

General Fund--Private/Local Appropriation \$1,110,000

Juvenile Accountability Incentive

Account--Federal Appropriation \$10,461,000

Public Safety and Education

Account--State Appropriation \$6,047,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$37,174,000

TOTAL APPROPRIATION (~~(\$230,853,000)~~)

\$230,878,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$686,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$5,980,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,161,000 of the general fund--state appropriation for fiscal year 2002, \$1,162,000 of the general fund--state appropriation for fiscal year 2003, and \$5,190,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,515,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(6) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract for expanded services of the teachchild project.

(7) \$423,000 of the general fund--state appropriation for fiscal year 2002, \$754,100 of the general fund--state appropriation for fiscal year 2003, \$152,000 of the general fund--federal appropriation, \$172,000 of the public safety and education assistance account appropriation, and \$604,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers.

(8) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$16,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(9) \$3,441,000 of the general fund--state appropriation for fiscal year 2002 and \$3,441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(10) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(11) The distributions made under (9) and (10) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(12) Each quarter during the 2001-03 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(13) \$1,692,000 of the juvenile accountability incentive account-- federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(14) \$22,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (m) of this subsection.

(15) \$900,000 of the general fund--state appropriation for fiscal year 2002 and \$900,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(16) \$33,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of House Bill No. 1070 (juvenile offender basic training). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(17) \$21,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5468 (chemical dependency). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(18) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$68,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted service providers.

(20) \$945,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for providing additional research-based services to the juvenile parole population. The juvenile rehabilitation administration shall consult with the institute for public policy in deciding which interventions to provide to the parole population.

(21) The juvenile rehabilitation administration shall continue to allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

Sec. 204. 2002 c 371 s 204 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2002) \$194,566,000

General Fund--State Appropriation (FY 2003) (~~(\$177,206,000)~~)

\$178,848,000

General Fund--Federal Appropriation (~~(\$358,377,000)~~)

\$360,025,000

General Fund--Local Appropriation \$25,596,000

Health Services Account--State

Appropriation \$2,450,000

TOTAL APPROPRIATION (~~(\$758,195,000)~~)

\$761,485,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$388,000 of the general fund--state appropriation for fiscal year 2002, \$2,829,000 of the general fund--state appropriation for fiscal year 2003, and \$3,157,000 of the general fund--federal appropriation are provided solely for development and operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. In the event that enough patients are not transitioned or diverted from the state hospitals to close at least two hospital wards by July 2002, and four additional wards by April 2003, a proportional share of these funds shall be transferred to the appropriations in subsection (2) of this section to support continued care of the patients in the state hospitals. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and adult services programs. The department shall negotiate performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$1,000,000 of the federal block grant funding appropriated in this subsection shall be used for (i) initial development, training, and operation of the community support teams which will work with long-term state hospital residents prior and subsequent to their return to the community; and (ii) development of support strategies which will reduce the unnecessary and excessive use of state and local hospitals for short-term crisis stabilization services. Such strategies may include training and technical assistance to community long-term care and substance abuse providers; the development of diversion beds and stabilization support teams; examination of state hospital policies regarding admissions; and the development of new contractual standards to assure that the statutory requirement that 85 percent of short-term detentions be managed locally is being fulfilled. The department shall report to the fiscal and policy committees of the legislature on the results of these efforts by November 1, 2001, and again by November 1, 2002.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2002 increases by up to 3.5 percent over the amount actually paid to that regional support network in fiscal year 2001, and by up to an additional 5.0 percent in fiscal year 2003, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated uncompensated care; start-up grants for development of evaluation and treatment

facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity, rather than being distributed on a formula basis; (ii) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; and (iii) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against, or any settlement that may be agreed to by the state, regarding the rate of state reimbursement for inpatient psychiatric care. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

((H)) (h) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2002 and 2003 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceeds the amounts allocated to it in fiscal year 2001.

((H)) (l) The department shall reduce state funding otherwise payable to a regional support network in fiscal years 2002 and 2003 by the full amount by which the regional support network's reserves and fund balances as of December 31, 2001, exceed the required risk reserve for that regional support network. The required reserve amount shall be calculated by applying the risk reserve percentage specified in the department's contract with the regional support network to the total state and federal revenues for which the regional support network would otherwise be eligible in accordance with this subsection. As used in this subsection, "reserves" does not include capital project reserves established in accordance with state accounting and reporting standards before January 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$84,878,000

General Fund--State Appropriation (FY 2003) (~~(\$80,784,000)~~)

\$88,187,000

General Fund--Federal Appropriation (~~(\$139,821,000)~~)

\$134,120,000

General Fund--Private/Local Appropriation (~~(\$29,532,000)~~)

\$29,680,000

TOTAL APPROPRIATION (~~(\$335,015,000)~~)

\$336,865,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall seek to reduce the census of the two state psychiatric hospitals by 178 beds by April 2003 by arranging and providing community residential, mental health, and other support services for long-term state hospital patients whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. No such patient is to move from the hospital until a team of community professionals has become familiar with the person and their treatment plan; assessed their strengths, preferences, and needs; arranged a safe, clinically-appropriate, and stable place for them to live; assured that other needed medical, behavioral, and social services are in place; and is contracted to monitor the person's progress on an ongoing basis. The department and the regional support networks shall endeavor to assure that hospital patients are able to return to their area of origin, and that placements are not concentrated in proximity to the hospitals.

(d) For each month subsequent to the month in which a state hospital bed has been closed in accordance with (c) of this subsection, the mental health program shall transfer to the medical assistance program state funds equal to the state share of the monthly per capita expenditure amount estimated for categorically needy-disabled persons in the most recent forecast of medical assistance expenditures.

(e) The department shall report to the appropriate committees of the legislature by November 1, 2001, and by November 1, 2002, on its plans for and progress toward achieving the objectives set forth in (c) of this subsection.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2002) \$18,267,000

General Fund--State Appropriation (FY 2003) (~~(\$20,934,000)~~)

\$21,320,000

TOTAL APPROPRIATION (~~(\$39,201,000)~~)

\$39,587,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,587,000 of the general fund--state appropriation for fiscal year 2002 and \$2,646,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2002 and \$300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, up to \$45,000 per year is provided for the city of Lakewood for police protection reimbursement at Western State Hospital and adjacent areas, up to \$45,000 per year is provided for training police personnel on chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), up to \$125,000 per year is provided for Pierce county for reimbursement of additional costs, and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) By October 1, 2001, the department shall report to the office of financial management and the fiscal committees of the house of representatives and senate detailing information on plans for increasing the efficiency of staffing patterns at the new civil commitment center facility being constructed on McNeil Island.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the implementation of Substitute Senate Bill No. 6594 (secure community transition facilities). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2002) \$444,000

General Fund--State Appropriation (FY 2003) \$443,000

General Fund--Federal Appropriation \$2,082,000

TOTAL APPROPRIATION \$2,969,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$3,104,000

General Fund--State Appropriation (FY 2003) ((\$3,111,000))	<u>\$4,527,000</u>
General Fund--Federal Appropriation ((\$5,659,000))	<u>\$7,077,000</u>
TOTAL APPROPRIATION ((\$11,874,000))	<u>\$14,708,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 217, Laws of 2000 (atypical anti-psychotic medications), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$168,000 of the general fund--state appropriation for fiscal year 2002, \$243,000 of the general fund--state appropriation for fiscal year 2003, and \$411,000 of the general fund--federal appropriation are provided solely for the development and implementation of a uniform outcome-oriented performance measurement system to be used in evaluating and managing the community mental health service delivery system consistent with the recommendations contained in the joint legislative audit and review committee's audit of the public mental health system. Once implemented, the use of performance measures will allow comparison of measurement results to established standards and benchmarks among regional support networks, service providers, and against other states. The department shall provide a report to the appropriate committees of the legislature on the development and implementation of the use of performance measures by October 2002.

(c) \$125,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

Sec. 205. 2002 c 371 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2002) \$233,705,000	
General Fund--State Appropriation (FY 2003) ((\$255,415,000))	<u>\$250,654,000</u>
General Fund--Federal Appropriation ((\$405,773,000))	<u>\$400,311,000</u>
Health Services Account--State Appropriation \$903,000	
TOTAL APPROPRIATION ((\$895,796,000))	<u>\$885,573,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

~~(a) ((b)) \$10,050,000 of the fiscal year 2003 general fund--state appropriation and \$3,550,000 of the general fund--federal appropriation are provided solely for expanded access to community services. A total of \$7,800,000 is provided for additional residential services for persons on the home and community based waiver. A total of \$3,600,000 is provided for family support and high school transition. A total of \$2,700,000 is provided between this subsection and subsection (3) of this section for staffing and other costs to improve oversight of quality of care, program management, and fiscal management.)) New funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments. The legislature finds that providing cash assistance to individuals and families needing these supports promotes self-determination and independence. It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for SSI state supplemental payments while promoting self-determination and independence for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments. ((These amounts and the specified expansion of community services are intended to be the fiscal component of the negotiated settlement in the pending litigation on developmental disabilities services, ARC v. Quasim.~~

~~(e)) (b) The health services account appropriation and \$904,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.~~

~~((d)) (c) \$902,000 of the general fund--state appropriation for fiscal year 2002, (((\$3,372,000)) \$2,274,000 of the general fund--state appropriation for fiscal year 2003, and (((\$4,056,000)) \$3,011,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.~~

~~((e)) (d) \$1,153,000 of the general fund--state appropriation for fiscal year 2002, \$3,054,000 of the general fund--state appropriation for fiscal year 2003, and \$4,031,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.~~

~~((f)) (e) The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for changes assumed in additional funding provided in subsections ((b), (d), and (e)) (c) and (d) of this section. Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.~~

((g)) (f) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

((h)) (g) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

((i)) (h) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state-funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$69,375,000

General Fund--State Appropriation (FY 2003) (~~(\$68,203,000)~~)

\$68,914,000

General Fund--Federal Appropriation (~~(\$145,672,000)~~)

\$146,495,000

General Fund--Private/Local Appropriation \$11,230,000

TOTAL APPROPRIATION (~~(\$294,480,000)~~)

\$296,014,000

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department shall make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages, and maintain expenditures within allotments, as assumed in the appropriations in this subsection.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$1,711,000

General Fund--State Appropriation (FY 2003) (~~(\$2,007,000)~~)

\$3,088,000

General Fund--Federal Appropriation (~~(\$2,612,000)~~)

\$3,421,000

Telecommunications Devices for the Hearing and

Speech Impaired Account Appropriation \$1,767,000

TOTAL APPROPRIATION (~~(\$8,097,000)~~)

\$9,987,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$270,000 of the fiscal year 2003 general fund--state appropriation and \$170,000 of the general fund--federal appropriation are provided solely for improved fiscal management of the home and community-based waiver and other community services.

(b) \$100,000 of the telecommunications devices for the hearing and speech impaired account appropriation is provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,995,000

Sec. 206. 2002 c 371 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM General Fund--

State Appropriation (FY 2002) \$505,983,000

General Fund--State Appropriation (FY 2003) (~~(\$513,154,000)~~)

\$516,349,000

General Fund--Federal Appropriation (~~(\$1,053,299,000)~~)

\$1,055,673,000

General Fund--Private/Local Appropriation (~~(\$11,803,000)~~)

\$11,387,000

Health Services Account--State

Appropriation (~~(\$4,523,000)~~)

\$5,087,000

TOTAL APPROPRIATION (~~(\$2,088,762,000)~~)

\$2,094,479,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,210,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$1,423,000)~~) \$1,458,000 of the general fund--state appropriation for fiscal year 2003, and (~~(\$6,794,000)~~) \$7,346,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,706,000 of the general fund--state appropriation for fiscal year 2002 and \$1,706,000 of the general fund--state appropriation for fiscal year 2003, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$128.79 for fiscal year 2002, and no more than \$132.58 for fiscal year 2003. For all facilities, the therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 1.5 percent effective July 1, 2002. For case-mix facilities, direct care component rates established in accordance with chapter 74.46 RCW shall also be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. Additionally, to facilitate the transition to a fully case-mix based direct care payment system, the median price per case-mix unit for each of the applicable direct care peer groups shall be increased on a one-time basis by 2.64 percent effective July 1, 2002.

(4) In accordance with Substitute House Bill No. 2242 (nursing home rates), the department shall issue certificates of capital authorization which result in up to \$10 million of increased asset value completed and ready for occupancy in fiscal year 2003; in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2004; and in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2005.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall coordinate with and actively support the efforts of the mental health program and of the regional support networks to provide stable community living arrangements for persons with dementia and traumatic brain injuries who have been long-term residents of the state psychiatric hospitals. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(7) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall devise and implement strategies in partnership with the mental health program and the regional support networks to reduce the use of state and local psychiatric hospitals for the short-term stabilization of persons with dementia and traumatic brain injuries. Such strategies may include training and technical assistance to help long-term care providers avoid and manage behaviors which might otherwise result in psychiatric hospitalizations; monitoring long-term care facilities to assure residents are receiving appropriate mental health care and are not being inappropriately medicated or hospitalized; the development of diversion beds and stabilization support teams; and the establishment of systems to track the use of psychiatric hospitals by long-term care providers. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(8) In accordance with Substitute House Bill No. 1341, the department may implement a medicaid waiver program for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) The waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 50 persons by the end of fiscal year 2002, nor 600 persons by the end of fiscal year 2003.

(b) For each month of waiver service delivered to a person who was not covered by medicaid prior to their enrollment in the waiver, the aging and adult services program shall transfer to the medical assistance program state and federal funds equal to the monthly per capita expenditure amount, net of drug rebates, estimated for medically needy-aged persons in the most recent forecast of medical assistance expenditures.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on the medically needy waiver, on monthly management reports.

(d) The department shall track and report to health care and fiscal committees of the legislature by November 15, 2002, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(10) \$364,000 of the general fund--state appropriation for fiscal year 2002, \$364,000 of the general fund--state appropriation for fiscal year 2003, and \$740,000 of the general fund--federal appropriation are provided solely for payment of exceptional care rates so that persons with Alzheimer's disease and related dementias who might otherwise require nursing home or state hospital care can instead be served in boarding home-licensed facilities which specialize in the care of such conditions.

(11) From funds appropriated in this section, the department shall increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$7.18 per hour to \$7.68 per hour on July 1, 2001. Payments to agency providers are to be increased to \$13.30 per hour on July 1, 2001, and to \$13.44 per hour on July 1, 2002. All but 18 cents per hour of the July 1, 2001, increase to agency providers is to be used to increase wages for direct care workers. The appropriations in this section also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection.

(12) \$2,507,000 of the general fund--state appropriation for fiscal year 2002, \$2,595,000 of the general fund--state appropriation for fiscal year 2003, and \$5,100,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation by an average of fifty cents per hour for low-wage workers in agencies which contract with the state to provide community residential services for persons with functional disabilities. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase.

(13) \$1,082,000 of the general fund--state appropriation for fiscal year 2002, \$1,082,000 of the general fund--state appropriation for fiscal year 2003, and \$2,204,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation for low-wage workers in nursing homes which contract with the state. For fiscal year 2002, the department shall add forty-five cents per patient day to the direct care rate which would otherwise be paid to each nursing facility in accordance with chapter 74.46 RCW. For fiscal year 2003, the department shall increase the median price per case-mix unit for each of the applicable peer groups by six-tenths of one percent in order to distribute the available funds. In consultation with the statewide associations representing nursing facilities, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002, and by December 1, 2002.

Sec. 207. 2002 c 371 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM General Fund--State
Appropriation (FY 2002) \$442,984,000

General Fund--State Appropriation (FY 2003) ((~~\$394,974,000~~))

\$406,972,000

General Fund--Federal Appropriation ((~~\$1,359,505,000~~))

\$1,363,821,000

General Fund--Private/Local Appropriation \$33,880,000

TOTAL APPROPRIATION ((~~\$2,231,343,000~~))

\$2,247,657,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,035,000 of the general fund--state appropriation for fiscal year 2002, ((~~\$277,231,000~~)) \$281,089,000 of the general fund--state appropriation for fiscal year 2003, ((~~\$1,254,197,000~~)) \$1,258,165,000 of the general fund--federal appropriation, and \$31,444,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field

services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(2) \$54,623,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$44,431,000)~~) \$51,147,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$4,032,000)~~) \$6,852,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

(6) It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for supplemental security income (SSI) supplemental payments. Within the amount remaining in this section, SSI supplemental payments shall be used for current SSI recipients who have ineligible spouses.

(7) \$311,000 of the fiscal year 2003 general fund--state appropriation and \$255,000 of the general fund--federal appropriation are provided solely for the department to: (a) increase and improve efforts to verify that children and pregnant women are in fact eligible for the medical assistance services they receive; and (b) review their continued eligibility for medical assistance services every six months. The improved income verification efforts shall be implemented no later than April 1, 2003, and shall include review of recipient documentation and employer contacts to verify that the income declared by applicants and recipients is accurate. These efforts will be supplemented by electronic records checks that will be in place by July 1, 2003. The six-month rather than annual review of continued eligibility is to be implemented no later than October 1, 2003. All administrative rules, guidelines, and procedures; staffing levels and training; and changes to electronic systems necessary to implement the six-month review of continued eligibility shall be in place as required to timely implement the six-month reviews beginning October 1, 2003.

Sec. 208. 2002 c 371 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM General Fund--State Appropriation (FY 2002) \$35,851,000

General Fund--State Appropriation (FY 2003) (~~(\$37,022,000)~~)

\$36,548,000

General Fund--Federal Appropriation (~~(\$91,549,000)~~)

\$91,539,000

General Fund--Private/Local Appropriation \$723,000

Public Safety and Education Account--State

Appropriation \$13,427,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$52,306,000

TOTAL APPROPRIATION (~~(\$230,878,000)~~)

\$230,394,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$810,000 of the general fund--state appropriation for fiscal year 2002 and \$1,622,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for expansion of 35 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services. These additional treatment beds shall be located in the eastern part of the state.

(2) \$1,000,000 of the public safety and education account--state appropriation is provided solely for expansion of treatment for persons gravely disabled by abuse and addiction to alcohol and other drugs including methamphetamine.

(3) \$1,083,000 of the public safety and education account--state appropriation and \$75,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for adult and juvenile drug courts that have a net loss of federal grant funding in state fiscal year 2002 and state fiscal year 2003. This appropriation is intended to cover approximately one-half of lost federal funding.

(4) \$1,993,000 of the public safety and education account--state appropriation and \$951,000 of the general fund--federal appropriation are provided solely for drug and alcohol treatment for SSI clients. The department shall continue research and post-program evaluation of these clients to further determine the post-treatment utilization of medical services and the service effectiveness of consolidation.

(5) \$500,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2003 is provided solely for the department to provide treatment for pathological gambling or training for the treatment of pathological gambling under Second Substitute Senate Bill No. 6560 (shared game lottery). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 2338 or Substitute Senate Bill No. 6361 (drug offender sentencing).

Sec. 209. 2002 c 371 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM General Fund--State
Appropriation (FY 2002) \$1,081,150,000
General Fund--State Appropriation (FY 2003) (~~(\$1,124,758,000)~~)

\$1,186,072,000

General Fund--Federal Appropriation (~~(\$3,621,077,000)~~)

\$3,310,906,000

General Fund--Private/Local Appropriation (~~(\$211,272,000)~~)

\$216,822,000

Emergency Medical Services and Trauma Care Systems

Trust Account--State Appropriation (~~(\$9,200,000)~~)

\$16,300,000

Health Services Account--State Appropriation (~~(\$1,104,119,000)~~)

\$723,784,000

TOTAL APPROPRIATION (~~(\$7,151,576,000)~~)

\$6,535,034,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September 1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058 (breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, (~~(\$1,380,000)~~) \$337,000 of the health services account appropriation for fiscal year 2003, and (~~(\$2,000,000)~~) \$960,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, (~~(\$523,600,000)~~) \$197,189,000 of the health services account appropriation and (~~(\$530,585,000)~~) \$198,447,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into

the health services account, equal to at least ((98)) 95 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium. If the medicare upper payment limit revenues referenced in this subsection are not received in an amount or within a time frame sufficient to support spending from the health services account, the governor shall take actions in accordance with RCW 43.88.110(8).

(12) (((\$38,766,000)) \$40,071,000 of the health services account appropriation ((for fiscal year 2002, \$40,494,000 of the health services account appropriation for fiscal year 2003, and \$79,839,000)) and \$40,452,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The department shall ensure cooperation with the anticipated audit of the school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

(15) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(16) \$8,500,000 of the general fund--state appropriation for fiscal year 2002, or so much thereof as may be necessary, is provided solely for settlement of *Providence St. Peter's Hospital et al. vs. Department of Social and Health Services*.

(17) In consultation and coordination with the department of health, the department shall establish mechanisms to assure that the AIDS insurance program operates within budgeted levels. Such mechanisms shall include a system under which the state's contribution to the cost of coverage is adjusted on a sliding-scale basis.

(18) The department shall implement an academic detailing program that educates prescribers on the availability of generic versions of off-patent brand drugs. To the extent the net cost of generics, after accounting for rebates, is less than the off-patent drug, generics will be substituted, with the prescriber's approval, consistent with criteria developed by the department in consultation with the state medical association and the state pharmacists association.

(19) Within available resources, the department shall design and ((initiate)) report on the feasibility of a general assistance medical care management project in two counties, one in eastern Washington and one in western Washington. In designing the project, the department shall consult with the mental health division, migrant and community health centers, and any other managed care provider that has the capacity to offer coordinated medical and mental health care. The projects shall be designed in such a way that a designated provider network is established for general assistance clients so that care management can be maximized. The department shall report on the design of the pilot project to the policy and fiscal committees of the legislature by October 15, 2002.

Sec. 210. 2002 c 371 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM General Fund--State Appropriation (FY 2002) \$11,135,000	
General Fund--State Appropriation (FY 2003) ((\$9,385,000))	<u>\$9,371,000</u>
General Fund--Federal Appropriation ((\$82,235,000))	
	<u>\$82,185,000</u>
General Fund--Private/Local Appropriation \$360,000	
TOTAL APPROPRIATION ((\$103,115,000))	<u>\$103,051,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities.

(2) The department shall actively assist participants in the employment support services program to obtain other employment or training opportunities over the course of fiscal year 2003.

Sec. 211. 2002 c 371 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM General Fund--State Appropriation (FY 2002) \$30,419,000	
General Fund--State Appropriation (FY 2003) ((\$22,419,000))	<u>\$24,788,000</u>
General Fund--Federal Appropriation ((\$47,135,000))	
	<u>\$48,147,000</u>
General Fund--Private/Local Appropriation \$810,000	
TOTAL APPROPRIATION ((\$100,783,000))	<u>\$104,164,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) By November 1, 2001, the secretary shall report to the fiscal committees of the legislature on the actions the secretary has taken, or proposes to take, within current funding levels to resolve the organizational problems identified in the department's February 2001 report to the legislature on current systems for billing third-party payers for services delivered by the state psychiatric hospitals. The secretary is authorized to transfer funds from this section to the mental health program to the extent necessary to achieve the organizational improvements recommended in that report.

(2) By November 1, 2001, the department shall report to the fiscal committees of the legislature with the least costly plan for assuring that billing and accounting technologies in the state psychiatric hospitals adequately and efficiently comply with standards set by third-party payers. The plan shall be developed with participation by and oversight from the office of financial management, the department's information systems services division, and the department of information services.

(3) The department shall reconstitute the payment integrity program to place greater emphasis upon the prevention of future billing errors, ensure billing and administrative errors are treated in a manner distinct from allegations of fraud and abuse, and shall rename the program. In keeping with this revised focus, the department shall also increase to one thousand dollars the cumulative total of apparent billing errors allowed before a provider is contacted for repayment.

(4) By September 1, 2001, the department shall report to the fiscal committees of the legislature results from the payment review program. The report shall include actual costs recovered and estimated costs avoided for fiscal year 2001 and the costs incurred by the department to administer the program. The report shall document criteria and methodology used for determining avoided costs. In addition,

the department shall seek input from health care providers and consumer organizations on modifications to the program. The department shall provide annual updates to the report to the fiscal committees of the legislature by September 1st of each year for the preceding fiscal year.

(5) The department shall implement reductions in administrative expenditures assumed in these appropriations that achieve ongoing savings, reduce duplicative and redundant work processes, and, where possible, eliminate entire administrative functions and offices. The department may transfer amounts among sections and programs to achieve these savings provided that reductions in direct services to clients and recipients of the department shall not be counted as administrative reductions. The department shall report to the appropriate committees of the legislature a spending plan to achieve these reductions by July 1, 2002, and shall report actual achieved administrative savings and projected saving for the remainder of the biennium by December 1, 2002.

Sec. 212. 2002 c 371 s 212 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY General Fund--State Appropriation (FY 2002) \$6,655,000

State Health Care Authority Administrative

Account--State Appropriation (~~(\$20,032,000)~~)

\$20,215,000

Health Services Account--State Appropriation (~~(\$538,828,000)~~)

\$503,733,000

General Fund--Federal Appropriation (~~(\$4,240,000)~~)

\$3,496,000

~~((Medical Aid Account--State Appropriation \$45,000))~~

TOTAL APPROPRIATION (~~(\$569,800,000)~~)

\$534,099,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,551,000 of the general fund--state appropriation for fiscal year 2002 and \$6,550,000 of the health services account--state appropriation for fiscal year 2003 are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of this 2001 act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) The health care authority shall solicit information from the United States office of personnel management, health plans, and other relevant sources, regarding the cost of implementation of mental health parity by the federal employees health benefits program in 2001. A progress report shall be provided to the senate and house of representatives fiscal committees by July 1, 2002, and a final report shall be provided to the legislature by November 15, 2002, on the study findings.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of income tax returns and recent pay history from all applicants; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; and (e) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~(6) ((The health services account revenues generated by Initiative Measure No. 773 which are appropriated in this section shall be used to subsidize enrollments in excess of the 125,000 per month base enrollment level as follows:~~

~~(a) \$20,000,000 is provided solely for enrollment in the subsidized basic health plan of persons who, solely by reason of their immigration status, are not eligible for medicaid coverage of their nonemergent medical care needs. From July 2002 to October 2002, opportunities for subsidized coverage will be offered on a phased-in basis to this group of persons. Any entity or organization may sponsor subsidized basic health plan enrollment.~~

~~(b) Beginning January 1, 2003, subsidized basic health plan coverage shall be offered on a phased-in basis to an additional 20,000 enrollees.~~

~~(7))~~ \$3,000,000 of the health services account--state appropriation for fiscal year 2003 is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

~~((8))~~ (7) The health care authority shall report to the fiscal committees of the legislature on the costs, benefits, and feasibility of implementing a system no later than January 1, 2004, under which the state's contribution to the cost of employee medical coverage would be graduated according to employee salary. Under the graduated system, employees in higher salary ranges would pay a larger share of the cost of their medical coverage, while those paid lower salaries would pay a smaller percentage of their premium. The report shall be prepared in consultation with the department of personnel and the state-supported colleges and universities, and shall be submitted to the fiscal committees no later than December 1, 2002.

~~((9))~~ (8) In consultation with the department of personnel and with the state-supported colleges and universities, the health care authority shall report to the fiscal committees of the legislature by October 1, 2002, a plan for expanding the availability and use of flexible spending account plans under which employees may set aside pretax earnings to cover their out-of-pocket medical costs. The authority is authorized to proceed with implementation of such a plan to the extent it can be accomplished within existing state funding levels.

~~((10) \$685,000 of the health services account appropriation, \$629,000 of the general fund--federal appropriation, and the medical aid account appropriation are provided solely for implementation of Substitute Senate Bill No. 6368 (prescription drug utilization and education). If the bill is not enacted by June 30, 2002, these amounts shall lapse.)~~

Sec. 213. 2002 c 371 s 213 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2002) \$2,688,000

General Fund--State Appropriation (FY 2003) (~~(\$2,619,000)~~)

\$2,483,000

General Fund--Federal Appropriation (~~(\$1,544,000)~~)

\$1,794,000

General Fund--Private/Local Appropriation \$100,000

TOTAL APPROPRIATION (~~(\$6,951,000)~~)

\$7,065,000

Sec. 214. 2002 c 371 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES General Fund--State Appropriation (FY 2002) \$5,577,000

General Fund--State Appropriation (FY 2003) \$5,517,000

General Fund--Federal Appropriation \$1,250,000

Public Safety and Education Account--State Appropriation \$18,292,000	
Public Safety and Education Account--Federal Appropriation \$6,950,000	
Public Safety and Education Account--Private/Local Appropriation ((\$5,373,000))	
	<u>\$4,200,000</u>
Asbestos Account--State Appropriation \$688,000	
Electrical License Account--State Appropriation \$28,412,000	
Farm Labor Revolving Account--Private/Local Appropriation \$28,000	
Worker and Community Right-to-Know Account--State Appropriation \$2,281,000	
Public Works Administration Account--State Appropriation \$2,856,000	
Accident Account--State Appropriation \$184,219,000	
Accident Account--Federal Appropriation \$11,568,000	
Medical Aid Account--State Appropriation ((\$183,666,000))	
	<u>\$178,666,000</u>
Medical Aid Account--Federal Appropriation \$2,438,000	
Plumbing Certificate Account--State Appropriation \$1,111,000	
Pressure Systems Safety Account--State Appropriation \$2,525,000	
TOTAL APPROPRIATION ((\$462,751,000))	
	<u>\$456,578,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program.

(3) \$300,000 of the medical aid account--state appropriation is provided for a second center of occupational health and education to be located on the east side of the state. These centers train physicians on best practices for occupational medicine and work with labor and business to improve the quality and outcomes of medical care provided to injured workers.

Sec. 215. 2002 c 371 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2002) \$1,577,000	
General Fund--State Appropriation (FY 2003) ((\$1,533,000))	
	<u>\$1,540,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$7,000	
TOTAL APPROPRIATION ((\$3,117,000))	
	<u>\$3,124,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2002) \$2,619,000	
General Fund--State Appropriation (FY 2003) ((\$2,580,000))	
	<u>\$2,596,000</u>
General Fund--Federal Appropriation \$310,000	
General Fund--Private/Local Appropriation \$1,663,000	
TOTAL APPROPRIATION ((\$7,172,000))	
	<u>\$7,188,000</u>

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$5,765,000	
General Fund--State Appropriation (FY 2003) ((\$5,516,000))	
	<u>\$5,909,000</u>
General Fund--Federal Appropriation ((\$27,437,000))	
	<u>\$27,411,000</u>
General Fund--Private/Local Appropriation ((\$22,828,000))	
	<u>\$22,526,000</u>
TOTAL APPROPRIATION ((\$61,546,000))	
	<u>\$61,611,000</u>

The appropriations in this subsection are subject to the following terms and conditions:

(1) \$2,886,000 of the general fund--federal appropriation and \$5,639,000 of the general fund--local appropriation are provided solely for the department to acquire, establish, and operate a nursing facility dedicated to serving men and women from Washington who have served in the nation's armed forces.

(2) After July 1, 2003, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2003 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose, nor may the department transfer appropriations into the headquarters program.

Sec. 216. 2002 c 371 s 219 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY General Fund--State Appropriation (FY 2003) (~~(\$152,000)~~)

\$171,000

The appropriation in this section is subject to the following conditions and limitations: The general fund--state appropriation for fiscal year 2003 is provided for start-up costs of the home care quality authority, a new state agency established by the enactment of Initiative Measure No. 775.

Sec. 217. 2002 c 371 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH General Fund--State Appropriation (FY 2002) \$57,337,000
 General Fund--State Appropriation (FY 2003) (~~(\$54,940,000)~~)

Health Services Account--State Appropriation ((\$33,520,000))	<u>\$54,845,000</u>
General Fund--Federal Appropriation \$297,352,000	
General Fund--Private/Local Appropriation ((\$82,912,000))	<u>\$28,460,000</u>
Hospital Commission Account--State Appropriation \$2,305,000	
Health Professions Account--State Appropriation \$39,374,000	
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$14,858,000	
Safe Drinking Water Account--State Appropriation \$2,689,000	
Drinking Water Assistance Account--Federal Appropriation \$13,376,000	
Waterworks Operator Certification--State Appropriation ((\$622,000))	<u>\$743,000</u>
Salmon Recovery Account--State Appropriation \$182,000	
Water Quality Account--State Appropriation \$3,304,000	
Accident Account--State Appropriation \$257,000	
Medical Aid Account--State Appropriation \$45,000	
State Toxics Control Account--State Appropriation \$2,809,000	
Medical Test Site Licensure Account--State Appropriation \$1,801,000	
Youth Tobacco Prevention Account--State Appropriation \$1,797,000	
Tobacco Prevention and Control Account--State Appropriation \$43,737,000	
TOTAL APPROPRIATION ((\$653,217,000))	<u>\$649,483,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged to the drinking water operator certification, newborn screening, radioactive materials, x-ray compliance, drinking water plan review, midwifery, hearing and speech, veterinarians, psychologists, pharmacists, hospitals, podiatrists, home health and home care, transient accommodations licensing, adult residential rehabilitation facilities licensing, state institution licensing, medical test site licensing, alcoholism treatment facilities licensing, certificate of need, and food handlers programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2002, \$157,000 of the general fund--state appropriation for fiscal year 2003, and the salmon recovery account appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse.

(3) \$1,675,000 of the general fund--state fiscal year 2002 appropriation and \$1,676,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(4) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(5) (~~(\$19,778,000)~~) \$14,718,000 of the health services account-- state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(6) \$85,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute House Bill No. 1365 (infant and child products). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(7) From funds appropriated in this section, the state board of health shall convene a broadly-based task force to review the available information on the potential risks and benefits to public and personal health and safety, and to individual privacy, of emerging technologies involving human deoxyribonucleic acid (DNA). The board may reimburse task force members for travel expenses according to RCW 43.03.220. The task force shall consider information provided to it by interested persons on: (a) The incidence of discriminatory actions based upon genetic information; (b) strategies to safeguard civil rights and privacy related to genetic information; (c) remedies to compensate individuals for inappropriate use of their genetic information; and (d) incentives for further research and development on the use of DNA to promote public health, safety, and welfare. The task force shall report on its findings and any recommendations to appropriate committees of the legislature by October 1, 2002.

(8) \$533,000 of the general fund--state appropriation for fiscal year 2002 and \$847,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for performance-based contracts with local jurisdictions to assure the safety of drinking water provided by small "group B" water systems.

(9) By October 1, 2002, the department shall establish mechanisms to assure that the HIV early intervention services program operates within appropriated levels. This shall include a system under which the state's contribution to the cost of care is adjusted on a sliding- scale basis.

(10) By December 1, 2002, the department shall report to appropriate committees of the legislature with a feasibility analysis of implementing an electronic filing system for death certificates. The study shall be conducted in consultation and cooperation with local and state registrars, funeral directors, and physicians, and shall include an analysis of applying an additional fee to death certificates to cover the cost of developing and operating the electronic system.

Sec. 218. 2002 c 371 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ~~(2002)~~ 2003, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~(2002)~~ 2003 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2002) \$36,786,000

General Fund--State Appropriation (FY 2003) (~~(\$36,434,000)~~)

\$36,239,000

Public Safety and Education Account--State

Appropriation \$1,576,000

Violence Reduction and Drug Enforcement

Account Appropriation \$3,254,000

TOTAL APPROPRIATION (~~(\$78,050,000)~~)

\$77,855,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, \$4,623,000 of the general fund-- state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

(a) Include a description of any changes to the replacement project;

(b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;

(c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and

(d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2002) \$404,390,000

General Fund--State Appropriation (FY 2003) (~~(\$412,788,000)~~)

\$434,369,000

General Fund--Federal Appropriation (~~(\$9,142,000)~~)

\$9,936,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$1,596,000

Public Health Services Account Appropriation \$1,453,000

TOTAL APPROPRIATION (~~(\$829,369,000)~~)

\$851,744,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account (~~as of January 1, 2000~~).

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

~~((+))~~ (i) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$68,097,000

General Fund--State Appropriation (FY 2003) (~~(\$75,720,000)~~)

\$77,964,000

General Fund--Federal Appropriation \$870,000

Public Safety and Education

Account--State Appropriation \$15,493,000

TOTAL APPROPRIATION (~~(\$160,180,000)~~)

\$162,424,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$631,000
General Fund--State Appropriation (FY 2003) \$629,000
TOTAL APPROPRIATION \$1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002) \$18,568,000
General Fund--State Appropriation (FY 2003) \$18,569,000
TOTAL APPROPRIATION \$37,137,000

Sec. 219. 2002 c 371 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND General Fund--State Appropriation (FY 2002) \$1,652,000
General Fund--State Appropriation (FY 2003) (~~(\$1,588,000)~~) \$1,582,000
General Fund--Federal Appropriation (~~(\$12,643,000)~~) \$13,186,000
General Fund--Private/Local Appropriation \$80,000
TOTAL APPROPRIATION (~~(\$15,963,000)~~) \$16,500,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely to increase state assistance for a comprehensive program of training and support services for persons who are both deaf and blind.

Sec. 220. 2002 c 371 s 224 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT General Fund--Federal Appropriation \$180,628,000
General Fund--Private/Local Appropriation \$30,119,000
Unemployment Compensation Administration Account--
Federal Appropriation (~~(\$194,167,000)~~) \$194,011,000
Administrative Contingency Account--State
Appropriation (~~(\$15,514,000)~~) \$13,914,000
Employment Service Administrative Account--State
Appropriation (~~(\$20,001,000)~~) \$20,851,000
TOTAL APPROPRIATION (~~(\$440,429,000)~~) \$439,523,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the unemployment compensation administration account is provided solely for the implementation of Substitute House Bill No. 2355 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(2) (~~Up to \$1,600,000~~) \$850,000 of the (~~administrative contingency account~~) employment service administrative account--state appropriation is provided solely for administrative costs related to the implementation of Engrossed House Bill No. 2901 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

**PART III
NATURAL RESOURCES**

Sec. 301. 2002 c 371 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY General Fund--State Appropriation (FY 2002) \$39,404,000
General Fund--State Appropriation (FY 2003) (~~(\$34,283,000)~~) \$34,225,000
General Fund--Federal Appropriation \$56,805,000
General Fund--Private/Local Appropriation \$4,351,000
Special Grass Seed Burning Research Account--
State Appropriation \$14,000
Reclamation Revolving Account--State
Appropriation \$1,935,000
Flood Control Assistance Account--
State Appropriation \$4,098,000
State Emergency Water Projects Revolving Account--
State Appropriation \$878,000
Waste Reduction/Recycling/Litter Control Account--

State Appropriation \$14,287,000
 State Drought Preparedness Account--State
 Appropriation \$2,575,000
 Salmon Recovery Account--State Appropriation \$250,000
 State and Local Improvements Revolving Account
 (Water Supply Facilities)--State
 Appropriation \$587,000
 Water Quality Account--State Appropriation \$22,985,000
 Wood Stove Education and Enforcement Account--
 State Appropriation \$353,000
 Worker and Community Right-to-Know Account--
 State Appropriation \$3,288,000
 State Toxics Control Account--State
 Appropriation \$70,001,000
 State Toxics Control Account--Private/Local
 Appropriation \$350,000
 Local Toxics Control Account--State
 Appropriation \$4,751,000
 Water Quality Permit Account--State
 Appropriation \$24,210,000
 Underground Storage Tank Account--State
 Appropriation \$2,682,000
 Environmental Excellence Account--State
 Appropriation \$504,000
 Biosolids Permit Account--State Appropriation \$764,000
 Hazardous Waste Assistance Account--State
 Appropriation \$4,308,000
 Air Pollution Control Account--State
 Appropriation \$1,366,000
 Oil Spill Prevention Account--State
 Appropriation \$7,921,000
 Air Operating Permit Account--State
 Appropriation \$3,608,000
 Freshwater Aquatic Weeds Account--State
 Appropriation \$1,898,000
 Oil Spill Response Account--State
 Appropriation \$7,078,000
 Metals Mining Account--State Appropriation \$5,000
 Water Pollution Control Revolving Account--
 State Appropriation (~~(\$536,000)~~) \$564,000
 Water Pollution Control Revolving Account--
 Federal Appropriation \$2,802,000
 TOTAL APPROPRIATION (~~(\$318,877,000)~~) \$318,847,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,874,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$3,874,000)~~) \$2,684,000 of the general fund--state appropriation for fiscal year 2003, \$394,000 of the general fund-- federal appropriation, \$2,070,000 of the oil spill prevention account-- state appropriation, \$1,190,000 of the state toxics control account, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$500,000 of the state toxics control account appropriation is provided for an assessment of the financial assurance requirements of hazardous waste management facilities. By September 30, 2002, the department shall provide to the governor and appropriate committees of the legislature a report that: (a) Evaluates current statutes and regulations governing hazardous waste management facilities; (b) analyzes and makes recommendations for improving financial assurance regulatory control; and (c) makes recommendations for funding financial assurance regulatory control of hazardous waste management facilities.

(3) \$814,000 of the state drought preparedness account--state appropriation, \$549,000 of the water quality account--state appropriation, and \$250,000 of the salmon recovery account--state appropriation are provided solely for enhanced streamflow monitoring in critical salmon recovery basins. \$640,000 of this amount is provided solely to implement the Puget Sound work plan and agency action item DOE-01.

(4) \$1,000,000 of the state toxics control account appropriation in this section is provided solely for the department to work in cooperation with local jurisdictions to address emerging storm water management requirements. This work shall include developing a storm water manual for eastern Washington, technical assistance to local jurisdictions, and increased implementation of the department's existing storm water program. \$200,000 of this amount is provided solely for implementation of the Puget Sound work plan and agency action item DOE-06.

(5) \$383,000 of the general fund--state appropriation for fiscal year 2002 and \$383,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for water conservation plan review, technical assistance, and project review for water conservation and reuse projects. By December 1, 2003, the department in cooperation with the department of health shall report to the governor and appropriate committees of the legislature on the activities and achievements related to water conservation and reuse during the past two biennia. The report shall include an overview of technical assistance provided, reuse project development activities, and water conservation achievements.

(6) \$3,424,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean up activities.

(7)(a) \$800,000 of the state toxics control account appropriation is provided solely to implement the department's persistent, bioaccumulative toxic chemical strategy.

(b) In developing its persistent bioaccumulative toxic chemical strategy, the department must:

(I) First develop a planned strategy for the reduction of mercury from the environment. This strategy will be known as the mercury chemical action plan. The development of the mercury chemical action plan will be a model for developing all future chemical action plans;

(ii) Develop a mercury chemical action plan that includes, but is not limited to: (A) Identifying current mercury uses in Washington; (B) analyzing current state and federal laws, regulations, rules, and voluntary measures that can be used to reduce or eliminate mercury; (c) identifying mercury reduction and elimination options; and (D) implementing actions to reduce or eliminate mercury uses and releases;

(iii) Involve an advisory committee of up to twelve members composed of adequate and balanced representation of local government, business, agriculture, and environmental, public health, and community groups in the development of the mercury chemical action plan. In addition, the department must invite and strongly encourage any interested tribes or federal agencies to participate in the advisory committee process. The advisory committee must be involved in the development of the mercury chemical action plan. All information that will serve as the basis for any decisions in the mercury chemical action plan's development must be available to the advisory committee members. The advisory committee has sixty days to provide input to the department on the elements of the mercury chemical action plan. The comments and suggestions made by the advisory committee must be considered by the department; however, consensus of the advisory committee is not necessary for the department to move forward in the development of the mercury chemical action plan. All meetings of the advisory committee are subject to the provisions of chapter 42.30 RCW. The advisory committee for the mercury chemical action plan must be established by April 15, 2002;

(iv) By August 31, 2002, develop and issue a draft mercury chemical action plan in consultation with the advisory committee. Following the release of the draft plan, the department must allow for a sixty-day public comment period. The advisory committee, following the comment period, shall consider the public comments received; and

(v) The department shall finalize the mercury chemical action plan by December 31, 2002. The final mercury chemical action plan, developed after considering the public comments and the input of the advisory committee, must outline actions for the department to take, including, but not limited to, the development of any rules and recommending any legislation. Implementation must begin no later than February 1, 2003.

(8) Up to \$11,365,000 of the state toxics control account appropriation is provided for the remediation of contaminated sites. Of this amount, up to \$2,000,000 may be used to pay existing site remediation liabilities owed to the federal environmental protection agency for clean-up work that has been completed. The department shall carefully monitor actual revenue collections into the state toxics control account, and is authorized to limit actual expenditures of the appropriation provided in this section consistent with available revenue.

(9) \$200,000 of the state toxics control account appropriation is provided to assess the effectiveness of the state's current toxic pollution prevention and dangerous waste programs and policies. The department shall work with affected stakeholder groups and the public to evaluate the performance of existing programs, and identify feasible methods of reducing the generation of these wastes. The department shall report its findings to the governor and the appropriate committees of the legislature by September 30, 2002.

(10) \$1,200,000 of the state toxics control account appropriation is provided solely for the department, in conjunction with affected local governments, to address emergent areawide soil contamination problems. The department's efforts will include public involvement processes and completing assessments of the geographical extent of toxic contamination including highly contaminated areas.

(11) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(12) \$1,500,000 of the general fund--state appropriation for fiscal year 2002, \$1,500,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the water quality account appropriation are provided solely to implement chapter 237, Laws of 2001 (Engrossed Substitute House Bill No. 1832, water resources management) and to support the processing of applications for changes and transfers of existing water rights.

(13) \$9,000,000 of the water quality account--state appropriation is provided solely for grants to local governments to conduct watershed planning and technical assistance. At least \$7,000,000 shall be distributed as grants and shall include \$200,000 for facilitation of the central Puget Sound regional initiative.

(14) \$3,114,000 of the water quality account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1832 (water resources management). Of this amount: (a) \$1,200,000 is provided for grants to local governments for targeted watershed assessments consistent with Engrossed Substitute House Bill No. 1832; and (b) the remainder of the funding is provided solely for development of a state environmental policy act template to streamline environmental review, creation of a blue ribbon panel to develop long-term watershed planning implementation funding options, and technical assistance.

(15) \$200,000 of the water quality account appropriation is provided solely to provide coordination and assistance to groups established for the purpose of protecting, enhancing, and restoring the biological, chemical, and physical processes of watersheds. These groups may include those involved in coordinated resource management, regional fisheries enhancement groups, conservation districts, watershed councils, and private nonprofit organizations incorporated under Title 24 RCW.

(16) \$325,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(17) \$1,352,000 of the general fund--state appropriation for fiscal year 2002, \$700,000 of the general fund--state appropriation for fiscal year 2003, \$700,000 of the water quality account appropriation, and \$280,000 of the oil spill prevention account appropriation are provided solely for oil spill prevention measures in Puget Sound. Of these amounts:

(a) The general fund appropriation and the water quality account appropriation are provided solely for the department of ecology to provide for charter safety tug services, including the placement of a dedicated tug at Neah Bay for not less than 200 days in fiscal year 2002 and fiscal year 2003. By January 10, 2002, the department shall report to the appropriate committees of the legislature regarding the number of dispatches, response time and distance, and other factors pertaining to the safety tug services. The general fund--state appropriation in this subsection is provided solely for implementation of the Puget Sound work plan and agency action item DOE-09;

(b) \$100,000 of the oil spill prevention account appropriation is provided solely for the department to conduct a vessel transponder feasibility study for Washington waters and undertake a trial vessel tracking program using transponders. In conducting the feasibility study and trial program, the department of ecology shall consult with state pilotage authorities, the maritime industry and the United States coast guard; and

(c) \$180,000 of the oil spill prevention account appropriation is provided solely to acquire vessel incident reporting information.

The governor shall request the federal government to provide ongoing resources to station a dedicated rescue tug at Neah Bay.

(18) \$600,000 of the water quality account--state appropriation is provided solely for setting instream flows in six basins not currently planning under the watershed planning act.

(19) \$200,000 of the water quality account appropriation is provided solely for activities associated with development of the Willapa River total maximum daily load (TMDL). The activities shall include but are not limited to: (a) A contract with Pacific county to complete the oxygen/bacteria and temperature model for the TMDL, conduct a technical analysis of local options for waste load allocations, and develop the first draft of the waste load allocation plan; and (b) a contract for facilitation services for a public process for the TMDL, assist in reaching consensus between parties involved in the technical work, help ensure that there is an accurate public record, and provide a forum for the waste load allocation.

(20) \$175,000 of the biosolids permit account is provided solely to develop a statewide septage strategy. The department shall work with affected stakeholders to address septage permit requirements, changes to existing rules, clarification of state and local responsibilities, and fee structure changes that are necessary to support the program in future biennia. The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2003.

(21) \$189,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for facilitation services and the following activities:

(a)(I) A joint task force is created to study judicial and administrative alternatives for resolving water disputes. The task force shall be organized and led by the office of the attorney general. In addition to the office of the attorney general, members of the task force shall include:

(A) Representatives of the legislature, including one member from each caucus appointed by the president of the senate and the speaker of the house of representatives;

(B) Representatives of the superior courts appointed by the president of the superior court judges association, and shall include two judicial officers of the superior court from eastern Washington and two judicial officers of the superior court from western Washington;

(c) A representative of the state court of appeals appointed by the chief justice of the state supreme court;

(D) A representative of the environmental hearings office; and

(E) A representative of the department of ecology.

(ii) The objectives of the task force are to:

(A) Examine and characterize the types of water disputes to be resolved;

(B) Examine the approach of other states to water dispute resolution;

(c) Recommend one or more methods to resolve water disputes, including, but not limited to, an administrative resolution process; a judicial resolution process such as water court; or any combination thereof; and

(D) Recommend an implementation plan that will address:

(I) A specific administrative structure for each method used to resolve water disputes;

(II) The cost to implement the plan; and

(III) The changes to statutes and administrative rules necessary to implement the plan.

(iii) The office of the attorney general shall work with the staff of the standing committees of the legislature with jurisdiction over water resources to research and compile information relevant to the mission of the task force by December 31, 2002.

(iv) The task force shall submit its report to the appropriate committees of the legislature no later than December 30, 2003.

(b) The department of ecology and the attorney general's office shall conduct a study to identify possible ways to streamline the water right general adjudication procedures. By December 1, 2002, the agencies will report on their findings and recommendations to the legislature.

(c)(I) The legislature finds that it is in the public interest to investigate the feasibility of conducting negotiations with other states and Canada regarding use of water bodies they share with the state of Washington.

(ii) The governor, or the governor's designee, shall consult with the states that share water bodies with the state of Washington, with Canada, and with other states that have conducted similar negotiations, regarding issues and strategies in those negotiations and shall report to the standing committees of the legislature having jurisdiction over water resources by January 1, 2003.

(iii) In conducting the consultations under this subsection (c), the governor shall give priority consideration to the interstate issues affecting the Spokane-Rathdrum Prairie aquifer including those issues affecting a safe and adequate supply of public drinking water, as provided by municipal governments.

(d) By October 1, 2002, the department of ecology shall provide to the appropriate standing committees of the legislature, a plan, schedule, and budget for improving the administration of water right records held by the department of ecology. The department of ecology shall work with the department of revenue and with county auditors in developing recommendations for improving the administration of water rights ownership information and integrating this information with real property ownership records. The department of ecology shall evaluate the need for grants to counties to assist with recording and information management needs related to water rights ownership and title.

(22) For applicants that meet eligibility requirements, the department of ecology shall consider individual stormdrain treatment systems to be classified as "activity" projects and eligible for grant funding provided under section 319 the federal Clean Water Act. These projects shall be prioritized for funding along with other grant proposals. Receipt of funding shall be based on this prioritization.

Sec. 302. 2002 c 371 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION General Fund--State Appropriation (FY 2002) \$32,198,000
General Fund--State Appropriation (FY 2003) (~~(\$30,340,000)~~)

\$30,332,000

General Fund--Federal Appropriation \$2,690,000

General Fund--Private/Local Appropriation \$60,000

Winter Recreation Program Account--State

Appropriation \$1,087,000

Off Road Vehicle Account--State Appropriation \$274,000

Snowmobile Account--State Appropriation \$4,682,000

Aquatic Lands Enhancement Account--State

Appropriation \$337,000

Public Safety and Education Account--State

Appropriation \$47,000

Salmon Recovery Account--State Appropriation \$200,000

Water Trail Program Account--State

Appropriation \$24,000

Parks Renewal and Stewardship Account--

State Appropriation (~~(\$27,193,000)~~)

\$27,733,000

TOTAL APPROPRIATION (~~(\$99,132,000)~~)

\$99,664,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2001-03 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) The state parks and recreation commission, in collaboration with the office of financial management and legislative staff, shall develop a cost-effective and readily accessible approach for reporting revenues and expenditures at each state park. The reporting system shall be complete and operational by December 1, 2001.

(3) \$79,000 of the general fund--state appropriation for fiscal year 2002, \$79,000 of the general fund--state appropriation for fiscal year 2003, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(4) \$432,000 of the parks renewal and stewardship account appropriation is provided for the operation of the Silver Lake visitor center. If a long-term management agreement is not reached with the U.S. forest service by September 30, 2001, the amount provided in this subsection shall lapse.

(5) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(6) The task force on the funding of state parks and outdoor recreation is hereby created, to consider and develop legislation on the operation and funding of the state parks and outdoor recreation programs of the state. The committee shall be composed of fifteen members, four members of the senate appointed by the president of the senate and to include two members from each caucus, four members of the house of representatives appointed by the speaker of the house of representatives and to include two members from each caucus, three members appointed by the governor and to include at least one representative of a broad coalition of users of the state's parks and outdoor recreation programs, one member appointed by the commissioner of public lands, one member appointed by the chair of the fish and wildlife commission, and one member appointed by the chair of the state parks and recreation commission, and one member appointed by the interagency committee for outdoor recreation. The task force shall elect its own officers, shall be staffed by staff of the legislature, the executive agencies, and the office of the governor, and may appoint an advisory committee of additional persons and organizations interested in the operation and funding of state parks and outdoor recreation. The task force shall specifically review and incorporate into its work the reports prepared pursuant to budget provisos by the Washington state parks and recreation commission regarding its operating budget needs, deferred maintenance backlog, and capital facilities renovation and replacement requirements. The task force shall prepare recommendations for improving the operation of state parks and outdoor recreation programs and for securing adequate funding on a permanent basis for supporting the needs of the state parks and outdoor recreation programs of the state, including a legislative proposal for the implementation of an evergreen recreation pass that would combine the various permits and licenses of the participating agencies into a single pass for recreational day use. The recommendations shall be developed no later than January 1, 2003, and shall be designed for enactment by the legislature during 2003 for implementation in the 2005-07 biennium. The task force shall cease to exist on June 30, 2003.

Sec. 303. 2002 c 371 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE General Fund--State Appropriation (FY 2002) \$46,375,000	
General Fund--State Appropriation (FY 2003) ((\$44,334,000))	<u>\$44,328,000</u>
General Fund--Federal Appropriation ((\$37,716,000))	<u>\$46,242,000</u>
General Fund--Private/Local Appropriation ((\$24,365,000))	<u>\$29,039,000</u>
Off Road Vehicle Account--State Appropriation \$475,000	
Aquatic Lands Enhancement Account--State Appropriation ((\$5,133,000))	<u>\$5,366,000</u>
Public Safety and Education Account--State Appropriation \$574,000	
Recreational Fisheries Enhancement Account-- State Appropriation \$3,354,000	
Salmon Recovery Account--State Appropriation \$1,612,000	
Warm Water Game Fish Account--State Appropriation \$2,567,000	
Eastern Washington Pheasant Enhancement Account-- State Appropriation \$750,000	
Wildlife Account--State Appropriation ((\$50,680,000))	<u>\$50,879,000</u>
Wildlife Account--Federal Appropriation ((\$38,182,000))	<u>\$29,656,000</u>
Wildlife Account--Private/Local Appropriation ((\$15,133,000))	<u>\$10,459,000</u>
Game Special Wildlife Account--State Appropriation \$1,941,000	
Game Special Wildlife Account--Federal Appropriation \$9,591,000	
Game Special Wildlife Account--Private/Local Appropriation \$350,000	
Environmental Excellence Account--State Appropriation \$15,000	
Regional Fisheries Salmonid Recovery Account-- Federal Appropriation \$1,750,000	
Oil Spill Administration Account--State Appropriation \$963,000	
Oyster Reserve Land Account--State Appropriation \$135,000	
TOTAL APPROPRIATION ((\$285,995,000))	<u>\$286,439,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,682,000 of the general fund--state appropriation for fiscal year 2002 and \$1,189,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-07.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to update the salmon and steelhead stock inventory.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2002 and \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement a hatchery endangered species act response. The response shall include emergency hatchery responses, production, and retrofitting of hatcheries for salmon recovery.

(4) \$600,000 of the general fund--state appropriation for fiscal year 2002 and \$600,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for local salmon recovery technical assistance.

(5) \$250,000 of the salmon recovery account appropriation is provided solely for a grant to the lower Skykomish River habitat conservation group for the purpose of developing a salmon recovery plan, in coordination with the lead entity established under chapter 77.85 RCW for that area. The salmon recovery plan must be consistent with the regional recovery plans of the Puget Sound shared strategy and criteria developed by the department for the regional salmon recovery planning program.

(6) \$91,000 of the warm water game fish account appropriation is provided solely for warm water fish culture at the Rod Meseberg warm water fish production facility.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund three cooperative compliance programs, both in Western and Eastern Washington. The cooperative compliance program shall conduct fish screen, fish way, and fish passage barrier assessments and correction plans for landowners seeking cooperative compliance agreements with the department.

(8) \$1,300,000 of the salmon recovery account appropriation, \$400,000 of the general fund--state appropriation for fiscal year 2003, and \$5,000,000 of the general fund--federal appropriation are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(9) \$810,000 of the general fund--state appropriation for fiscal year 2002, \$790,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the wildlife account--state appropriation are provided solely for enforcement and biological staff to respond and take appropriate action to public complaints regarding bear and cougar.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to the department to execute an interagency agreement with the joint legislative audit and review committee to complete an independent organizational and operational review of the fish management division of the fish program. This review shall include:

(a) Identifying those actual functions carried out by the fish management division, including all expenditures by fund source linked to those functions, and the agency's rationale for its current staffing and expenditure levels;

(b) Distinguishing those specific division activities and expenditures that are mandated by court decisions, federal laws or treaties, federal contracts, state laws, and fish and wildlife commission directives, as apart from department discretionary policies;

(c) Reviewing the extent to which division activities and related program expenditures contribute to meeting legislative intent, agency goals, and programmatic objectives; and

(d) Evaluating how performance in meeting intent, goals, and objectives through program activities is measured, reported, and improved.

The committee shall provide a status report on this review to the appropriate legislative policy and fiscal committees by November 1, 2002, and a final report by December 1, 2003.

(11) The department shall implement a lands program manager consolidation program. The consolidation program shall target the department's south central region. The savings from this consolidation shall be used by the department for additional maintenance on agency lands within the south central region.

(12) The department shall implement a survey of all agency lands to evaluate whether agency lands support the agency's strategic plan and goals. The department shall submit a report to the governor and legislature by September 1, 2002, identifying those lands not conforming with the agency's strategic plan and which should be divested.

(13) \$388,000 of the general fund--state appropriation for fiscal year 2002 and \$388,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the forests and fish agreement and includes funding to continue statewide coordination and implementation of the forests and fish rules, integration of portions of the hydraulic code into the forest practices rules to provide permit streamlining, and sharing the responsibility of developing and implementing the required forests and fish agreement monitoring and adaptive management program.

(14) \$194,000 of the general fund--state appropriation for fiscal year 2002 and \$195,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff to represent the state's fish and wildlife interests in hydroelectric project relicensing processes by the federal energy regulatory commission.

(15) \$156,000 of the wildlife account--state appropriation is provided solely for a youth fishing coordinator to develop partnerships with local communities, and to identify, develop, fund, and promote youth fishing events and opportunities. Event coordination and promotion services shall be contracted to a private consultant.

(16) \$135,000 of the oyster reserve land account appropriation is provided solely to implement chapter 273, Laws of 2001, Engrossed Second Substitute House Bill No. 1658 (state oyster reserve lands).

(17) \$43,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(18) \$32,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(19) \$25,000 of the wildlife account--state appropriation is provided solely for the WildWatchCam program to provide internet transmission of live views of wildlife.

(20) \$8,000 of the general fund--state appropriation for fiscal year 2002 and \$7,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the payment of the department's share of approved lake management district assessments. By December 15, 2001, the department shall provide the legislature a summary of its activities related to lake management districts as well as recommendations for establishing equitable lake management district assessments.

(21) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(22) The fish and wildlife commission shall evaluate the adequacy, structure, and amount of fees for hunting and fishing licenses and make recommendations for revision of the fee structure and schedule as appropriate. The evaluation shall consider, but is not limited to: Assessment of the fish and wildlife resource management needs, fees in adjacent states and countries, and efficiencies made possible through automation. The commission shall report to the legislature and the office of financial management by November 1, 2002.

(23) The department shall establish a hydraulic project approval program technical review task force. The task force shall be composed of a balanced representation of both hydraulic project proponents and conservation interests. The task force shall conduct a thorough evaluation of the hydraulic project approval program and make recommendations to the legislature by November 30, 2002, based upon its evaluation. The task force recommendations shall include a potential fee structure and schedule for hydraulic project approval permits.

Sec. 304. 2002 c 371 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES General Fund--State Appropriation (FY 2002) \$35,949,000
General Fund--State Appropriation (FY 2003) (~~(\$30,465,000)~~)

\$48,332,000

General Fund--Federal Appropriation (~~(\$10,936,000)~~)

\$20,267,000

General Fund--Private/Local Appropriation \$2,265,000

Forest Development Account--State
Appropriation \$50,088,000

Off Road Vehicle Account--State
Appropriation \$3,684,000

Surveys and Maps Account--State
Appropriation \$2,689,000

Aquatic Lands Enhancement Account--State Appropriation \$3,923,000	
Resources Management Cost Account--State Appropriation \$79,156,000	
Surface Mining Reclamation Account--State Appropriation \$2,416,000	
Salmon Recovery Account--State Appropriation \$625,000	
Water Quality Account--State Appropriation \$2,900,000	
Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$1,056,000	
Natural Resource Conservation Areas Stewardship Account Appropriation \$209,000	
State Toxics Account--State Appropriation \$1,865,000	
Air Pollution Control Account--State Appropriation \$629,000	
Metals Mining Account--State Appropriation \$64,000	
Agricultural College Trust Management Account Appropriation \$1,790,000	
Derelict Vessel Removal Account--State Appropriation (\$89,000)	
	<u>\$289,000</u>
TOTAL APPROPRIATION (\$230,798,000)	<u>\$258,196,000</u>

The appropriations in this section are subject to the following conditions and limitations

(1) \$18,000 of the general fund--state appropriation for fiscal year 2002, \$18,000 of the general fund--state appropriation for fiscal year 2003, and \$998,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2)(a) \$625,000 of the salmon recovery account appropriation, \$1,250,000 of the general fund--state appropriation for fiscal year 2002, \$1,250,000 of the general fund--state appropriation for fiscal year 2003, and \$2,900,000 of the water quality account--state appropriation are provided solely for implementation of chapter 4, Laws of 1999 sp. sess. (forest practices and salmon recovery).

(b) \$250,000 of the salmon recovery account appropriation is provided solely for and shall be expended to develop a small forest landowner data base in ten counties. \$150,000 of the amount in this subsection shall be used to purchase the data. \$100,000 of the amount in this subsection shall purchase contracted analysis of the data.

(3) \$2,000,000 of the forest development account appropriation is provided solely for road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

(4) \$543,000 of the forest fire protection assessment account appropriation, \$22,000 of the forest development account appropriation, and \$76,000 of the resource management cost account appropriation are provided solely to implement chapter 279, Laws of 2001, Substitute House Bill No. 2104, (modifying forest fire protection assessments).

(5) \$354,000 of the general fund--state appropriation for fiscal year 2002 and \$895,000 of the general fund--state appropriation for fiscal year 2003 shall be transferred to the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(6) \$4,000 of the general fund--state appropriation for fiscal year 2002 and \$4,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(7) \$828,000 of the surface mine reclamation account appropriation is provided to implement Engrossed House Bill No. 1845 (surface mining fees). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(8) \$800,000 of the aquatic lands enhancement account appropriation and \$200,000 of the resources management cost account appropriation are provided solely to improve asset management on state-owned aquatic lands. The department shall streamline the use authorization process for businesses operating on state-owned aquatic lands and issue decisions on 325 pending lease applications by June 30, 2003. The department, in consultation with the attorney general, shall develop a strategic program to resolve claims related to contaminated sediments on state-owned aquatic lands.

(9) \$246,000 of the resource management cost account appropriation is provided to the department for continuing control of spruce budworm.

(10) \$100,000 of the aquatic lands enhancement account is provided solely for the development and initial implementation of a statewide management plan for marine reserves.

(11) \$7,657,859 of the general fund--state appropriation for fiscal year 2002 and ~~(\$4,153,859)~~ \$22,049,859 of the general fund--state appropriation for fiscal year 2003 are provided solely for emergency fire suppression.

(12) \$7,216,000 of the general fund--state appropriation for fiscal year 2002 and \$6,584,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for fire protection activities and to implement provisions of the 1997 tridata fire program review.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$550,000 of the aquatic lands enhancement account--state appropriation, and \$209,000 of the natural resources conservation areas stewardship account--state appropriation are provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(14) \$187,000 of the general fund--state appropriation for fiscal year 2002 and \$188,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the department for maintenance and stewardship of public lands.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$100,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control.

(16) Fees approved by the board of natural resources for filing and recording surveys are authorized to exceed the fiscal growth factor under RCW 43.135.055 for 2002.

(17) The entire state toxics control account appropriation is provided solely for the department to meet its settlement obligation with the U.S. Environmental Protection Agency for the clean-up of the Thea Foss Waterway.

~~((19))~~ (18) \$250,000 of the resource management cost account--state appropriation and \$250,000 of the forest development account--state appropriation are deposited in the contract harvesting revolving account--nonappropriated to implement Substitute Senate Bill No. 6257 (contract harvesting). If Substitute Senate Bill No. 6257 is not enacted the deposit in this subsection shall not occur.

~~((20))~~ (19) Within the amounts appropriated in this section, the department shall review the current procedures used to mobilize resources to fight forest fires under the state mobilization plan and through the department of natural resources. The review must include recommendations to ensure that the people closest to a fire are called first, to allow private contractors to be mobilized under the state mobilization plan, and to identify other efficiencies. The department shall review recent studies regarding ways to improve forest fire fighting

in the state. The department shall consult with representatives of private contractors, fire districts, municipal fire departments, the state fire marshal, appropriate federal agencies, and other interested groups in developing the recommendations. The department shall report their findings and recommendations to the appropriate committees of the legislature by January 1, 2003.

~~((21))~~ (20) \$4,000,000 of the resource management cost account appropriation is provided solely for the purposes of RCW 79.64.020 and is contingent upon the establishment, management, and protection of the following marine reserves: Tidelands and bedlands adjacent to Cherry Point in Whatcom county; tidelands and bedlands surrounding Maury Island in King county; tidelands, bedlands, harbor areas, and waterways adjacent to the Puyallup River delta, within Commencement Bay in Pierce county; tidelands and bedlands surrounding Cypress Island in Skagit county; and tidelands and bedlands within Fidalgo Bay in Skagit county.

~~((22))~~ (21) Within the amounts appropriated in this section, the department shall update the Washington State University asset diversification plan to diversify at least ten percent of the commercial forest land base within ten years and report recommendations for implementing the plan to the appropriate committees of the legislature by December 1, 2002.

Sec. 305. 2002 c 371 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE General Fund--State Appropriation (FY 2002) \$7,815,000
 General Fund--State Appropriation (FY 2003) (~~(\$7,434,000)~~)

\$7,377,000

General Fund--Federal Appropriation \$7,441,000
 General Fund--Private/Local Appropriation \$1,110,000
 Aquatic Lands Enhancement Account--State
 Appropriation \$2,304,000
 State Toxics Control Account--State
 Appropriation (~~(\$2,917,000)~~)

\$2,484,000

TOTAL APPROPRIATION (~~(\$29,021,000)~~)

\$28,531,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2002 and \$37,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for implementation of the Puget Sound work plan and agency action item DOA-01.

(2) \$1,077,000 of the state toxics control account appropriation and \$298,000 of the agricultural local account are provided solely to establish a program to monitor pesticides in surface water, sample and analyze surface waters for pesticide residues, evaluate pesticide exposure on salmon species listed under the provisions of the endangered species act, and implement actions needed to protect salmonids.

(3) \$1,480,000 of the aquatic lands enhancement account appropriation is provided solely to initiate a plan to eradicate infestations of spartina in Puget Sound, Hood Canal, and Grays Harbor and begin the reduction in spartina infestations in Willapa Bay.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2002, \$75,000 of the general fund--state appropriation for fiscal year 2003, and \$150,000 of the general fund--federal appropriation are provided solely to the small farm and direct marketing program to support small farms in complying with federal, state, and local regulations, facilitating access to food processing centers, and assisting with grant funding requests.

(5) \$700,000 of the general fund--federal appropriation and \$700,000 of the general fund--private/local appropriation are provided solely to implement chapter 324, Laws of 2001 (Substitute House Bill No. 1891, marketing of agriculture).

(6) (~~(\$450,000)~~) \$242,000 of the state toxics control account-- state appropriation is provided solely for deposit in the agricultural local nonappropriated account for the plant pest account to reimburse county horticultural pest and disease boards for the costs of pest control activities, including tree removal, conducted under their existing authorities in chapters 15.08 and 15.09 RCW.

(7) The district manager for district two as defined in WAC 16-458- 075 shall transfer four hundred fifty thousand dollars from the fruit and vegetable district fund to the plant pest account within the agricultural local fund. The amount transferred must be derived from fees collected for state inspections of tree fruits and shall be used solely to reimburse county horticultural pest and disease boards in district two for the cost of pest control activities, including tree removal, conducted under their existing authority in chapters 15.08 and 15.09 RCW. The transfer of funds shall occur by July 1, 2001. On June 30, 2003, any unexpended portion of the four hundred fifty thousand dollars shall be returned to the fruit and vegetable district fund.

PART IV TRANSPORTATION

Sec. 401. 2002 c 371 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING General Fund--State Appropriation (FY 2002) \$5,366,000
 General Fund--State Appropriation (FY 2003) (~~(\$5,300,000)~~)

\$5,352,000

Architects' License Account--State
 Appropriation (~~(\$684,000)~~)

\$687,000

Cemetery Account--State Appropriation (~~(\$200,000)~~)

\$203,000

Professional Engineers' Account--State
 Appropriation (~~(\$3,102,000)~~)

\$3,116,000

Real Estate Commission--State Appropriation (~~(\$6,837,000)~~)

\$6,868,000

Master License Account--State Appropriation (~~(\$8,278,000)~~)

\$8,310,000

Uniform Commercial Code Account--State
 Appropriation (~~(\$2,900,000)~~)

\$2,915,000

Real Estate Education Account--State
 Appropriation \$276,000
 Funeral Directors and Embalmers Account--State
 Appropriation (~~(\$459,000)~~)

\$460,000

Washington Real Estate Research Account
 Appropriation \$307,000

Data Processing Revolving Account--State

Appropriation \$23,000
 Derelict Vessel Removal Account--State
 Appropriation \$86,000
 TOTAL APPROPRIATION (~~(\$33,818,000)~~) \$33,969,000

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2001-03 fiscal biennium. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

Sec. 402. 2002 c 371 s 402 (uncodified) is amended to read as follows:
FOR THE STATE PATROL General Fund--State Appropriation (FY 2002) \$21,567,000
 General Fund--State Appropriation (FY 2003) (~~(\$7,933,000)~~) \$8,271,000

General Fund--Federal Appropriation (~~(\$4,178,000)~~) \$4,818,000

General Fund--Private/Local Appropriation \$369,000
 Death Investigations Account--State
 Appropriation \$4,024,000
 Public Safety and Education Account--State
 Appropriation \$14,769,000
 County Criminal Justice Assistance Account--State
 Appropriation \$2,870,000
 Municipal Criminal Justice Assistance Account--
 State Appropriation \$1,367,000
 Fire Service Trust Account--State
 Appropriation \$125,000
 Fire Service Training Account--State
 Appropriation \$6,328,000
 State Toxics Control Account--State
 Appropriation \$461,000
 Violence Reduction and Drug Enforcement Account--
 State Appropriation \$274,000
 Fingerprint Identification Account--State
 Appropriation (~~(\$5,316,000)~~) \$6,028,000

TOTAL APPROPRIATION (~~(\$69,581,000)~~) \$71,271,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.
- (2) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.
- (3) \$100,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5896 (DNA testing of evidence). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.
- (4) \$1,419,000 of the public safety and education account--state appropriation is provided solely for combating the proliferation of methamphetamine labs. The amounts in this subsection are provided solely for the following activities: (a) The establishment of a regional methamphetamine enforcement, training, and education program; (b) additional members for the statewide methamphetamine incident response team; and (c) two forensic scientists with the necessary equipment to perform lab analysis in the crime laboratory division.
- (5) Within the amounts appropriated in this section, funding is provided to implement Substitute House Bill No. 2468 (offender DNA database).
- (6) \$375,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for additional DNA testing kits.

PART V EDUCATION

Sec. 501. 2002 c 371 s 501 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 (1) STATE AGENCY OPERATIONS
 General Fund--State Appropriation (FY 2002) \$12,302,000
 General Fund--State Appropriation (FY 2003) \$12,000,000
 General Fund--Federal Appropriation (~~(\$53,760,000)~~) \$15,248,000

TOTAL APPROPRIATION (~~(\$78,062,000)~~) \$39,550,000

The appropriations in this section are subject to the following conditions and limitations:

- (a) \$11,385,000 of the general fund--state appropriation for fiscal year 2002 and \$11,101,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Of this amount, a maximum of \$350,000 is provided in each fiscal year for upgrading information systems including the general apportionment and student information systems.
- (b) \$486,000 of the general fund--state appropriation for fiscal year 2002 and \$481,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of the general fund--state appropriation, \$100,000 is provided solely for certificate of mastery development and validation.

(c) \$431,000 of the general fund--state appropriation for fiscal year 2002 and \$418,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$49,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to support the joint task force on local effort assistance created by House Bill No. 3011.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2002) \$17,280,000
General Fund--State Appropriation (FY 2003) (~~(\$9,990,000)~~)

\$9,898,000

General Fund--Federal Appropriation (~~(\$85,395,000)~~)

\$139,140,000

TOTAL APPROPRIATION (~~(\$142,665,000)~~)

\$166,318,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(I) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(ii) A maximum \$2,621,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,542,000 of the general fund-- state appropriation for fiscal year 2003 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to create a school safety center subject to the following conditions and limitations.

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center shall be established in the office of the superintendent of public instruction. The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(c) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iv) A maximum of \$113,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$100,000 of the general fund-- state appropriation for fiscal year 2003 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(v) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$243,000 of the general fund-- state appropriation for fiscal year 2003 are provided for training in school districts regarding the prevention of bullying and harassment. The superintendent of public instruction shall use the funds to develop a model bullying and harassment prevention policy and training materials for school and educational service districts. The information may be disseminated in a variety of ways, including workshops and other staff development activities such as videotape or broadcasts.

(vi) A maximum of \$6,048,000 of the general fund--state appropriation for fiscal year 2002 is provided for a safety allocation to districts subject to the following conditions and limitations:

(A) The funds shall be allocated at a maximum rate of \$6.36 per year per full-time equivalent K-12 student enrolled in each school district in the prior school year.

(B) Districts shall expend funds allocated under this section to develop and implement strategies identified in a comprehensive safe school plan pursuant to House Bill No. 1818 (student safety) or Senate Bill No. 5543 (student safety). If neither bill is enacted by June 30, 2001, expenditures of the safety allocation shall be subject to (I), (ii), and (iii) of this subsection (a)(vi)(B).

(I) School districts shall use the funds for school safety purposes and are encouraged to prioritize the use of funds allocated under this section for the development, by September 1, 2002, of school-based comprehensive safe school plans that include prevention, intervention, all-hazards/crisis response, and post crisis recovery components. When developing comprehensive safe school plans, school districts are encouraged to use model school safety plans as developed by the school safety center. Implementation of comprehensive safe school plans may include, but is not limited to, employing or contracting for building security monitors in schools during school hours and school events; research-based early prevention and intervention programs; training for school staff, including security personnel; equipment; school safety hotlines; before, during, and after-school student and staff safety; minor building renovations related to student and staff safety and security; and other purposes identified in the comprehensive safe school plan.

(ii) Each school may conduct an evaluation of its comprehensive safe school plan and conduct reviews, drills, or simulated practices in coordination with local fire, law enforcement, and medical emergency management agencies.

(iii) By September 1, 2002, school districts shall provide the superintendent of public instruction information regarding the purposes for which the safety allocation funding was used and the status of the comprehensive safe school plans for the schools in the school district.

(vii) A maximum of \$200,000 of the general fund--state appropriation for fiscal year 2002, a maximum of \$194,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(viii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$145,000 of the general fund--state appropriation for fiscal year 2003 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(c) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(ix) A maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2002 is provided for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(b) TECHNOLOGY

(i) A maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,940,000 of the general fund--state appropriation for fiscal year 2003 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 of this amount may be expended for state-level administration and staff training on the K-20 network.

(ii) A maximum of \$617,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(c) GRANTS AND ALLOCATIONS

(i) A maximum of \$25,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,916,000 of the general fund--state appropriation for fiscal year 2003 are provided for Senate Bill No. 5695 (alternative certification routes). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse. The stipend allocation per teacher candidate and mentor pair shall not exceed \$28,300. The professional educator standards board shall report to the education committees of the legislature by December 15, 2002, on the districts applying for partnership grants, the districts receiving partnership grants, and the number of interns per route enrolled in each district.

(ii) A maximum of \$31,500 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2003 are provided for operation of the Cispus environmental learning center.

(iii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington civil liberties education program.

(iv) A maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2002 is provided for complex need grants. The maximum grants for eligible districts are specified in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(v) A maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2002 is provided for educational centers, including state support activities. \$50,000 of this amount for fiscal year 2002 is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$50,000 a fiscal year.

(vi) A maximum of \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(vii) A maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2003 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(viii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to support vocational student leadership organizations.

(ix) (~~(\$9,900,000)~~) \$13,955,000 of the general fund--federal appropriation is provided for the Washington Reads project to enhance high quality reading instruction and school programs.

(x) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2003 are provided for the World War II oral history project.

(xi) \$13,942,000 of the general fund--federal appropriation is provided for school renovation grants for school districts with urgent school renovation needs, special education-related renovations, and technology related renovations.

(xii) (~~(\$4,962,000)~~) \$4,698,000 of the general fund--federal appropriation is provided for LINKS technology challenge grants to integrate educational reform with state technology systems and development of technology products that enhance professional development and classroom instruction.

(xiii) (~~(\$536,000)~~) \$1,763,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(xiv) (~~(\$12,318,000)~~) \$8,197,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xv) (~~(\$2,612,000)~~) \$2,473,000 of the general fund--federal appropriation is provided for teacher quality enhancement through provision of consortia grants to school districts and higher education institutions to improve teacher preparation and professional development.

Sec. 502. 2002 c 371 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT General Fund--

State Appropriation (FY 2002) \$3,786,124,000

General Fund--State Appropriation (FY 2003) (~~(\$3,711,897,000)~~)

\$3,719,663,000

TOTAL APPROPRIATION (~~(\$7,498,021,000)~~)

\$7,505,787,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2001-02 and 2002-03 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;
(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and
(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 2.2 certificated instructional staff units for the 2001-02 school year and an additional 0.8 certificated instructional staff units for the 2002-03 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in the 2001-02 school year and 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 55.4 funding ratio in the 2001-02 school year, and up to 1.3 of the 54.0 funding ratio in the 2002-03 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(c) Any district maintaining a ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in the 2001-02 school year, and a ratio equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year, may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(I) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) For the 2002-03 school year, indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(I) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(I) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(I) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2001-02 and 2002-03 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 10.76 percent in the 2001-02 school year and 9.57 percent in the 2002-03 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.73 percent in the 2001-02 school year and 12.36 percent in the 2002-03 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(3) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,519 per certificated staff unit in the 2001-02 school year and a maximum of \$8,604 per certificated staff unit in the 2002-03 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$20,920 per certificated staff unit in the 2001-02 school year and a maximum of \$21,129 per certificated staff unit in the 2002-03 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,233 per certificated staff unit in the 2001-02 school year and a maximum of \$16,395 per certificated staff unit in the 2002-03 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$494.34 for the 2001-02 and 2002-03 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,424,000 outside the basic education formula during fiscal years 2002 and 2003 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$480,000 may be expended in fiscal year 2002 and a maximum of \$485,000 may be expended in fiscal year 2003;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended for the 2001-02 fiscal year and a maximum of \$2,035,000 for the 2003 fiscal year;

(c) A maximum of \$341,000 may be expended for school district emergencies; and

(d) A maximum of \$500,000 for fiscal year 2002 and \$485,000 for fiscal year 2003 may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 2000-01 school year to the 2001-02 school year.

(11) For purposes of RCW 84.52.0531, the increase in appropriations per full-time equivalent student provided in this act, including appropriations for salary and benefits increases, is 2.9 percent from the 2001-02 school year to the 2002-03 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2002 c 371 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2002) \$124,903,000

General Fund--State Appropriation (FY 2003) (~~(\$255,910,000)~~)

\$255,997,000

General Fund--Federal Appropriation (FY 2003) (~~(\$191,000)~~)

\$257,000

TOTAL APPROPRIATION (~~(\$381,004,000)~~)

\$381,157,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A total of (~~(\$329,316,000)~~) **\$329,457,000** is provided for a cost of living adjustment for state formula staff units of 3.7 percent effective September 1, 2001, and 3.6 percent effective on September 1, 2002, consistent with the provisions of chapter 4, Laws of 2001 (Initiative Measure No. 732). The appropriations include associated incremental fringe benefit allocations at rates of 10.12 percent for school year 2001-02 and 8.93 percent for school year 2002-03 for certificated staff and 9.23 percent for school year 2001-02 and 8.86 for school year 2002-03 for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act, in accordance with chapter 4, Laws of 2001 (Initiative Measure No. 732). Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service

districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments as follows:

	<i>School Year</i>	
	<i>2001-02</i>	<i>2002-03</i>
<i>Pupil Transportation (per weighted pupil mile)</i>	<i>\$0.77</i>	<i>\$1.54</i>
<i>Highly Capable (per formula student)</i>	<i>\$8.71</i>	<i>\$16.70</i>
<i>Transitional Bilingual Education (per eligible bilingual student)</i>	<i>\$22.63</i>	<i>\$44.74</i>
<i>Learning Assistance (per entitlement unit)</i>	<i>\$11.19</i>	<i>\$22.26</i>
<i>Substitute Teacher (allocation per teacher, section 502(7))</i>	<i>\$18.29</i>	<i>\$36.75</i>

(2) This act appropriates general fund--state funds and other funds for the purpose of providing the annual salary cost-of-living increase required by section 2, chapter 4, Laws of 2001 (Initiative Measure No. 732) for teachers and other school district employees in the state- funded salary base. For employees not included in the state-funded salary base, the annual salary cost-of-living increase may be provided by school districts from the federal funds appropriated in this act and local revenues, including the adjusted levy base as provided in RCW 84.52.053 and section 502 of this act, and state discretionary funds provided under this act.

(3) ~~(\$51,688,000)~~ \$51,700,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$427.73 per month for the 2001-02 and 2002-03 school years. The appropriations in this section provide for a rate increase to \$455.27 per month for the 2001-02 school year and \$457.07 per month for the 2002-03 school year at the following rates:

	<i>School Year</i>	
	<i>2001-02</i>	<i>2002-03</i>
<i>Pupil Transportation (per weighted pupil mile)</i>	<i>\$0.25</i>	<i>\$0.27</i>
<i>Highly Capable (per formula student)</i>	<i>\$1.74</i>	<i>\$1.81</i>
<i>Transitional Bilingual Education (per eligible bilingual student)</i>	<i>\$4.46</i>	<i>\$4.75</i>
<i>Learning Assistance (per entitlement unit)</i>	<i>\$3.51</i>	<i>\$3.73</i>

(4) The rates specified in this section are subject to revision each year by the legislature.

Sec. 504. 2002 c 371 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION General Fund--

State Appropriation (FY 2002) \$192,402,000
General Fund--State Appropriation (FY 2003) ((\$193,293,000))

\$209,831,000

TOTAL APPROPRIATION ((\$385,695,000))

\$402,233,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$767,000 of this fiscal year 2002 appropriation and a maximum of \$752,000 of the fiscal year 2003 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2002 appropriation and \$5,000 of the fiscal year 2003 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$37.07 per weighted mile in the 2001-02 school year and \$37.12 per weighted mile in the 2002-03 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 505. 2001 2nd sp.s. c 7 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS General Fund--State

Appropriation (FY 2002) \$3,100,000
General Fund--State Appropriation (FY 2003) \$3,100,000
General Fund--Federal Appropriation ((\$225,630,000))

\$236,435,000

TOTAL APPROPRIATION ((\$231,830,000))

\$242,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2002 and \$3,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the 2003 fiscal year appropriation are provided for summer food programs for children in low-income areas.

Sec. 506. 2002 c 371 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS General Fund--

State Appropriation (FY 2002) \$420,165,000
General Fund--State Appropriation (FY 2003) ((\$408,761,000))

\$408,933,000

General Fund--Federal Appropriation ((\$256,407,000))

\$295,188,000

TOTAL APPROPRIATION ((\$1,085,333,000))

\$1,124,286,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) Effective with the 2001-02 school year, the superintendent of public instruction shall change the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) Effective with the 2001-02 school year, the S-275 and accounting changes shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty- one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2001-02 and 2002-03 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

(i) For the 2001-02 school year, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(ii) For the 2002-03 school year, each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) Safety net funding shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) A maximum of \$8,500,000 of the general fund--state appropriation and a maximum of \$3,500,000 of the general fund--federal appropriation for fiscal year 2002 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. (b) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the lesser of the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(c) The committee shall then consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(g) The superintendent may expend up to \$120,000 of the amounts provided in this subsection (8) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(9) For fiscal year 2003 to the extent necessary, \$12,873,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (9), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$120,000 of the amount provided from the general fund--federal appropriation in this subsection (9) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(10) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(11) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) To the extent necessary, in fiscal year 2002, \$2,250,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs exceed \$2,250,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(13) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent for the 2001-02 school year. For the 2002-03 school year, the superintendent shall allocate the federal funds as specified in this section and shall adjust federal flow-through funds accordingly. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an

information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(17) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(18) The superintendent of public instruction shall implement the recommendations of the joint legislative audit and review committee study on special education (report 01-11) only to the extent that funds have been specifically provided therefor.

Sec. 507. 2002 c 371 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS General Fund--
State Appropriation (FY 2002) \$3,765,000

General Fund--State Appropriation (FY 2003) (~~(\$512,000)~~)

\$613,000

~~((Public Safety and Education Account
Appropriation \$6,567,000))~~

TOTAL APPROPRIATION (~~(\$10,844,000)~~)

\$4,378,000

~~((4))~~ The general fund--state appropriations in this section are subject to the following conditions and limitations:

~~((a))~~ (1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

~~((b))~~ (2) A maximum of \$253,000 of the fiscal year 2002 general fund appropriation may be expended for regional traffic safety education coordinators.

~~((c))~~ (3) Allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$203.97 per eligible student in the 2001-02 school year.

~~((2))~~ The public safety and education account appropriation in this section is subject to the following conditions and limitations:

~~(a)~~ The public safety and education account appropriation shall lapse if House Bill No. 2573 (traffic safety education) is not enacted by June 30, 2002.

~~(b)~~ If House Bill No. 2573 is enacted by June 30, 2002, districts shall receive the following allocations:

~~(i)~~ The maximum basic state allocation per student completing the program shall be \$148.00 in the 2002-03 school year.

~~(ii)~~ Additional allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$71.00 per eligible student in the 2002-03 school year.

~~(c)~~ A maximum of \$254,000 may be expended for regional traffic safety education coordinators--))

Sec. 508. 2002 c 371 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE General Fund--

State Appropriation (FY 2002) \$140,932,000

General Fund--State Appropriation (FY 2003) (~~(\$154,934,000)~~)

\$155,788,000

TOTAL APPROPRIATION (~~(\$295,863,000)~~)

\$296,720,000

The appropriations in this section are subject to the following conditions and limitations:

Calendar year 2003 local effort assistance calculations under chapter 28A.500 RCW shall be adjusted by multiplying allocations and maximum eligibility for each district by 0.99 as authorized by House Bill No. 3011.

Sec. 509. 2002 c 371 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS General Fund--
State Appropriation (FY 2002) \$19,073,000

General Fund--State Appropriation (FY 2003) (~~(\$18,658,000)~~)

\$17,986,000

General Fund--Federal Appropriation \$8,548,000

TOTAL APPROPRIATION (~~(\$46,279,000)~~)

\$45,607,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$141,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$139,000)~~) \$182,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 510. 2002 c 371 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS General
Fund--State Appropriation (FY 2002) \$6,470,000

General Fund--State Appropriation (FY 2003) (~~(\$6,229,000)~~)

\$6,244,000

TOTAL APPROPRIATION (~~(\$12,699,000)~~)

\$12,714,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$327.22 per funded student for the 2001-02 school year and (~~(\$313.07)~~) \$313.11 per funded student for the 2002-03 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$175,000 of the fiscal year 2002 appropriation and \$170,000 of the fiscal year 2003 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$93,000 of the fiscal year 2002 appropriation and \$90,000 of the fiscal year 2003 appropriation are provided for the Washington imagination network and future problem-solving programs.

Sec. 511. 2002 c 371 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT General Fund--
Federal Appropriation ((~~\$201,737,000~~))

\$199,660,000

Sec. 512. 2002 c 371 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS General Fund--
State Appropriation (FY 2002) \$36,880,000
General Fund--State Appropriation (FY 2003) ((~~\$30,150,000~~))

\$30,269,000

General Fund--Federal Appropriation \$60,571,000

TOTAL APPROPRIATION ((~~\$127,601,000~~))

\$127,720,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$322,000 of the general fund--state appropriation for fiscal year 2002 and \$312,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the academic achievement and accountability commission.

(2) \$12,209,000 of the general fund--state appropriation for fiscal year 2002, \$8,872,000 of the general fund--state appropriation for fiscal year 2003, and \$4,000,000 of the general fund--federal appropriation are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$1,095,000 of the fiscal year 2002 general fund--state appropriation and \$548,000 of the fiscal year 2003 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$4,695,000 of the general fund--state appropriation for fiscal year 2002 and \$2,348,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(I) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(I) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$2,025,000 of the general fund--state appropriation for fiscal year 2002 and \$1,964,000 of the general fund--state appropriation for fiscal year 2003 are provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,600,000 of the general fund--state appropriation for fiscal year 2002 and \$3,600,000 of the general fund--state appropriation for fiscal year 2003 are provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,409,000 of the general fund--state appropriation for fiscal year 2002 and \$705,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) \$1,828,000 of the general fund--state appropriation for fiscal year 2002 and \$1,773,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(10) A maximum of \$500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$485,000 of the general fund--state appropriation for fiscal year 2003 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(11) \$3,930,000 of the general fund--state appropriation for fiscal year 2002 and \$3,714,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intersessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices.

Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2001 through August 31, 2003.

(12) \$375,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$725,000)~~) \$844,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who have attained certification by the national board shall receive an annual bonus not to exceed \$3,500.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than four annual bonus payments for attaining certification by the national board.

(13) \$625,000 of the general fund--state appropriation for fiscal year 2002 and \$313,000 of the general fund--state appropriation for fiscal year 2003 are provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(14) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$71,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(15) \$384,000 of the general fund--state appropriation for fiscal year 2002 and \$372,000 of the general fund--state appropriation for fiscal year 2003 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(16) \$130,000 of the general fund--state appropriation for fiscal year 2002 and \$126,000 of the general fund--state appropriation for fiscal year 2003 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(17) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,746,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Of the amounts provided, \$219,000 of the fiscal year 2002 appropriation and \$201,000 of the fiscal year 2003 appropriation are provided to the office of the superintendent of public instruction for the administrative duties arising under this subsection. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for grants to school districts to adopt or revise district-wide and school-level plans to achieve performance improvement goals established under RCW 28A.655.030, and to post a summary of the improvement plans on district websites using a common format provided by the office of the superintendent of public instruction.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for recognition plaques for schools that successfully met the fourth grade reading improvement goal established under RCW 28A.655.050.

(20) \$46,554,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(21) \$6,591,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(22) In addition to amounts provided in subsection (2) of this section, \$3,426,000 of the general fund--federal appropriation is provided for the development of state assessments as required under Title VI of the no child left behind act.

Sec. 513. 2002 c 371 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS General Fund--
State Appropriation (FY 2002) \$42,767,000
General Fund--State Appropriation (FY 2003) (~~(\$44,734,000)~~)

\$44,083,000

General Fund--Federal Appropriation (FY 2003) (~~(\$20,280,000)~~)

\$19,755,000

TOTAL APPROPRIATION (~~(\$107,781,000)~~)

\$106,605,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) The superintendent shall distribute a maximum of \$684.36 per eligible bilingual student in the 2001-02 school year and \$674.69 in the 2002-03 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(c) The superintendent may withhold up to \$295,000 in school year 2001-02 and up to \$700,000 in school year 2002-03, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in section 2(1) and (2) of Engrossed Second Substitute House Bill No. 2025.

(d) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(e) Sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 2025 (schools/bilingual instruction).

(2) The general fund--federal appropriation in this section is provided for migrant education, English language acquisition, and language enhancement grants under Title III of the no child left behind act.

Sec. 514. 2002 c 371 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM General Fund--
State Appropriation (FY 2002) \$71,342,000
General Fund--State Appropriation (FY 2003) (~~(\$64,614,000)~~)

\$63,694,000

General Fund--Federal Appropriation (FY 2003) \$130,631,000

TOTAL APPROPRIATION (~~(\$266,587,000)~~)

\$265,667,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$407.39 per funded unit for the 2001- 02 school year and \$404.78 per funded unit for the 2002-03 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units for the 2001-02 school year shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(iii) The district's full-time equivalent enrollment in grades 10- 11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(e)(i) A school district's general fund--state funded units for the 2002-03 school year shall be the sum of the following:

(A) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(B) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(C) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(D) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(ii) In addition to amounts allocated under (a) of this subsection, the superintendent shall provide additional amounts as follows:

(A) For school districts receiving less than a 3.0 percent increase in federal Title I Part A (basic program) funds, the multiplier in (i)(A), (B), and (c) of this subsection (e) shall be .92;

(B) For school districts not eligible for additional funds under (b)(I) of this subsection, and whose effective increase in federal Title I Part A (basic program) funds is less than 3.0 percent after taking into account the change in the multiplier from .92 to .82, an additional amount to provide a 3.0 percent increase.

(f) School districts may carry over from one year to the next up to 10 percent of general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

Sec. 515. 2002 c 371 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS General Fund--State

Appropriation (FY 2002) \$19,663,000

General Fund--State Appropriation (FY 2003) (~~(\$3,541,000)~~)

\$3,534,000

TOTAL APPROPRIATION (~~(\$23,204,000)~~)

\$23,197,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 2001-02 school year shall be at a maximum annual rate of \$18.48 per full-time equivalent student. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

Sec. 516. 2002 c 371 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM Student Achievement Fund--State

Appropriation (FY 2002) \$180,837,000

Student Achievement Fund--State

Appropriation (FY 2003) (~~(\$210,312,000)~~)

\$210,376,000

TOTAL APPROPRIATION (~~(\$391,149,000)~~)

\$391,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is allocated for the following uses as specified in chapter 28A.505 RCW as amended by chapter 3, Laws of 2001 (Initiative Measure No. 728):

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extend day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Funding for school district student achievement programs shall be allocated at a maximum rate of \$190.19 per FTE student for the 2001-02 school year and (~~(\$219.84)~~) \$220.00 per FTE student for the 2002-03 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(3) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

PART VI HIGHER EDUCATION

Sec. 601. 2002 c 371 s 604 (uncodified) is amended to read as follows:

FOR UNIVERSITY OF WASHINGTON General Fund--State Appropriation (FY 2002) \$345,904,000

General Fund--State Appropriation (FY 2003) (~~(\$336,544,000)~~)

\$333,770,000

Death Investigations Account--State

Appropriation \$258,000
 University of Washington Building Account--
 State Appropriation \$1,103,000
 Accident Account--State Appropriation \$5,881,000
 Medical Aid Account--State Appropriation \$5,937,000
 TOTAL APPROPRIATION (~~(\$695,627,000)~~)

\$692,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than as specified by the legislature in section 602 of this act in order to focus on high demand areas. The university shall report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report shall provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and \$2,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. It is the intent of the legislature that at least ninety-nine of the full-time equivalent enrollments allocated to the university's Tacoma branch campus for the 2002-03 academic year may be used to establish the technology institute. The university will expand undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2002 as to its progress and future steps.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(4) The department of environmental health shall report to the legislature the historical, current, and anticipated use of funds provided from the accident and medical aid accounts. The report shall be submitted prior to the convening of the 2002 legislative session.

(5) \$258,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriations are provided solely for the school of medicine to conduct a survey designed to evaluate characteristics, factors and probable causes for the high incidence of multiple sclerosis cases in Washington state.

(9) \$1,103,000 of the University of Washington building account-- state appropriation is provided solely for the repair and reconstruction of the Urban Horticulture Center (Merrill Hall).

Sec. 602. 2002 c 371 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY General Fund--State Appropriation (FY 2002) \$201,362,000
 General Fund--State Appropriation (FY 2003) (~~(\$195,533,000)~~)

\$193,807,000

TOTAL APPROPRIATION (~~(\$396,895,000)~~)

\$395,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than specified by the legislature in section 602 of this act in order to focus on high demand areas. The university will report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report will provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$165,000 of the general fund--state appropriation for fiscal year 2002 and \$166,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

Sec. 603. 2002 c 371 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY General Fund--State Appropriation (FY 2002) \$45,517,000
 General Fund--State Appropriation (FY 2003) (~~(\$44,174,000)~~)

\$43,724,000

TOTAL APPROPRIATION (~~(\$89,691,000)~~)

\$89,241,000

Sec. 604. 2002 c 371 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY General Fund--State Appropriation (FY 2002) \$44,147,000
 General Fund--State Appropriation (FY 2003) (~~(\$42,149,000)~~)

\$41,425,000

TOTAL APPROPRIATION (~~(\$86,296,000)~~)

\$85,572,000

The appropriations in this section are subject to the following conditions and limitations: \$700,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the development and implementation of the university's enrollment stabilization recovery and growth plan. The university shall report back to the fiscal committees of the legislature, the office of financial management, and the higher education coordinating board at the end of each fiscal year with details of its actions and progress.

Sec. 605. 2002 c 371 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE General Fund--State Appropriation (FY 2002) \$25,325,000
 General Fund--State Appropriation (FY 2003) (~~(\$24,474,000)~~)

\$24,188,000

TOTAL APPROPRIATION (~~(\$49,799,000)~~)

\$49,513,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((2))~~ \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to complete studies of services described in section 202(1), chapter 1, Laws of 2000 2nd sp. sess.

~~((3))~~ (2) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$54,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to conduct an outcome evaluation pursuant to Substitute Senate Bill No. 5416 (drug-affected infants). The institute shall provide a report to the fiscal, health, and human services committees of the legislature by December 1, 2003. If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall be used to evaluate outcomes across state health and social service pilot projects and other national models involving women who have given birth to a drug-affected infant, comparing gains in positive birth outcomes for resources invested, in which case the institute's findings and recommendations will be provided by November 15, 2002.

~~((4))~~ (3) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to evaluate partnership grant programs for alternative teacher certification pursuant to Engrossed Second Substitute Senate Bill No. 5695. An interim report shall be provided to the fiscal and education committees of the legislature by December 1, 2002, and a final report by December 1, 2004.

~~((5))~~ (4) \$60,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine options for revising the state's funding formula for the learning assistance program to enhance accountability for school performance in meeting education reform goals. The institute shall submit its report to the appropriate legislative fiscal and policy committees by June 30, 2002.

~~((6))~~ (5) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to study the prevalence and needs of families who are raising related children. The study shall compare services and policies of Washington state with other states that have a high rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements. A report shall be provided to the fiscal and human services committees of the legislature by June 1, 2002.

~~((7))~~ (6) \$35,000 of the general fund--state appropriation for fiscal year 2002 and \$15,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to examine various educational delivery models for providing services and education for students through the Washington state school for the deaf. The institute's report, in conjunction with the capacity planning study from the joint legislative audit and review committee, shall be submitted to the fiscal committees of the legislature by September 30, 2002.

~~((8))~~ (7) \$30,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine the structure, policies, and recent experience in states where welfare recipients may attend college full-time as their required TANF work activity. The institute will provide findings and recommend how Washington could consider adding this feature in a targeted, cost-neutral manner that would complement the present-day WorkFirst efforts and caseload. The institute shall provide a report to the human services, higher education, and fiscal committees of the legislature by November 15, 2001.

~~((9))~~ (8) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to research and evaluate strategies for constraining the growth in state health expenditures. Specific research topics, approaches, and timelines shall be identified in consultation with the fiscal committees of the legislature.

~~((10))~~ (9) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to conduct a comprehensive review of the costs and benefits of existing juvenile crime prevention and intervention programs. This evaluation shall also consider what changes could result in more cost-effective and efficient funding for juvenile crime prevention and intervention programs presently supported with state funds. The institute for public policy shall report its findings and recommendations to the appropriate legislative fiscal and policy committees by October 1, 2002.

Sec. 606. 2002 c 371 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY General Fund--State Appropriation (FY 2002) \$59,732,000
General Fund--State Appropriation (FY 2003) ~~(\$58,418,000)~~

\$57,968,000

TOTAL APPROPRIATION ~~(\$118,150,000)~~

\$117,700,000

The appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ \$753,000 of the general fund--state appropriation for fiscal year 2002 and \$980,400 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

Sec. 607. 2002 c 371 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION General Fund--State Appropriation (FY 2002) \$2,345,000
General Fund--State Appropriation (FY 2003) ~~(\$2,288,000)~~

\$2,259,000

General Fund--Federal Appropriation \$636,000

TOTAL APPROPRIATION ~~(\$5,269,000)~~

\$5,240,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue the teacher training pilot program pursuant to chapter 177, Laws of 1999.

(2) \$105,000 of the general fund--state appropriation for fiscal year 2002 and \$245,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

Sec. 608. 2002 c 371 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD General Fund--State Appropriation (FY 2002) \$1,762,000
General Fund--State Appropriation (FY 2003) ~~(\$1,633,000)~~

\$1,629,000

General Fund--Federal Appropriation \$44,987,000

TOTAL APPROPRIATION ~~(\$48,382,000)~~

\$48,378,000

The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid

deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2002 as to the progress and future steps for INTEC as this new public-private partnership evolves.

Sec. 609. 2002 c 371 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY General Fund--State Appropriation (FY 2002) \$2,899,000
 General Fund--State Appropriation (FY 2003) (~~(\$3,035,000)~~)

TOTAL APPROPRIATION (~~(\$5,934,000)~~) \$2,952,000
\$5,851,000

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation for fiscal year 2002 and \$285,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely for activities related to the Lewis and Clark Bicentennial.

Sec. 610. 2002 c 371 s 617 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY General Fund--State Appropriation (FY 2002) \$1,674,000
 General Fund--State Appropriation (FY 2003) (~~(\$1,489,000)~~)

TOTAL APPROPRIATION (~~(\$3,163,000)~~) \$1,447,000
\$3,121,000

Sec. 611. 2002 c 371 s 619 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF General Fund--State Appropriation (FY 2002) \$7,395,000
 General Fund--State Appropriation (FY 2003) (~~(\$7,751,000)~~)

General Fund--Private/Local Appropriation \$232,000
 TOTAL APPROPRIATION (~~(\$15,378,000)~~) \$7,698,000
\$15,325,000

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for additional staffing and other student safety measures at the school. The school will hire six additional staff, increase staff communications and accessibility, and implement a training program to enhance staff members' abilities to work with at-risk youth.

PART VII SPECIAL APPROPRIATIONS

Sec. 701. 2002 c 371 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT General Fund--State Appropriation (FY 2002) \$576,097,000
 General Fund--State Appropriation (FY 2003) (~~(\$622,540,000)~~)

State Building Construction Account--State
 Appropriation (~~(\$7,999,000)~~) \$582,500,000
\$3,882,000

Debt-Limit General Fund Bond Retirement Account--
State Appropriation \$400,000

Debt-Limit Reimbursable Bond Retire Account--
 State Appropriation \$2,591,000

State Taxable Building Construction Account--
 State Appropriation (~~(\$496,000)~~)

TOTAL APPROPRIATION (~~(\$1,209,723,000)~~) \$59,000
\$1,165,529,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year (~~(2002)~~) 2003 shall be deposited in the debt-limit general fund bond retirement account by June 30, (~~(2002)~~) 2003.

Sec. 702. 2002 c 371 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE General Fund--State Appropriation (FY 2002) \$24,542,000
 General Fund--State Appropriation (FY 2003) \$26,706,000

Capitol Historic District Construction
 Account--State Appropriation (~~(\$454,000)~~) \$136,000

Higher Education Construction Account--State
 Appropriation (~~(\$499,000)~~) \$330,000

State Higher Education Construction Account--
 State Appropriation (~~(\$50,000)~~) \$33,000

State Vehicle Parking Account--State
 Appropriation (~~(\$100,000)~~) \$1,000

Nondebt-Limit Reimbursable Bond Retirement Account--
 State Appropriation (~~(\$128,043,000)~~) \$124,199,000

TOTAL APPROPRIATION (~~(\$180,394,000)~~)

\$175,947,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 703. 2002 c 371 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES General Fund--State Appropriation (FY 2002) \$567,000

General Fund--State Appropriation (FY 2003) \$658,000

Higher Education Construction Account--State
Appropriation ((~~\$77,000~~))

\$54,000

State Higher Education Construction Account--
State Appropriation ((~~\$42,000~~))

\$5,000

State Building Construction Account--State
Appropriation ((~~\$1,488,000~~))

\$667,000

State Vehicle Parking Account--State
Appropriation ((~~\$10,000~~))

\$1,000

Capitol Historic District Construction
Account--State Appropriation ((~~\$130,000~~))

\$22,000

State Taxable Building Construction Account--
State Appropriation ((~~\$50,000~~))

\$51,000

TOTAL APPROPRIATION ((~~\$3,022,000~~))

\$2,025,000

Sec. 704. 2002 c 371 s 712 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and fire fighters' retirement system shall be made on a monthly basis beginning July 1, 2001, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2002) \$15,437,000

General Fund--State Appropriation (FY 2003) ((~~\$16,208,000~~))

\$16,440,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations include reductions to reflect savings resulting from the implementation of state pension contribution rates effective April 1, 2002, as provided in House Bill No. 2782.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2002) \$6,000,000

General Fund--State Appropriation (FY 2003) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2002) \$250,000

General Fund--State Appropriation (FY 2003) \$250,000

TOTAL APPROPRIATION ((~~\$44,145,000~~))

\$44,377,000

NEW SECTION. Sec. 705. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR THE LIABILITY ACCOUNT General Fund--State Appropriation (FY 2003) \$3,000,000

NEW SECTION. Sec. 706. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND PERSONAL SERVICE CONTRACTS. The office of financial management shall uniformly reduce allotments for all agencies for personal service contracts, equipment, and travel by \$6,000,000 from 2001-03 biennial general fund appropriations. \$5,000,000 of the general fund allotment reduction shall be placed in unallotted status and remain unexpended. \$1,000,000 of the general fund allotment reduction is hereby appropriated to the governor to be used on an emergency basis to allocate to state agencies to fund critically necessary travel, equipment, and personal service contracts that cannot be funded from an agency's existing expenditure authority.

Sec. 707. 2002 c 371 s 719 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2003. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of this act and section 706 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

Sec. 708. 2002 c 371 s 726 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of (~~general administration~~) financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Eythor Westman, claim number SCJ 02-01 \$7,000
 - (b) Stacey Julian, claim number SCJ 02-02 \$59,136
 - (c) Christopher Denney, claim number SCJ 02-03 \$11,598
 - (d) Onofre Vazquez, claim number SCJ 02-04 \$200
 - (e) William Voorhies, claim number SCJ 02-05 \$3,694
 - (f) Glenn Rowilson, claim number SCJ 02-06 \$14,395
 - (g) Frankie Doerr, claim number SCJ 02-07 \$9,100
 - (h) Ralph Howard, claim number SCJ 00-09 \$99,497
 - (i) Johnny Adams, claim number SCJ 01-17 \$11,916
 - (j) Shane Mathus, claim number SCJ 02-08 \$13,043
 - (k) Timothy Farnam, claim number SCJ 02-09 \$21,822
 - (l) Rebecca Williams, claim number SCJ 02-10 \$2,241
 - (m) Stewart Bailey, claim number SCJ 02-11 \$4,186
 - (n) Aaron Knaack, claim number SCJ 02-13 \$4,330
 - (o) Jacob Clark, claim number SCJ 02-14 \$11,613
 - (p) Victor Stanculescu, claim number SCJ 03-01 \$6,696
 - (q) Darin Tidball, claim number SCJ 03-02 \$4,125
 - (r) Keith Dusky, claim number SCJ 03-03 \$2,065
 - (s) Carmen Cornell, claim number SCJ 03-04 \$8,128
 - (t) Wesley Roggenkamp, claim number SCJ 03-05 \$3,918
 - (u) Philip Athanas, claim number SCJ 03-06 \$5,810
 - (v) Thomas Tollifson, claim number SCJ 03-07 \$2,500
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:
- (a) Ronald Palmer, claim number SCG 02-01 \$1,522
 - (b) Keith Morris, claim number SCG 02-02 \$1,315
 - (c) Edgar Roush, claim number SCG 02-03 \$1,459
 - (d) Kieth Nelson, claim number SCG 03-01 \$2,765
 - (e) Alton Haymaker, claim number SCG 03-02 \$40
 - (f) Circle S Landscape Supplies, SCG 03-04 \$12,944

(3) Payment from the state general fund for death benefit claims to the estate of an employee of any state agency or higher education institution not otherwise provided a death benefit through coverage under their enrolled retirement system, pursuant to section 715, chapter 7, Laws of 2001:

- (a) Ok Chin Erdman, claim number SCO 03-08 \$150,000
- (b) Baardson Estate, claim number SCO 03-10 \$150,000
- (c) Lori Coss, claim number SCO 03-22 \$150,000
- (4) Payment from the general fund pursuant to RCW 27.44.040(1), Jan Deeds, claim number SCO 03-12 \$6,580.75

NEW SECTION. Sec. 709. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:
FOR THE EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEM TRUST ACCOUNT General Fund--State Appropriation (FY 2003) \$5,600,000

The appropriation in this section is provided solely for deposit in the emergency medical services and trauma care system trust account.

NEW SECTION. Sec. 710. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:
FOR THE HEALTH SERVICES ACCOUNT General Fund--State Appropriation (FY 2003) \$3,600,000

The appropriation in this section is provided solely for deposit in the health services account.

Sec. 711. 2002 c 371 s 727 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND General Fund--State Appropriation (FY 2002) \$850,000
General Fund--State Appropriation (FY 2003) (~~(\$8,040,000)~~)

\$9,010,000

TOTAL APPROPRIATION (~~(\$8,860,000)~~)

\$9,860,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.
- (2) Up to \$5,298,000 of the fiscal year 2003 appropriation is provided for costs associated with implementing House Bill No. 2926 (transferring the state library to the office of secretary of state.)
- (3) \$1,000,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for assistance to state agencies that are unable to effectively absorb the FTE reductions reflected in this 2003 supplemental appropriations act. Allocations to state agencies from this appropriation shall be reported to the legislative fiscal committees by the office of financial management within five days of the allocation.

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2002 c 371 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

- Public Facilities Construction Loan and Grant Revolving Account: For transfer to the digital government revolving account on or before December 31, 2001 \$1,418,456
- Financial Services Regulation Fund: To be transferred from the financial services regulation fund to the digital government revolving account during the period between July 1, 2001, and December 31,

2001 \$2,000,000

Local Toxics Control Account: For transfer to the state toxics control account. Transferred funds will be utilized for methamphetamine lab cleanup, to address areawide soil contamination problems, and clean up contaminated sites as part of the clean sites initiative \$6,000,000

State Toxics Control Account: For transfer to the water quality account for water quality related projects funded in the capital budget \$9,000,000

General Fund: For transfer to the flood control assistance account \$4,000,000

Water Quality Account: For transfer to the water pollution control account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$12,564,487

Health Services Account: For transfer to the water quality account \$6,447,500

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2003, an amount in excess of the cash requirements of the state treasurer's service account. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by \$4,000,000 in fiscal year 2002 and by ~~(\$8,393,000)~~ \$17,393,000 in fiscal year 2003 to reflect this transfer ~~(\$12,393,000)~~

~~\$21,393,000~~

Public Works Assistance Account: For transfer to the drinking water assistance account \$7,700,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$256,700,000

General Fund: For transfer to the water quality account \$60,821,172

Health Services Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$150,000,000

Multimodal Transportation Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$70,000,000

Health Service Account: For transfer to the violence reduction and drug enforcement account \$6,497,500

Gambling Revolving Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2002 and \$450,000 for fiscal year 2003 \$2,450,000

~~((Horticultural Districts Account: For transfer to the fruit and vegetable inspection account \$11,075,000~~

~~Agricultural Local Account: For transfer to the fruit and vegetable inspection account \$605,000))~~

Nisqually Earthquake Account: For transfer to the disaster response account for fire suppression and mobilization costs \$32,802,000

Enhanced 911 Account: For transfer to the state general fund for fiscal year 2003 \$6,000,000

Clarke-McNary Fund: For transfer to the state general fund for fiscal year 2002 \$4,000,000

State Drought Preparedness Account: For transfer to the state general fund for

fiscal year 2002 \$3,000,000
 Financial Services Regulation Fund: For transfer to the state general fund, \$2,250,000 for fiscal year 2002 and \$357,000 for fiscal year 2003 \$2,607,000
 Industrial Insurance Premium Refund Account: For transfer to the state general fund for fiscal year 2002 \$1,000,000
 Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund for fiscal year 2003 \$504,000
 Liquor Revolving Account: For transfer to the state general fund for fiscal year 2003 \$2,059,000
 Lottery Administrative Account: For transfer to the state general fund for fiscal year 2003 \$335,000
 Emergency Medical Services and Trauma Care System Trust Account: For transfer to the state general fund for fiscal year 2002 \$6,000,000
 Public Service Revolving Account: For transfer to the state general fund for fiscal year 2003 \$406,000
 Local Leasehold Excise Tax Account: For transfer of interest to the state general fund by June 1, 2002, for fiscal year 2002 \$1,000,000
 Insurance Commissioner's Regulatory Account: For transfer to the state general fund for fiscal year 2003 \$366,000
 Health Services Account: For transfer to the tobacco prevention and control account ((\$21,980,000))

\$18,920,000

From the Emergency Reserve Fund: For transfer to the state general fund:
 On June 28, 2002 \$300,000,000
 On June 28, 2003 \$25,000,000
 Tobacco Securitization Trust Account: For transfer to the state general fund for fiscal year 2003 \$450,000,000

**PART IX
 CAPITAL EXPENDITURES**

Sec. 901. 2002 c 238 s 202 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Local/Community Projects (2002-S-005): Job Creation and Infrastructure Projects
 The following projects are eligible for funding:
 Projects Amount

Asia Pacific center \$50,000
 Benton county jail \$2,000,000
 Bremerton maritime park \$500,000
 Edmonds waterfront park \$300,000
 Grace Cole memorial park/Brookside creek \$400,000
 Kent station infrastructure improvements \$900,000
 Mill creek active use ball fields \$1,000,000
 Nathan Chapman trail \$300,000
 Penny creek/9th Avenue crossing \$400,000
 Port Angeles skills center/skills consortium \$3,000,000
 Puget Sound environmental learning center \$2,000,000
 Ridgefield wastewater treatment \$585,000
 Sammamish surface water treatment \$1,500,000
 Shoreline historical museum \$28,000
 Snohomish county children's museum \$300,000
 Soundview park/playground \$200,000
 Stewart heights pool project \$500,000
 Sundome seating expansion - Yakima \$1,250,000
 West central community center childcare project \$500,000
 William H. Factory small business incubator \$250,000
 ((Yakima ballfields)) For the transfer of property.

commonly known as Larson park field No. 4 and Dunbar field, of the city of Yakima to the Yakima Valley Community College and for the

creation of new ball fields by and for the
city of Yakima. \$1,250,000
TOTAL \$17,213,000

Appropriation:

State Building Construction Account--State \$17,213,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,213,000

Sec. 902. 2001 2nd sp.s. c 8 s 158 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Legislative Buildings - O'Brien and Newhouse Building Improvements (01-H-021)

Appropriation:

~~((Capitol Building Construction Account--State \$1,000,000))
Thurston County Capital Facilities
Account--State ~~((1,000,000))~~~~

\$2,000,000

~~((Subtotal Appropriation \$2,000,000))~~

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

Sec. 903. 2001 2nd sp.s. c 8 s 172 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Tumwater Office Building 1 (01-S-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) Planning funds are terms to lease/develop a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense.

(2) The department shall finance this project using a financing contract as authorized in section 907(2)(c), chapter 8, Laws of 2001 2nd sp. sess., with title passing to the state if all payments are made as provided in the contract. Should the department choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

Appropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

Sec. 904. 2002 c 238 s 109 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Legislative Building: Rehabilitation (01-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.
(2) The department of general administration, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;
(b) The goal shall be to reoccupy the building in time for the 2005 legislative session;
(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building, and may use modular space. Decisions on the use of space for the Pritchard building will be made by legislative leadership by July 1, 2001, to make it available for use by the legislature by April 1, 2002;

(d) The department shall temporarily move the state library from the Pritchard building by October 1, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The primary office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus;

and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by the office of the governor, the office of the secretary of state, the office of treasurer, and the office of the state auditor by November 1, 2001, and by the legislature fourteen days after the end of the 2002 legislative session to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(3) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall periodically advise the department regarding the rehabilitation, the receipt and use of private funds, and other issues that may arise.

(4) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and November 15, 2001, and shall consult with the legislature and governor on major decisions including placement of the cafeteria and exiting stairs in the legislative building by August 31, 2001.

(5) In the event of any conflicts between the conditions and limitations in this section and section 3, chapter 123, Laws of 2001, the conditions and limitations of this section shall apply.

((6) \$154,000 of the capitol historic district construction account appropriation is provided solely for the department of general administration to contract for fund-raising services for the solicitation of charitable gifts, grants, or donations specifically for the purpose of preservation and restoration of the state legislative building and related educational exhibits and programs. By June 30, 2004, the amount provided by this subsection shall be reinvested to the capitol historic district construction account from the proceeds of the gifts, grants, and donations.)

Reappropriation:

Capitol Building Construction Account--State \$2,000,000
Thurston County Capital Facilities
Account--State \$2,500,000
Subtotal Reappropriation \$4,500,000

Appropriation:

Capitol Historic District Construction
Account--State \$81,681,000
Thurston County Capital Facilities
Account--State \$1,300,000
Subtotal Appropriation \$82,981,000

Prior Biennia (Expenditures) \$1,000,000
Future Biennia (Projected Costs) \$2,300,000
TOTAL \$90,781,000

Sec. 905. 2002 c 238 s 223 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

Job Creation and Infrastructure Projects (03-1-001)

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount
Miller hall \$1,650,000
Steam plant \$1,000,000
Air quality \$743,000
Utilities \$501,000
Viking substation \$103,000
Storm water detention \$75,000
Old main restoration \$582,000
Fire safety \$435,000
Parks hall fire damage \$1,500,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$3,000,000
State Building Construction Account--State \$1,500,000
Subtotal Appropriation \$4,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ~~(\$3,000,000)~~

\$4,500,000

Sec. 906. 2001 2nd sp.s. c 8 s 658 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY WSU Pullman - Energy Plant - Heat: Renovation (02-1-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2)(a) Any agreement or contract for the modernization or replacement of the existing steam generation plant currently located on the Pullman campus must comply with chapter 39.35C RCW. Prior to entering into an agreement or contract obligating itself on this project, the university shall have the project reviewed by the appropriate staff of the energy division of the department of community, trade, and economic development and the department of general administration, and shall consider any comments and suggestions made by these departments. If the project involves a private energy development firm, the following issues shall be considered in the development and implementation of the project:

(i) Regional and local utility needs for power;
(ii) Cost and certainty of fuel supplies;
(iii) Value of electricity produced and options for sale of surplus electricity;
(iv) The capability of the university to own and operate the facility should the private party terminate its involvement;
(v) Costs associated with interconnection with the local electric utility's transmission system;
(vi) Capability of the local electric utility to wheel electricity generated by the facility and the costs associated with wheeling;
(vii) Potential financial risks to the state or the university and measures to mitigate any risks; and
(viii) Benefits to the state and the university from the project including design configuration, ownership arrangement, operations, and financial arrangements for the project based on the selection of project participants.

(b) The university shall report to the office of financial management and the energy and fiscal committees of the legislature on the development and implementation of this project, including consideration of the issues and the agency suggestions under subsection (2)(a) of this section, in December of 2001 and 2002.

Appropriation:

State Building Construction Account--State ~~(\$23,000,000)~~

\$24,539,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ~~(\$23,000,000)~~

\$24,539,000

Sec. 907. 2001 2nd sp.s. c 8 s 668 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY WSU Pullman - Teaching and Learning Center: New Facility (98-2- 062)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.
Reappropriation:

State Building Construction Account--State ((\$8,000,000))	<u>\$6,461,000</u>
Prior Biennia (Expenditures) \$22,870,175	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$30,870,175))	<u>\$29,331,175</u>

Sec. 908. 2001 2nd sp.s. c 8 s 352 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION National Recreation Trails (NRTP) (02-4-006)

Appropriation:

Recreation Resources Account--Federal ((\$2,132,936))	<u>\$2,332,936</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$977,000	
TOTAL ((\$3,109,936))	<u>\$3,309,936</u>

NEW SECTION. **Sec. 909. INLAND NORTHWEST REGIONAL SPORTS PROJECT.** 2002 c 238 s 204 (uncodified) is repealed.

PART X MISCELLANEOUS

NEW SECTION. **Sec. 1001.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 1002.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, and the same are herewith transmitted
CYTHINA ZEHNDER Chief Clerk

MOTION

On motion of Senator Sheahan, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5403 and requests of the House a Conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 5403 and the House amendment thereto: Senators Rossi, Fairley and Zarelli.

MOTION

On motion of Senator Sheahan, the Conference Committee appointments were confirmed.

MOTION

At 10:17 p.m., on motion of Senator Sheahan, the Senate adjourned until 9:00 a.m., Friday, March 14, 2003.

MILTON H. DOUMIT, Jr., Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 13, 2003

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

SIXTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 14, 2003

The Senate was called to order at 9:00 a.m. by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Chris Bacon and Jeannie Beirne, presented the Colors. Reverend David Parker, pastor of the Central United Protestant Church in Richland, and a guest of Senator Patricia Hale, offered the prayer.

MOTION

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

MESSAGE FROM STATE AGENCIES

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

March 6, 2003

The Honorable Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

Enclosed is the department's Report to the Legislature entitled "Services to Persons with Disabilities who have community protection issues or are diverted/Discharged from State Hospitals." It is mandated under Chapter 7, Laws of 2001, E2, Section 205(1) (c).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Linda Johnson at (360) 902-0200 or Cheryl Strange at (360) 902-0260 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Services to Persons with Disabilities who have community protection issues or are diverted/Discharged from State Hospitals" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

March 6, 2003

The Honorable Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

Enclosed is the department's Report to the Legislature entitled "Services to Persons with Disabilities who request to move from Residential Habilitation Centers to the community under the US Supreme Court decision on Olmstead." It is mandated under Chapter 7, Laws of 2001, E2, Section 205(1) (c).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Harlon Solomon at (360) 902-8447 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Services to Persons with Disabilities who request to move from Residential Habilitation Centers to the community under the US Supreme Court decision on Olmstead" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

March 12, 2003

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1846,
SUBSTITUTE HOUSE BILL NO. 1848,
HOUSE BILL NO. 1890,
HOUSE BILL NO. 1935,
HOUSE BILL NO. 1993,
SUBSTITUTE HOUSE BILL NO. 2000,
HOUSE JOINT MEMORIAL NO. 4011, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 12, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1339,
HOUSE BILL NO. 1460,
HOUSE BILL NO. 1575, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 12, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1005,
SUBSTITUTE HOUSE BILL NO. 1113,
HOUSE BILL NO. 1126,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,
SUBSTITUTE HOUSE BILL NO. 1173,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1230,
SUBSTITUTE HOUSE BILL NO. 1251,
SUBSTITUTE HOUSE BILL NO. 1283,
SUBSTITUTE HOUSE BILL NO. 1335,
HOUSE BILL NO. 1430,
SUBSTITUTE HOUSE BILL NO. 1493,
HOUSE BILL NO. 1519,
HOUSE BILL NO. 1580,
ENGROSSED HOUSE BILL, 1615,
SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1801,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2003

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 1977, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6031 by Senator Benton

AN ACT Relating to ending public facility district tax credits; and amending RCW 82.14.390.
Referred to Committee on Ways and Means.

SB 6032 by Senators Parlette and McCaslin

AN ACT Relating to the liability of a spouse for the acts of the other spouse; and amending RCW 26.16.190.
Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1005 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Morris, Linville, Wood, Anderson, Fromhold, Conway, Kessler, O'Brien, Kenney, Haigh, Schual-Berke and Sullivan)

Creating the joint task force on long-term energy supply.

Referred to Committee on Natural Resources, Energy and Water.

SHB 1113 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Hinkle, Linville, Schoesler, Boldt and Mielke)

Regarding irrigation district boards of joint control.

Referred to Committee on Natural Resources, Energy and Water.

HB 1126 by Representatives Schoesler and Linville

Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW.

Referred to Committee on Agriculture.

ESHB 1151 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Lantz, Jarrett, Miloscia, Delvin, Moeller, Wallace, Simpson and Uptegrove)

Regulating the keeping of dangerous wild animals.

Referred to Committee on Judiciary.

SHB 1173 by House Committee on Trade and Economic Development (originally sponsored by Representatives Veloria, Conway and Chase)

Revising provisions for the office of the Washington state trade representative.

Referred to Committee on Commerce and Trade.

ESHB 1230 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Simpson, Benson, Schual-Berke, Conway, Cooper, Ruderman and Rockefeller) (by request of Insurance Commissioner Kreidler)

Regulating insurable interests and employer-owned life and disability insurance.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1251 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Linville, Sump, Quall, Rockefeller and Haigh) (by request of Commissioner of Public Lands Sutherland)

Protecting forest land from exotic forest insects or diseases.

Referred to Committee on Natural Resources, Energy and Water.

SHB 1283 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Pettigrew, O'Brien, Cooper, Simpson, Kagi, Moeller, Chase, Rockefeller, Lantz and Cairnes)

Allowing for vacation of a record of conviction of a misdemeanor or gross misdemeanor even if the applicant had the record of another conviction vacated.

Referred to Committee on Judiciary.

SHB 1335 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Cooper, Sump, Berkey and Hudgins) (by request of Parks and Recreation Commission)

Continuing the development of water trail sites in Washington state.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1339 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Simpson, Benson and Schual-Berke) (by request of Department of Financial Institutions)

Regulating escrow agents and officers.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1430 by Representatives Miloscia, Armstrong, Haigh and Benson

Requiring state agencies to prepare housing impact statements.

Referred to Committee on Government Operations and Elections.

HB 1460 by Representatives Pettigrew, Santos, Sullivan, Chase, Linville, Schual-Berke, Voloria, Rockefeller, Conway, Darneille, Wallace, Upthegrove, Kenney and McDermott

Creating a Washington state day of civil liberties remembrance.

Referred to Committee on Government Operations and Elections.

SHB 1493 by House Committee on Health Care (originally sponsored by Representatives Campbell, Cody and Skinner)

Clarifying the scope of practice of a dental hygienist.

Referred to Committee on Health and Long-Term Care.

HB 1519 by Representatives Wood, Fromhold, Simpson, Cooper, Schindler, Conway, Delvin, Hunt, Gombosky, Sullivan, Wallace, Santos and Kenney

Calculating the death benefits for members of the teachers' retirement system, school employees' retirement system, and public employees' retirement system.

Referred to Committee on Ways and Means.

HB 1575 by Representatives Conway, DeBolt, Cooper, Fromhold, Crouse, Orcutt, Hudgins, Campbell, Berkey and Kenney

Expanding membership of the electrical board by appointment of one outside line worker.

Referred to Committee on Commerce and Trade.

HB 1580 by Representatives Lantz, Carrell, Flannigan, Campbell, Morris and Pettigrew

Revising provisions of the personality rights act.

Referred to Committee on Judiciary.

EHB 1615 by Representatives Dunshee, Pearson, Lovick, Kristiansen, Berkey, Sullivan and Wood

Requiring vehicle sound system components to be securely attached.

Referred to Committee on Highways and Transportation.

SHB 1624 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Hudgins, Pettigrew, Crouse, Morris, Nixon, Linville and Sullivan) (by request of Department of Social and Health Services)

Modifying provisions of the Washington telephone assistance program.

Referred to Committee on Technology and Communications.

HB 1801 by Representatives Moeller, Clements and Wood

Authorizing an alternative method of annexation by cities and towns based on utility service.

Referred to Committee on Land Use and Planning.

SHB 1846 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson, Chase, Bush, Simpson, Morrell and McIntire)

Penalizing the fraudulent use of credit card scanning devices.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1848 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway and Chandler)

Exempting the installation, maintenance, and repair of certain medical devices from electrician licensing requirements.

Referred to Committee on Commerce and Trade.

HB 1890 by Representatives Chandler, Linville, Holmquist, Eickmeyer, Schoesler and Grant

Increasing the apple commission from thirteen to fifteen members.

Referred to Committee on Agriculture.

HB 1935 by Representatives Haigh, Ahern and Hatfield

Changing prerequisites for county auditors calling special elections.

Referred to Committee on Government Operations and Elections.

EHB 1977 by Representatives Grant, DeBolt, Orcutt and Roach

Clarifying use tax provisions.

HOLD.

HB 1993 by Representatives Cooper, Sump, Berkey and Hinkle

Authorizing the parks and recreation commission to rent certain undeveloped land for a term of forty years.

Referred to Committee on Parks, Fish and Wildlife.

SHB 2000 by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Pettigrew, Dickerson, McCoy, Kenney and Santos)

Changing provisions pertaining to third-party custody proceedings involving the Indian Child Welfare Act.

Referred to Committee on Children and Family Services and Corrections.

ESHB 2043 by House Committee on Judiciary (originally sponsored by Representatives Kirby, Campbell and Carrell)

Changing provisions relating to dangerous dogs.

Referred to Committee on Judiciary.

HJM 4011 by Representatives Veloria, Skinner, Eickmeyer, Santos, Rockefeller, Chase, Linville, Upthegrove and Edwards

Requesting the state investment board to develop policies to invest more funds in Washington firms.

Referred to Committee on Financial Services, Insurance and Housing.

MOTIONS

On motion of Senator Sheahan, the rules were suspended, Engrossed House Bill No. 1977 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Johnson, the following resolution was adopted:

SENATE RESOLUTION 8637

By Senators Johnson, McAuliffe, Hale, Rasmussen, Esser, B. Sheldon, Fairley, Mulliken, Hewitt, Regala, Kohl-Welles, Haugen, Stevens, McCaslin, Roach and Spanel

WHEREAS, Providing all Washington State children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold, and unsafe; and

WHEREAS, Classified employees are the bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 busses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day. Other employees include the custodian, maintenance, and security employees ensuring that the 2,174 school buildings, where our children are receiving their education, are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and most importantly all children receive the necessary support and services, while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards. They provide such specialized services as nursing and interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington State students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington State citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor classified school employees during Classified School Employee Week, March 10 through 14, 2003, and urge all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Public School Employees of Washington.

Senators Johnson, Hale, McAuliffe, Hewitt, Haugen, Mulliken and Rasmussen spoke to Senate Resolution 8637.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Classified School Employees, who were seated in the back of the Chamber.

MOTION

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

SECOND READING

Providing for omnibus civil liability reform.

MOTIONS

On motion of Senator Brandland, Substitute Senate Bill No. 5728 was substituted for Senate Bill No. 5728 and the substitute bill was placed on second reading and read the second time.

Senator Esser moved that the following amendment by Senators Esser and Hargrove be adopted:

Beginning on page 1, line 15, strike all of sections 101 and 102 and insert the following:

"Sec. 101. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities ~~((released by))~~ who have entered into a release, covenant not to sue, covenant not to enforce judgment, or similar agreement with the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those entities who have ~~((been released by))~~ entered into a release, covenant not to sue, covenant not to enforce judgment, or similar agreement with the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants [claimant's]))~~ claimant's total damages.

~~(2)(a) A defendant who is jointly and severally liable under one of the exceptions listed in subsection (1)(a) or (b) of this section on the basis of negligent or reckless acts or omissions shall be jointly liable for no more than twice the percentage of fault allocated to that defendant but in no case more than one hundred percent of the sum of the proportionate shares.~~

~~(b) A defendant who is jointly and severally liable under one of the exceptions listed in subsection (1)(a) or (b) of this section on the basis of intentional acts or omissions shall be jointly liable for the sum of the proportionate shares of the claimant's total damages.~~

~~(c) If a defendant is jointly and severally liable under one of the exceptions listed in subsection(s) (1)(a) or ((4)) (b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.~~

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

Sec. 102. RCW 4.22.015 and 1981 c 27 s 9 are each amended to read as follows:

"Fault" includes acts or omissions, including misuse of a product, that are in any measure negligent ~~((or)),~~ reckless, or intentional toward the person or property of the actor or others, or that subject a person to strict tort liability or liability on a product liability claim. The term also includes breach of warranty, unreasonable assumption of risk, and unreasonable failure to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.

A comparison of fault for any purpose under RCW 4.22.005 through ~~((4.22.060))~~ 4.22.070 shall involve consideration of both the nature of the conduct of the parties to the action and the extent of the causal relation between such conduct and the damages."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Esser and Hargrove on page 1, line 15, to Substitute Senate Bill No. 5728.

The motion by Senator Esser carried and the amendment was adopted.

MOTION

Senator Kastama moved that the following amendments by Senators Kastama, Winsley and Keiser be adopted:

Beginning on page 3, line 28, strike all of section 202 and insert the following:

"NEW SECTION. Sec. 202. A new section is added to chapter 4.24 RCW to read as follows:

(1) An employer who discloses information about a former or current employee's job performance to an entity or person that it reasonably believes is a prospective employer, or employment agency as defined by RCW 49.60.040, at the specific request of that individual employer or employment agency, is presumed to be acting in good faith and is immune from civil liability for such disclosure or its consequences. Within a reasonable period of time after an employee or former employee submits a written request, an employer shall make available, in writing, information disclosed during a reference by the employer to a prospective employer or employment agency. For purposes of this section, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the information disclosed by the employer was knowingly or recklessly false, or deliberately misleading.

(2) For the purposes of this section, "job performance" means the manner in which the employee performs the duties of a position of employment and includes an analysis of the employee's attendance at work; conduct, attitude, effort, knowledge, behavior, and skills, that are work-related; and adherence to the employer's employment policies and to safety and health laws; subject to the limitation of RCW 51.48.025."

Debate ensued.

Senator Kastama demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Kastama, Winsley and Keiser on page 3, line 28, to Substitute Senate Bill No. 5728.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote. Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

Senator Sheahan moved that the following amendment be adopted:

Beginning on page 4, line 29, strike all of section 302 and insert the following:

"Sec. 302. RCW 4.56.110 and 1989 c 360 s 19 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3) Judgments founded on the tortious conduct of individuals or other entities, whether acting in their personal or representative capacities, shall bear interest from the date of entry at two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(4) Except as provided under subsections (1) ~~(and)~~, (2), and (3) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof ~~(- PROVIDED, That)~~. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

NEW SECTION. Sec. 303. The rate of interest required by sections 301 and 302(3), chapter . . . , Laws of 2003 (sections 301 and 302(3) of this act) applies to the accrual of interest:

(1) As of the date of entry of judgment with respect to a judgment that is entered on or after the effective date of this act;

(2) As of the effective date of this act with respect to a judgment that was entered before the effective date of this act and that is still accruing interest on the effective date of this act.

Sec. 304. RCW 19.52.025 and 1986 c 60 s 1 are each amended to read as follows:

Each month the state treasurer shall compute the highest rate of interest permissible under RCW 19.52.020(1), and the rate of interest required by RCW 4.56.110(3) and 4.56.115, for the succeeding calendar month. The treasurer shall file ((this rate)) these rates with the state code reviser for publication in the next available issue of the Washington State Register in compliance with RCW 34.08.020(8).

Debate ensued

POINT OF INQUIRY

Senator Kline: "Senator Sheahan, looking on page two, line eleven, the effective date of this. In Section 303, it says 'the rate of interest required by section 301 and 302,' and then in Sub 2, it says, 'As of the effective date of this act with respect to a judgment that was entered before the effective date of this act and that is still accruing interest on the effective date of this act.' In other words, 'past judgements.' Are you suggesting that the Legislature has a constitutional authority to change past judgements of a court?"

Senator Sheahan: "Thank you for the question, Senator, and colleague in the profession. I think the intent of the amendment is to make sure that contracts that were entered into under a certain interest rate will remain in effect and will not be impacted by this bill. I urge your support for the amendment."

Senator Kline: "If I may continue, Madam President, that is not what this section does. This section applies to the accrual of interest as of the effective date of this act, July of this year. With respect to a judgment that was entered--a judgment, not a contract--a judgment that was entered before the effective date of this act and that is still accruing interest on the effective day of the act. In other words, an existing judgment--not an existing contract. It certainly would be proper for this Legislature to avoid affecting or changing any contractual rights. In fact, that itself is a constitutional provision, but it is strictly unconstitutional for this branch of the government to tell the other branch of the government that its orders, still in effect, passed on a law that was proper then, is now improper. I think we have a little problem here and I strongly suggest that we turn this one down. Thank you."

Further debated ensued.

MOTION

There being no objection, on motion of Senator Sheahan, further consideration of the amendment on page 4, line 29, to Substitute Senate Bill No. 5728 was deferred.

MOTION

Senator Brandland moved that the following amendments be considered simultaneously and be adopted:

On page 7, line 19, after "exceed" strike "two" and insert "three"

On page 7, line 30, after "damages to" strike "two" and insert "three"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Brandland on page 7, lines 19 and 30, to Substitute Senate Bill No. 5728.
The motion by Senator Brandland carried and the amendments were adopted.

MOTION

Senator Franklin moved that the following amendments be considered simultaneously and be adopted:

On page 7, beginning on line 12, strike all of section 403

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 14, line 29, strike all of section 411

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Franklin on page 7, line 12, and page 14, line 29, to Substitute Senate Bill No. 5728.

The motion by Senator Franklin failed and the amendments were not adopted.

MOTION

Senator Franklin moved that the following amendments be considered simultaneously and be adopted

On page 7, line 19, after "exceed" strike all material through "dollars." and insert "eight hundred fifty thousand dollars except as provided in this subsection. The eight hundred fifty thousand dollar limitation must be recalculated annually using the consumer price index for urban wage earners and clerical workers, cpi-w, or a successor index, for the twelve months prior to each July 1st as calculated by the United States department of labor."

On page 7, line 30, after "to" strike "two" and insert "eight"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Franklin on page 7, lines 19 and 30, to Substitute Senate Bill No. 5728.

The motion by Senator Franklin failed and the amendments were not adopted.

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen and Hargrove be adopted:

Beginning on page 7, line 32, strike all of section 404 and insert the following:

"**Sec. 404.** RCW 7.70.100 and 1993 c 492 s 419 are each amended to read as follows:

(1) No action based upon a health care provider's professional negligence may be commenced unless the defendant has been given at least ninety days' notice of the intention to commence the action. If the notice is served within ninety days of the expiration of the applicable statute of limitations, the time for the commencement of the action must be extended ninety days from the service of the notice.

(2) The provisions of subsection (1) of this section are not applicable with respect to any defendant whose name is unknown to the plaintiff at the time of filing the complaint and who is identified therein by a fictitious name.

(3) After the filing of the ninety-day presuit notice, and before a superior court trial, all causes of action, whether based in tort, contract, or otherwise, for damages arising from injury occurring as a result of health care provided after July 1, 1993, shall be subject to mandatory mediation prior to trial.

(2) The supreme court shall by rule adopt procedures to implement mandatory mediation of actions under this chapter. The rules shall require mandatory mediation without exception and address, at a minimum:

(a) Procedures for the appointment of, and qualifications of, mediators. A mediator shall have experience or expertise related to actions arising from injury occurring as a result of health care, and be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge. The parties may stipulate to a nonlawyer mediator. The court may prescribe additional qualifications of mediators;

(b) Appropriate limits on the amount or manner of compensation of mediators;

(c) The number of days following the filing of a claim under this chapter within which a mediator must be selected;

(d) The method by which a mediator is selected. The rule shall provide for designation of a mediator by the superior court if the parties are unable to agree upon a mediator;

(e) The number of days following the selection of a mediator within which a mediation conference must be held;

(f) A means by which mediation of an action under this chapter may be waived by a mediator who has determined that the claim is not appropriate for mediation; and

(g) Any other matters deemed necessary by the court.

(3) Mediators shall not impose discovery schedules upon the parties.

(4) The supreme court shall by rule also adopt procedures for the parties to certify to the court the manner of mediation used by the parties to comply with this section."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Rasmussen and Hargrove on page 7, line 32, to Substitute Senate Bill No. 5728.

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTION

Senator Kline moved that the following amendment be adopted:

On page 11, beginning on line 4, strike all of section 407

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 11, line 4, to Substitute Senate Bill No. 5728.

The motion by Senator Kline failed and the amendment was not adopted.

MOTION

Senator Franklin moved that the following amendment be adopted:

On page 15, after line 15, insert the following:

"NEW SECTION. Sec. 414. A new section is added to chapter 48.01 RCW to read as follows:

All the applications are subject to a public hearing before the commissioner.
(1) The commissioner shall notify the public of any application by an insurer for a rate change to medical malpractice premiums.

(2) Hearings and other administrative proceedings arising under this section must be conducted under chapter 34.05 RCW."

Debate ensued.

Franklin on page 15, line 15, to Substitute Senate Bill No. 5728.

The motion by Senator Franklin failed and the amendment was not adopted.

MOTION

Senator Hargrove moved that the following amendment be adopted:

Beginning on page 16, line 36, strike all of Part 6, section 601

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

Debate ensued.

Hargrove on page 16, line 36, to Substitute Senate Bill No. 5728.

The motion by Senator Hargrove carried and the amendment was adopted on a rising vote.

MOTION TO RECONSIDER VOTE

Having voted on the prevailing side, Senator Roach moved that the Senate immediately reconsider the vote by which the amendment by Senator Hargrove on page 16, line 36, was adopted.

PARLIAMENTARY INQUIRY

Senator Hargrove: "A point of parliamentary inquiry, Madam President. Since we had no roll call vote and there was simply a hand count, do we know, in fact, who was on what side of an amendment, so that we could have a prevailing side argument here?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "My lawyers tell me they have good memories."

Senator Hargrove: "What if we had some disabled lawyers who couldn't see? How would you figure that one out? I think they are both very near sighted."

President Pro Tempore Winsley: "And it is the Chair's discretion and I so ruled."

PARLIAMENTARY INQUIRY

Senator Sheahan: "A point of parliamentary inquiry, Madam President. With response to the good Senator from the Twenty-fourth District, according to Reed's Rules, the President can, on a vote that wasn't a roll call, ask the person if they voted on the prevailing side. If the person said, 'Yes,' then they can move for reconsideration."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "That is correct. Senate Roach said she voted on the prevailing side."

Senator Sheahan demanded a roll call and the demand was sustained.

Roach to immediately reconsider the vote by which the amendment by Senator Hargrove on page 16, line 36, to Substitute Senate Bill No. 5728 was adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Roach to immediately reconsider the vote by which the amendment by Senator Hargrove on page 16, line 36, to Substitute Senate Bill No. 5728 was adopted, carried by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Mulliken, Oke, Parlette, Prentice, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker, West and Zarelli - 27.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Poulsen, Rasmussen, Reardon, Regala, Shin, Spanel, Thibaudeau and Winsley - 22.

STATEMENT FOR THE JOURNAL

Pursuant to Rule 22, I wish to explain my 'yes' vote on the amendment by Senator Hargrove on page 16, line 36, on reconsideration. I opposed this amendment and fully intended to vote against this amendment. With all of the floor debate, and given the significant number of amendments on this bill, I was distracted by conversation and inadvertently voted 'yes.' The underlying bill allows for the presentation of evidence on whether a person was or was not wearing a seatbelt--an idea which I fully support. In fact, I have introduced Senate Bill No. 5498 to implement this very policy. This amendment, however, would have stricken this language, and I do not support this, although I did mistakenly vote for the amendment.

SENATOR BOB OKE, 26th Legislative District

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hargrove on page 16, line 36, to Substitute Senate Bill No. 5728, on reconsideration.

Senator Hargrove demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Hargrove on page 16, line 36, to Substitute Senate Bill No. 5728, on reconsideration.

ROLL CALL

The Secretary called the roll and the amendment by Senator Hargrove on page 16, line 36, to Substitute Senate Bill No. 5728 failed to pass the Senate, on reconsideration, by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Poulsen, Reardon, Regala, Roach, Shin, Spanel, Thibaudeau, Winsley and Zarelli - 24.

Voting nay: Senators Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Mulliken, Parlette, Prentice, Rasmussen, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker and West - 25.

MOTION

Senator Hargrove moved that the following amendments by Senators Hargrove and Parlette be considered simultaneously and be adopted:

On page 19, line 27, after "(2)(a)" strike "Neither" and insert "Subject to the further limitation applicable to rural public hospital districts in this subsection, neither"

On page 19, line 33, after "dollars." insert "Neither rural public hospital districts, nor their officers, employees, or volunteers are liable to pay a claim or a judgment by any one person that exceeds the sum of five hundred thousand dollars or any claim or judgment, or portions thereof, that, when totaled with all other claims or judgments paid by the rural public hospital district, officers, employees, or volunteers arising out of the same incident or occurrence, exceeds the sum of one million dollars."

On page 19, line 35, after "up to" insert "five hundred thousand dollars."

On page 19, at the beginning of line 36, after "million dollars" insert "2"

On page 20, line 19, after "chapter" strike ", "local" and insert "((?));

(a) "Local"

On page 20, after line 21, insert the following:

"(b) "Rural public hospital district" has the meaning specified in RCW 70.44.460."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments on page 19, lines 27, 33, 35 and 36, and page 20, lines 19 and 21, to Substitute Senate Bill No. 5728.

The motion by Senator Hargrove carried and the amendments were adopted.

MOTION

Senator Hargrove moved that the following amendments be considered simultaneously and be adopted:

On page 19, line 28, after "judgment" insert "for noneconomic damages as defined in RCW 4.56.250"

On page 22, line 22, after "judgment" insert "for noneconomic damages as defined in RCW 4.56.250"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments on page 19, line 28, and page 22, line 22, to Substitute Senate Bill No. 5728.

The motion by Senator Hargrove carried and the amendments were adopted.

MOTION

Senator Swecker moved that the following amendments be considered simultaneously and be adopted:

On page 20, after line 17, insert the following:

"(d) Subsection (2)(a) of this section does not apply in cases in which the local government entity or its officers, employees, or volunteers are held liable for civil damages resulting from any negligent act or omission in the rendering of community placement, community supervision, community custody, parole supervision, probation supervision, or supervision of suspended sentences if (i) the offender under supervision has ever been convicted of the crime of first or second degree rape, first or second degree rape of a child, or first or second degree homicide, and (ii) the civil damages resulted from the subsequent commission of one of these specified offenses."

On page 23, after line 9, insert the following:

"(4) Subsection (1) of this section does not apply in cases in which the state or its agencies, institutions, officers, employees, or volunteers are held liable for civil damages resulting from any negligent act or omission in the rendering of community placement, community supervision, community custody, parole supervision, probation supervision, or supervision of suspended sentences if (a) the offender under

supervision has ever been convicted of the crime of first or second degree rape, first or second degree rape of a child, or first or second degree homicide, and (b) the civil damages resulted from the subsequent commission of one of these specified offenses."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Swecker on page 20, line 17, and page 23, line 9, to Substitute Senate Bill No. 5728.

The motion by Senator Swecker carried and the amendments were adopted.

PERSONAL PRIVILEGE

Senator Roach: "A point of personal privilege, Madam President. In one of our previous votes, we had a standing vote. Someone called for division and we had a standing vote. The vote was announced and I had decided to change my vote and so stood up after the gavel went down and said that I was changing my vote and that was why I was standing up. The President Pro Tempore said over the microphone that I had tried to vote twice--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "No, I did not. I think they had counted you. You were standing twice and they may have counted

you twice. Nobody said you voted twice."

Senator Roach: "Well, I think the record may show otherwise, but I wanted everyone to know that certainly I did not try to vote twice, but wanted to change my vote, which we do all the time after a roll is taken. Thank you."

President Pro Tempore Winsley: "Thank you for clarifying that."

MOTION

Senator Brandland moved that the following amendment be adopted:

Beginning on page 24, line 21, strike all of sections 707 through 712

Renumber the remaining section consecutively and correct internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Brandland on page 24, line 21, to Substitute Senate Bill No. 5728.

The motion by Senator Brandland carried and the amendment was adopted.

MOTION

Senator Kastama moved that the following amendment by Senators Kastama and Esser be adopted:

On page 28, after line 16, insert the following:

"**NEW SECTION. Sec. 801.** A new section is added to chapter 4.28 RCW to read as follows:

In any action for personal injuries, wrongful deaths, or damage to property, in which the harm is alleged to have been caused by an act which violates the appropriate standard of care to be exercised by an individual licensed, certified, or registered by the state under Title 18 or 19 RCW or by the supreme court, the person initiating the action shall serve upon each defendant an affidavit within ninety days of service of process initiating the action. The affidavit shall be executed by a person whose license, certification, or registration is identical to the defendant. If there is more than one defendant, there shall be an affidavit for each defendant. Each affidavit shall contain a statement that the affiant believes there is a reasonable probability that the defendant's conduct does not meet the standard of care required to be exercised by the defendant. The affiant shall have no financial interest in the outcome of the trial and have at least five years of professional experience in the same vocation as the defendant who is the subject of the affidavit. The affidavit shall be filed within sixty days of the defendant answering the initial complaint.

In the event a defendant refuses to provide information necessary to allow the execution of an affidavit, the court may, upon motion of the plaintiff, waive the requirement following a hearing on the motion. No hearing on the motion shall be held in fewer than forty-five days following the receipt by the defendant of the request to provide the information.

The court may, upon motion by the defendant and a showing of good cause, grant only one additional period of forty-five days, following the motion to waive the requirement of an affidavit, for the defendant to provide the information required under this section."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Kastama and Esser on page 28, line 16, to Substitute Senate Bill No. 5728.

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

MOTION

Senator Sheahan moved that the following amendment by Senators Sheahan and Hargrove be adopted:

Beginning on page 4, line 29, strike all of section 302 and insert the following:

"**Sec. 302.** RCW 4.56.110 and 1989 c 360 s 19 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3) Judgments founded on the tortious conduct of individuals or other entities, whether acting in their personal or representative capacities, shall bear interest from the date of entry at two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(4) Except as provided under subsections (1) ~~(and)~~, (2), and (3) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof ~~(; PROVIDED, That)~~. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

NEW SECTION. Sec. 303. The rate of interest required by sections 301 and 302(3), chapter . . . , Laws of 2003 (sections 301 and 302(3) of this act) applies to the accrual of interest as of the date of entry of judgment with respect to a judgment that is entered on or after the effective date of this act.

Sec. 304. RCW 19.52.025 and 1986 c 60 s 1 are each amended to read as follows:

Each month the state treasurer shall compute the highest rate of interest permissible under RCW 19.52.020(1), and the rate of interest required by RCW 4.56.110(3) and 4.56.115, for the succeeding calendar month. The treasurer shall file ~~(this rate)~~ these rates with the state code reviser for publication in the next available issue of the Washington State Register in compliance with RCW 34.08.020(8)."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Sheahan and Hargrove on page 4, line 29, to Substitute Senate Bill No. 5728.

The motion by Senator Sheahan carried and the amendment was adopted.

There being no objection, the Senate resumed consideration of the amendment by Senator Sheahan on page 4, line 29, to Substitute Senate Bill No. 5728, which was moved and deferred earlier today.

There being no objection, the amendment by Senator Sheahan on page 4, line 29, to Substitute Senate Bill No. 5728 was withdrawn.

MOTIONS

On motion of Senator Sheahan, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "4.56.250," insert "7.70.100,"

On page 1, line 2 of the title, after "4.56.110," insert "19.52.025,"

On page 1, line 5 of the title, strike "a new section to chapter 4.28 RCW" and insert "new sections to chapter 4.28 RCW"

On page 1, line 5 of the title, strike "adding a new section to chapter 4.28 RCW;"

On page 1, beginning on line 7 of the title, after "4.16 RCW;" strike all material through "RCW;" on line 11

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute Senate Bill No. 5728 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5728.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5728 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 28.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 21.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:35 a.m., on motion of Senator Sheahan, the Senate recessed until 12:30 p.m.

The Senate was called to order at 12:37 p.m. by President Pro Tempore Winsley.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9064, Thomas W. Malone, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6, was confirmed.

APPOINTMENT OF THOMAS W. MALONE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Roach and Sheldon, T. - 2.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore introduced Jacob Yamane, a ten year old guest of Senator Mulliken, who was seated on the rostrum.

SECOND READING

ENGROSSED HOUSE BILL NO. 1977, by Representatives Grant, DeBolt, Orcutt and Roach

Clarifying use tax provisions.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed House Bill No. 1977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1977.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1977 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 1977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5807, by Senators Parlette, Deccio, Brandland, Mulliken, Carlson, Honeyford, Hewitt, Stevens, Oke, Sheahan and Winsley

Revising the basic health plan.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5807 was substituted for Substitute Senate Bill No. 5807 and the substitute bill was placed on second reading and read the second time.

Senator Parlette moved that the following striking amendment by Senators Parlette and Deccio be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.47.010 and 2000 c 79 s 42 are each amended to read as follows:

(1)(a) The legislature finds that limitations on access to health care services for enrollees in the state, such as in rural and underserved areas, are particularly challenging for the basic health plan. Statutory restrictions have reduced the options available to the administrator to address the access needs of basic health plan enrollees. It is the intent of the legislature to authorize the administrator to develop alternative purchasing strategies to ensure access to basic health plan enrollees in all areas of the state, including: (i) The use of differential rating for managed health care systems based on geographic differences in costs; and (ii) limited use of self-insurance in areas where adequate access cannot be assured through other options.

(b) In developing alternative purchasing strategies to address health care access needs, the administrator shall consult with interested persons including health carriers, health care providers, and health facilities, and with other appropriate state agencies including the office of the insurance commissioner and the office of community and rural health. In pursuing such alternatives, the administrator shall continue to give priority to prepaid managed care as the preferred method of assuring access to basic health plan enrollees followed, in priority order, by preferred providers, fee for service, and self-funding.

(2) The legislature further finds that:

(a) A significant percentage of the population of this state does not have reasonably available insurance or other coverage of the costs of necessary basic health care services;

(b) This lack of basic health care coverage is detrimental to the health of the individuals lacking coverage and to the public welfare, and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and all purchasers of health care, including the state; and

(c) The use of managed health care systems has significant potential to reduce the growth of health care costs incurred by the people of this state generally, and by low-income pregnant women, and at-risk children and adolescents who need greater access to managed health care.

(3) The purpose of this chapter is to provide or make more readily available necessary basic health care services in an appropriate setting to working persons and others who lack coverage, at a cost to these persons that does not create barriers to the utilization of necessary health care services. To that end, this chapter establishes a program to be made available to those residents not eligible for medicare or medicaid who share in a portion of the cost ~~((or who pay the full cost))~~ of receiving basic health care services from a managed health care system.

(4) It is not the intent of this chapter to provide health care services for those persons who are presently covered through private employer-based health plans, nor to replace employer-based health plans. However, the legislature recognizes that cost-effective and affordable health plans may not always be available to small business employers. Further, it is the intent of the legislature to expand, wherever possible, the availability of private health care coverage and to discourage the decline of employer-based coverage.

(5)(a) It is the purpose of this chapter to acknowledge the initial success of this program that has (i) assisted thousands of families in their search for affordable health care; (ii) demonstrated that low-income, uninsured families are willing to pay for their own health care coverage to the extent of their ability to pay; and (iii) proved that local health care providers are willing to enter into a public-private partnership as a managed care system.

~~(b) ((As a consequence, the legislature intends to extend an option to enroll to certain citizens above two hundred percent of the federal poverty guidelines within the state who reside in communities where the plan is operational and who collectively or individually wish to exercise the opportunity to purchase health care coverage through the basic health plan if the purchase is done at no cost to the state.))~~ It is ~~((also))~~ the intent of the legislature to allow employers and other financial sponsors to financially assist such individuals to purchase health care through the program so long as such purchase does not result in a lower standard of coverage for employees.

~~(c) The legislature intends that, to the extent of available funds, the program be available throughout Washington state ((to subsidized and nonsubsidized enrollees. It is also the intent of the legislature to enroll subsidized enrollees first, to the maximum extent feasible)).~~

(d) The legislature directs that the basic health plan administrator identify enrollees who are likely to be eligible for medical assistance and assist these individuals in applying for and receiving medical assistance. When possible, the administrator and the department of social and health services shall implement a seamless system to coordinate eligibility determinations and benefit coverage for enrollees of the basic health plan and medical assistance recipients.

Sec. 2. RCW 70.47.020 and 2000 c 79 s 43 are each amended to read as follows:

As used in this chapter:

(1) "Washington basic health plan" or "plan" means the system of enrollment and payment for basic health care services, administered by the plan administrator through participating managed health care systems, created by this chapter.

(2) "Administrator" means the Washington basic health plan administrator, who also holds the position of administrator of the Washington state health care authority.

(3) "Loss ratio" means incurred claims expense as a percentage of rate charged.

(4) "Managed health care system" means: (a) Any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the administrator and rendered by duly licensed providers, to a defined patient population enrolled in the plan and in the managed health care system; or (b) a self-funded or self-insured method of providing insurance coverage to ~~((subsidized))~~ enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100~~((7))~~ (6).

~~((4)) "Subsidized enrollee" (5) "Eligible person" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare or medicaid, other than the basic health plus or maternity benefits program; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator in consultation with appropriate state and local government agencies; (c) who applies for coverage prior to the effective date of this act or is a United States citizen or legally admitted for permanent residence; (d) who resides in an area of the state served by a managed health care system participating in the plan; ((4)) (e) whose gross family income ((at the time of enrollment)) does not exceed two hundred percent of the federal poverty level or a lesser amount as determined by the legislature in the biennial operating budget as adjusted for family size and determined annually by the federal department of health and human services; ((and (e)) (f) whose family liquid assets do not exceed an amount established by the administrator in rule; and (g) who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the plan. ((To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual, or an individual's spouse or dependent children, who meets the requirements in (a) through (c) and (e) of this subsection and whose gross family income at the time of enrollment is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.~~

~~(5) "Nonsubsidized enrollee" means an individual, or an individual plus the individual's spouse or dependent children: (a) Who is not eligible for medicare; (b) who is not confined or residing in a government-operated institution, unless he or she meets eligibility criteria adopted by the administrator; (c) who resides in an area of the state served by a managed health care system participating in the plan; (d) who chooses to obtain basic health care coverage from a particular managed health care system; and (e) who pays or on whose behalf is paid the full costs for participation in the plan, without any subsidy from the plan.))~~

(6) "Subsidy" means the difference between the amount of periodic payment the administrator makes to a managed health care system on behalf of ~~((a subsidized))~~ an enrollee plus the administrative cost to the plan of providing the plan to that ~~((subsidized))~~ enrollee, and the amount determined to be the ~~((subsidized))~~ enrollee's responsibility under RCW 70.47.060(2). The level of subsidy provided may be based on the lowest cost plans, as defined by the administrator.

(7) "Premium" means a periodic payment, based upon gross family income which an individual, their employer, or another financial sponsor makes to the plan as consideration for enrollment in the plan as ~~((a subsidized enrollee or a nonsubsidized))~~ an enrollee.

(8) "Rate" means the amount, negotiated by the administrator with and paid to a participating managed health care system, that is based upon the enrollment of ~~((subsidized and nonsubsidized))~~ enrollees in the plan and in that system.

Sec. 3. RCW 70.47.030 and 1995 2nd sp. s. c 18 s 913 are each amended to read as follows:

~~((4))~~ The basic health plan trust account is hereby established in the state treasury. Any nongeneral fund-state funds collected for this program shall be deposited in the basic health plan trust account and may be expended without further appropriation. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the plan and payment of costs of administering the plan.

~~((During the 1995-97 fiscal biennium, the legislature may transfer funds from the basic health plan trust account to the state general fund.~~

(2) The basic health plan subscription account is created in the custody of the state treasurer. All receipts from amounts due from or on behalf of nonsubsidized enrollees shall be deposited into the account. Funds in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of nonsubsidized enrollees in the plan and payment of costs of administering the plan. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The administrator shall take every precaution to see that none of the funds in the separate accounts created in this section or that any premiums paid either by subsidized or nonsubsidized enrollees are commingled in any way, except that the administrator may combine funds designated for administration of the plan into a single administrative account.)

Sec. 4. RCW 70.47.040 and 1993 c 492 s 211 are each amended to read as follows:

(1) The Washington basic health plan is created as a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator of the Washington state health care authority. ~~((The administrator shall appoint a medical director. The medical director and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.))~~

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator ~~((such staff to be)).~~ Except for a maximum of six employees designated as exempt by the administrator, such staff is subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Sec. 5. RCW 70.47.060 and 2001 c 196 s 13 are each amended to read as follows:

The administrator ~~((has the following powers and duties))~~ shall:

(1) ~~((To))~~ Design and ~~((from time to time))~~ periodically revise a schedule of covered ~~((basic health care))~~ services pursuant to section 8 of this act, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. ~~((All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.))~~

(2) ~~((a) To))~~ Design and implement a structure of periodic premiums due the administrator from ~~((subsidized))~~ enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. ~~((The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (9) of this section and to the share of the cost of the plan due from subsidized enrollees entering the plan as employees pursuant to subsection (10) of this section.))~~

(b) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(e)) Premiums may also vary based on wellness activities.

(a) All enrollees in any participating managed health care system shall be entitled to receive covered basic health care services in return for premium payments to the plan. Premiums, at a minimum, shall be as set forth by the legislature in the biennial operating budget.

(b) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of ~~((a subsidized or nonsubsidized))~~ an enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. Organizations and individuals paid to deliver basic health plan services which choose to sponsor enrollment shall pay, at a minimum, the amount set forth by the legislature in the biennial operating budget.

~~((d) To))~~ (3) Develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, ~~((2004))~~ 2004, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

~~((3) To))~~ (4) Design and implement a structure of enrollee cost-sharing consistent with section 8 of this act due a managed health care system from ~~((subsidized and nonsubsidized))~~ enrollees. ~~((The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.))~~

(4) ~~To~~ (5) Limit enrollment ~~((of persons who qualify for subsidies))~~ so as to prevent an overexpenditure of appropriations for ~~((such purposes))~~ the basic health plan. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment and, if necessary, disenroll persons, until the administrator finds the danger no longer exists. Any such disenrollment shall be in reverse order of income with enrollees with higher household incomes disenrolled first. Between persons with the same level of income, the one who has been on the plan the longest shall be disenrolled first. Any person disenrolled under this subsection who remains eligible and wishes to reenroll shall be given priority over new applicants when enrollment is reopened.

~~((5) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons who qualify may be based on the lowest cost plans, as defined by the administrator.))~~

~~(6) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.~~

~~(7) (To) (6) Solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan ((for either subsidized enrollees, or nonsubsidized enrollees, or both)) pursuant to section 9 of this act. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. ((Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.))~~

~~(7) Subject to subsection (5) of this section, enroll any eligible person for whom a completed application is submitted.~~

~~(a) In determining eligibility, the administrator shall:~~

~~(i) Require submission of income tax returns, or verification that income tax returns were not filed, and recent income history for any applicant, the applicant's spouse, and his or her dependents;~~

~~(ii) Not count funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 as income;~~

~~(iii) Not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service.~~

~~(b) The administrator may establish minimum enrollment periods and conditions under which those who disenroll for no apparent good cause may reenroll.~~

~~(c) The enrollment of a child does not require the enrollment of his or her parent or parents.~~

~~(8) ((To) Receive periodic premiums from or on behalf of ((subsidized and nonsubsidized)) enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.~~

~~(9) ((To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized or nonsubsidized enrollees, to establish appropriate minimum enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.~~

~~(10) (To) Accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, ((as subsidized or nonsubsidized enrollees,)) who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of each employee enrolled in the plan. Enrollment is limited to those ((not eligible for Medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan)) persons eligible pursuant to RCW 70.47.020. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.~~

~~((11) (To) (10) Determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.~~

~~((12) (To) (11) Monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, ((to) require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and ((to) inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.~~

~~((13) (To) (12) Evaluate the effects this chapter has on private employer-based health care coverage and ((to) take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.~~

~~((14) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.~~

~~(15) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.~~

~~(16) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.~~

~~(17) (To) (13)(a) Disenroll any enrollee:~~

~~(i) Whose premium payments to the plan are delinquent;~~

~~(ii) Who, as reported by health care providers and confirmed by the administrator, repeatedly fails to pay the required copayments or coinsurance in full on a timely basis;~~

~~(iii) Who does not meet the eligibility standards established in RCW 70.47.020(6); or~~

~~(iv) As necessary to meet the requirements of subsection (5) of this section;~~

~~(b) To verify continued eligibility, check employment security payroll records at least once every twelve months on all enrollees; require any enrollee whose family income as indicated by payroll records exceeds that upon which his or her enrollment and subsidy level is based to document his or her current family income as a condition of continued eligibility; and require any enrollee for whom employment security payroll records cannot be obtained to document his or her current family income at least once every six months;~~

(c) Provide an enrollee subject to disenrollment with advance written notice. Upon disenrollment, the administrator shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment of health care services provided to the enrollee, including if applicable members of the enrollee's family, after the date of notification.

(14) Administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

Sec. 6. RCW 70.47.100 and 2000 c 79 s 35 are each amended to read as follows:

(1) A managed health care system participating in the plan shall do so by contract with the administrator and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee covered by its contract with the administrator as long as payments from the administrator on behalf of the enrollee are current. A participating managed health care system may offer, without additional cost, health care benefits or services not included in the schedule of covered services under the plan. A participating managed health care system shall not give preference in enrollment to enrollees who accept such additional health care benefits or services. Managed health care systems participating in the plan shall not discriminate against any potential or current enrollee based upon health status, sex, race, ethnicity, or religion. The administrator may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than authorized copayments, for covered services directly from enrollees, but nothing in this chapter empowers the administrator to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

(2) The plan shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective areas. The administrator shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care system the administrator shall endeavor to establish a uniform period for such opportunity. The plan shall allow enrollees to transfer their enrollment to another participating managed health care system at any time upon a showing of good cause for the transfer.

(3) Prior to negotiating with any managed health care system, the administrator shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different areas of the state.

(4) In negotiating with managed health care systems for participation in the plan, the administrator shall adopt a uniform procedure that includes at least the following:

(a) The administrator shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(b) The administrator shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(c) The administrator may then select one or more systems to provide the covered services within a local area; and

(d) The administrator may adopt a policy that gives preference to respondents, such as nonprofit community health clinics, that have a history of providing quality health care services to low-income persons.

(5) ~~((The administrator may contract with a managed health care system to provide covered basic health care services to either subsidized enrollees, or nonsubsidized enrollees, or both.~~

(6)) The administrator may establish procedures and policies to further negotiate and contract with managed health care systems following completion of the request for proposal process in subsection (4) of this section, upon a determination by the administrator that it is necessary to provide access, as defined in the request for proposal documents, to covered basic health care services for enrollees.

~~((7))~~ (6)(a) The administrator shall implement a self-funded or self-insured method of providing insurance coverage to ~~((subsidized))~~ enrollees, as provided under RCW 41.05.140, if one of the following conditions is met:

(i) The authority determines that no managed health care system other than the authority is willing and able to provide access, as defined in the request for proposal documents, to covered basic health care services for all ~~((subsidized))~~ enrollees in an area; or

(ii) The authority determines that no other managed health care system is willing to provide access, as defined in the request for proposal documents, for one hundred thirty-three percent of the statewide benchmark price or less, and the authority is able to offer such coverage at a price that is less than the lowest price at which any other managed health care system is willing to provide such access in an area.

(b) The authority shall initiate steps to provide the coverage described in (a) of this subsection within ninety days of making its determination that the conditions for providing a self-funded or self-insured method of providing insurance have been met.

(c) The administrator may not implement a self-funded or self-insured method of providing insurance in an area unless the administrator has received a certification from a member of the American academy of actuaries that the funding available in the basic health plan self-insurance reserve account is sufficient for the self-funded or self-insured risk assumed, or expected to be assumed, by the administrator.

NEW SECTION. Sec. 7. A new section is added to chapter 70.47 RCW to read as follows:

If the administrator determines that a person, because he or she incorrectly reported information upon which eligibility is based, was enrolled and subsidized at a level for which he or she was not eligible, the administrator shall either bill the enrollee for the amounts overpaid by the state or impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee's incorrect information.

NEW SECTION. Sec. 8. A new section is added to chapter 70.47 RCW to read as follows:

The basic health plan shall reflect the conscientious, explicit, and judicious use of current best evidence with regard to patient care. In designing the schedule of benefits and enrollee cost-sharing, the administrator shall:

(1) Include preventive care services, based on the recommendations of the United States preventive services task force, with no enrollee cost-sharing;

(2) Include all services necessary for prenatal, postnatal, and well child care. However, with respect to coverage for enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the plan shall not cover such services except to the extent that they are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider;

(3) Include other benefits and enrollee cost-sharing reasonably expected to result in a plan with an average total per member per month cost to be established by the legislature in the biennial operating budget.

(4) Include a separate schedule of basic health care services for those eighteen years of age and younger; and

(5) Structure enrollee cost-sharing to discourage inappropriate utilization, encourage enrollee responsibility including the use of cost-effective services and products, and promote quality care. Costs imposed on enrollees should not be a barrier to utilization of appropriate and necessary health care services.

NEW SECTION. Sec. 9. A new section is added to chapter 70.47 RCW to read as follows:

In contracting with a participating managed health care system, the administrator shall:

(1) Ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services;

(2) Ensure that the system actively encourages enrollees to engage in wellness activities and receive preventive services consistent with the recommendations of the United States preventive services task force;

(3) Ensure that the system actively seeks to identify and encourage quality, cost-effective care by its providers based on evidence of best practices, and promote the use of quality providers by its enrollees;

(4) Ensure that the system actively assists the administrator in identifying enrollees with chronic or other high-cost conditions and provides them with coordinated care through disease and demand management programs;

(5) Ensure that the system actively encourages innovative health care service delivery methods that improve enrollee access to care and health outcomes.

(6) Ensure that the rate charged by the system is reasonably expected to result in a loss ratio to the system for the basic health plan, of no less than eighty-seven percent.

Sec. 10. RCW 70.47.130 and 2000 c 5 s 21 are each amended to read as follows:

~~((+))~~ The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW except:

~~((a))~~ (1) Benefits as provided in RCW 70.47.070;

~~((b))~~ (2) Managed health care systems are subject to the provisions of RCW 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, and 70.02.900; and

~~((c))~~ (3) Persons appointed or authorized to solicit applications for enrollment in the basic health plan, including employees of the health care authority, must comply with chapter 48.17 RCW. For purposes of this subsection ~~((+e))~~ (3), "solicit" does not include distributing information and applications for the basic health plan and responding to questions~~((; and~~

~~(d) Amounts paid to a managed health care system by the basic health plan for participating in the basic health plan and providing health care services for nonsubsidized enrollees in the basic health plan must comply with RCW 48.14.0201.~~

~~(2) The purpose of the 1994 amendatory language to this section in chapter 309, Laws of 1994 is to clarify the intent of the legislature that premiums paid on behalf of nonsubsidized enrollees in the basic health plan are subject to the premium and prepayment tax. The legislature does not consider this clarifying language to either raise existing taxes nor to impose a tax that did not exist previously).~~

Sec. 11. RCW 48.43.005 and 2001 c 196 s 5 and 2001 c 147 s 1 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060~~((2)(b))~~ (3).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand dollars; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least five thousand five hundred dollars; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Eligible employee" means an employee who works on a full-time basis with a normal work week of thirty or more hours. The term includes a self-employed individual, including a sole proprietor, a partner of a partnership, and may include an independent contractor, if the self-employed individual, sole proprietor, partner, or independent contractor is included as an employee under a health benefit plan of a small employer, but does not work less than thirty hours per week and derives at least seventy-five percent of his or her income from a trade or business through which he or she has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form. Persons covered under a health benefit plan pursuant to the consolidated omnibus budget reconciliation act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements of chapter 265, Laws of 1995.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(d) Disability income;

(e) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(f) Workers' compensation coverage;

(g) Accident only coverage;

(h) Specified disease and hospital confinement indemnity when marketed solely as a supplement to a health plan;

(i) Employer-sponsored self-funded health plans;

(j) Dental only and vision only coverage; and

(k) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, or self-employed individual that is actively engaged in business that, on at least fifty percent of its working days during the preceding calendar quarter, employed no more than fifty eligible employees, with a normal work week of thirty or more hours, the majority of whom were employed within this state, and is not formed primarily for purposes of buying health insurance and in which a bona fide employer-employee relationship exists. In determining the number of eligible employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. The term "small employer" includes a self-employed individual or sole proprietor. The term "small employer" also includes a self-employed individual or sole proprietor who derives at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year.

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) RCW 70.47.015 (Expanded enrollment--Findings--Intent--Enrollee premium share--Expedited application and enrollment process--Commission for agents and brokers) and 1997 c 337 s 1 & 1995 c 265 s 1;
- (2) RCW 70.47.080 (Enrollment of applicants--Participation limitations) and 1993 c 492 s 213 & 1987 1st ex.s. c 5 s 10;
- (3) RCW 70.47.090 (Removal of enrollees) and 1987 1st ex.s. c 5 s 11; and
- (4) RCW 70.47.115 (Enrollment of persons in timber impact areas) and 1992 c 21 s 7 & 1991 c 315 s 22.

NEW SECTION. Sec. 13. The health care authority shall report to the appropriate committees of the legislature on the implementation of this act by October 1, 2003.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except that changes to the basic health plan benefit design and eligibility standards other than the eligibility standard in RCW 70.47.020(5)(c) are not required to be implemented until January 1, 2004."

MOTION

Senator Brown moved the following amendments to the striking amendment by Senators Parlette and Deccio be considered simultaneously and be adopted:

On page 5, line 5 of the amendment, after "~~plan~~)", insert the following:

"Upon approval of a pilot project under section 12 of this act, "subsidized enrollee" also means an individual, or an individual's spouse or dependent children, who meets the requirements of (a), (b), (c), (e) and (f) of this subsection, who resides within the state of Washington, and who qualifies for a premium subsidy under a pilot project approved under section 12 of this act."

On page 5, line 7 of the amendment, after "system" insert "or through payments developed as part of a pilot project approved under section 12 of this act"

On page 23, after line 34 of the amendment, insert the following:

"NEW SECTION. Sec. 12. A new section is added to chapter 70.47 RCW to read as follows:

(1) The administrator, in coordination with the department of social and health services medical assistance administration and interested entities, will identify and design pilot projects to improve health care coverage access, including review of proposals by entities that are able to demonstrate to the administrator that they have received funding through a reliable source, such as a federal grant program, that can reasonably be expected to be adequate to complete their portion of the pilot project. The administrator may approve pilot projects that are found to be feasible. Pilot projects may include applying basic health plan subsidy payments toward employer-sponsored health insurance or other health insurance premium shares, rather than as direct payments to managed health care systems participating in the basic health plan.

(2) The schedule of benefits for persons enrolled through an approved pilot project may differ from the benefits offered through the basic health plan, but must be reasonably comparable in value to those benefits.

(3) Any pilot project approved by the administrator must provide coverage through managed health care systems.

(4) By November 1, 2003, the administrator and the secretary of the department of social and health services shall jointly report to the health care committees of the senate and the house of representatives on their progress in developing the pilot projects authorized in this act, the anticipated implementation date of any pilot project under development, and the resources needed to implement the pilot project."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senator Brown on pages 5 lines 5 and 7, and page 23, line 34, page to the striking amendment by Senators Parlette and Deccio to Substitute Senate Bill No. 5807.

The motion by Senator Brown failed and the amendments to the striking amendment were not adopted.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Parlette and Deccio to Senate Bill No. 5807.

Debate ensued.

The motion by Senator Parlette carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Parlette, the following title amendment was adopted:

On page 1, line 1 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 70.47.010, 70.47.020, 70.47.030, 70.47.040, 70.47.060, 70.47.100, and 70.47.130; reenacting and amending RCW 48.43.005; adding new sections to chapter 70.47 RCW; creating a new section; repealing RCW 70.47.015, 70.47.080, 70.47.090, and 70.47.115; and declaring an emergency."

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute Senate Bill No. 5807 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5807.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5807 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nays: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5807, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5971, by Senators Fairley, Zarelli, Poulsen, Rossi, Hargrove, Deccio, Rasmussen and Winsley

Managing residential habilitation centers.

The bill was read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Winsley be adopted:

On page 2, after "Sec. 3." on line 29, insert the following:

"RCW 41.40.820 and 2000 c 247 sec 309 are each amended to read as follows:

(1) NORMAL RETIREMENT. Any member who is at least age sixty-five and who has:

(a) Completed ten service credit years; or

(b) Completed five service credit years, including twelve service credit months after attaining age fifty-four; or

(c) Completed five service credit years by the transfer payment date specified in RCW 41.40.795, under the public employees' retirement system plan 2 and who transferred to plan 3 under RCW 41.40.795;

shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790.

(2) EARLY RETIREMENT. Any member who has attained at least age fifty-five and has completed at least ten years of service shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance actuarially reduced to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(3) ALTERNATE EARLY RETIREMENT. Any member who has completed at least thirty service credit years and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.790, except that a member retiring pursuant to this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

(4) ALTERNATE EARLY RETIREMENT. Any member who has completed at least twenty service credit years in public employment, was employed at Fircrest School after January 1, 2003, and has attained age fifty-five shall be eligible to retire and to receive a retirement allowance computed according to the provisions of RCW 41.40.620, except that a member retiring under this subsection shall have the retirement allowance reduced by three percent per year to reflect the difference in the number of years between age at retirement and the attainment of age sixty-five.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Winsley on page 2, line 29, to Senate Bill No. 5971.

The motion by Senator Fraser failed on a rising vote and the amendment was not adopted.

MOTION

Senator Brown moved that the following amendment be adopted:

On page 2, after "Sec. 3." on line 29, insert the following:

"RCW 28C.04.390 and 1999 c 121 sec. 1 are each amended to read as follows:

(1) The college board worker retraining program funds shall be used for training programs and related support services, including financial aid, counseling, referral to training resources, job referral, and job development that:

(a) Are consistent with the unified plan for work force development;

(b) Provide increased enrollments for dislocated workers and Fircrest employees who lost their jobs with the closure of Fircrest school;

(c) Provide customized training opportunities for dislocated workers and Fircrest employees who lost their jobs with the closure of Fircrest school; and

(d) Provide increased enrollments and support services, including financial aid for those students not receiving unemployment insurance benefits, that do not replace or supplant any existing enrollments, programs, support services, or funding sources.

(2) The college board shall develop a plan for use of the worker retraining program funds in conjunction with the work force training customer advisory committee established in subsection (3) of this section. In developing the plan the college board shall:

(a) Provide that applicants for worker retraining program funds shall solicit financial support for training programs and give priority in receipt of funds to those applicants which are most successful in matching public dollars with financial support;

(b) Provide that applicants for worker retraining program funds shall develop training programs in partnership with local businesses, industry associations, labor, and other partners as appropriate and give priority in receipt of funds to those applicants who develop customized training programs in partnership with local businesses, industry associations, and labor organizations;

(c) Give priority in receipt of funds to those applicants serving rural areas;

(d) Ensure that applicants receiving worker retraining program funds gather information from local work force development councils on employer work force needs, including the needs of businesses with less than twenty-five employees; and

(e) Provide for specialized vocational training at a private career school or college at the request of a recipient eligible under subsection (1)(b) of this section. Available tuition for the training is limited to the amount that would otherwise be payable per enrolled quarter to a public institution.

(3) The executive director of the college board shall appoint a work force training customer advisory committee by July 1, 1999, to:

(a) Assist in the development of the plan for the use of the college board worker retraining program funds and recommend guidelines to the college board for the operation of worker retraining programs;

(b) Recommend selection criteria for worker retraining programs and grant applicants for receipt of worker retraining program grants;

(c) Provide advice to the college board on other work force development activities of the community and technical colleges;

(d) Recommend selection criteria for job skills grants, consistent with criteria established in this chapter and chapter 121, Laws of 1999. Such criteria shall include a prioritization of job skills applicants in rural areas;

(e) Recommend guidelines to the college board for the operation of the job skills program; and

(f) Recommend grant applicants for receipt of job skills program grants.

(4) Members of the work force training customer advisory committee shall consist of three college system representatives selected by the executive director of the college board, three representatives of business selected from nominations provided by statewide business organizations, and three representatives of labor selected from nominations provided by a statewide labor organization representing a cross-section of workers in the state."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 2, line 29, to Senate Bill No. 5971.

The motion by Senator Brown carried and the amendment was adopted.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Winsley be adopted:

On page 2, after "Sec. 3." on line 29, insert the following:

"RCW 50.62.020 and 1987 c 284 sec 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Job service" means the employment assistance program of the employment security department;

(2) "Employment assistance" means services to unemployed persons focused on and measured by the obtaining of employment;

(3) "Labor exchange" means those activities which match labor supply and labor demand, including recruitment, screening, and referral of qualified workers to employers;

(4) "Special account of the administrative contingency fund" means that fund under RCW 50.24.014 established within the administrative contingency fund of the employment security department which provides revenue for the purposes of this chapter.

(5) "Continuous wage and benefit history" means an information and research system utilizing a longitudinal data base containing information on both employment and unemployment.

(6) "Long-term unemployed" means demographic groups of unemployment insurance claimants identified by the employment security department pursuant to RCW 50.62.040(1)(e) which have the highest percentages of persons who have drawn at least fifteen weeks of unemployment insurance benefits or have the highest percentage of persons who have exhausted their unemployment insurance benefits.

(7) "Older unemployed workers" means unemployment insurance claimants who are at least fifty years of age.

(8) "Unemployed Fircrest workers" are those persons employed at the Fircrest school whose jobs were eliminated by the closure of Fircrest school.

Sec 4. RCW 50.62.030 and 1995 c 135 sec 4 are each amended to read as follows:

Job service resources shall be used to assist with the reemployment of unemployed workers using the most efficient and effective means of service delivery. The job service program of the employment security department may undertake any program or activity for which funds are available and which furthers the goals of this chapter. These programs and activities shall include, but are not limited to:

(1) Giving unemployed Fircrest workers, older unemployed workers and the long-term unemployed the highest priority for all services made available under this section. The employment security department shall make the services provided under this chapter available to the unemployed Fircrest workers, older unemployed workers and the long-term unemployed as soon as they register under the employment assistance program;

(2) Supplementing basic employment services, with special job search and claimant placement assistance designed to assist unemployment insurance claimants to obtain employment;

(3) Providing employment services, such as recruitment, screening, and referral of qualified workers, to agricultural areas where these services have in the past contributed to positive economic conditions for the agricultural industry; and

(4) Providing otherwise unobtainable information and analysis to the legislature and program managers about issues related to employment and unemployment.

Sec. 5. RCW 50.04.075 and 1984 c 181 sec. 1 are each amended to read as follows:

"Dislocated worker" means any individual who:

(1) Has been terminated or received a notice of termination from employment;

(2) Is eligible for or has exhausted entitlement to unemployment compensation benefits; and

(3) Is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for their skills in that occupation or industry or is an employee at Fircrest school whose job was terminated by the closure of Fircrest school."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Keiser and Winsley on page 2, line 29, to Senate Bill No. 5971.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 25.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 24.

MOTION

Senator Shin moved that the following amendment by Senators Shin, Zarelli, Rossi, Fairley and Kohl-Welles be adopted:

On page 4, after line 7, after "71A.10.070." insert the following:

" Consultation shall include assurance that residents transferring from one residential habilitation center to another be provided comparable or better services and care at their new residential habilitation center."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Thibaudeau requested that an oral amendment be adopted.

POINT OF ORDER

Senator West: "A point of order, Madam President. Oral amendments are not generally allowed. We have done it once in a while in the past, but by Reed's Rules and our rules, amendments must be in writing on the desk."

REPLY BY PRESIDENT PRO TEMPORE WINSLEY

President Pro Tempore Winsley: "Thank you. Perhaps, Senator Thibaudeau, that when this measure gets over to the House, you could make a suggestion to the committee."

POINT OF INQUIRY

Senator Fairley: "Senator Shin, would you agree that a good indication of comparable quality of care and services would be that which meets the federal and state certification requirements for these facilities?"

Senator Shin: "Yes, that would be good."

Senator Fairley: "With that, I would recommend adoption of this amendment."

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Shin, Zarelli, Rossi, Fairley and Kohl-Welles on page 4, line 7, to Senate Bill No. 5971.

The motion by Senator Shin carried and the amendment was adopted.

MOTIONS

On motion of Senator Zarelli, the following title amendments were adopted:

On page 1, on line 2 of the title, after "28A.190.020;", insert "28C.04.390;".

On page 1, on line 2 of the title, after "28A.190.020;", insert "50.04.075; 50.62.020; 50.62.030;".

On motion of Senator Zarelli, the rules were suspended, Engrossed Senate Bill No. 5971 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Sheahan, West and Hale demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question failed.

Further debate ensued.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Madam President. My point of personal privilege is that I have been terribly concerned about our talking about the employees and what might happen to them and how easy it is going to be for people to transfer and nobody has talked about patient's needs. I know somebody is going to stand up and tell me I am out of order, so I am going to sit down."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5971.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No 5971, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 37.

Voting nay: Senators Brown, Deccio, Doumit, Eide, Fraser, Jacobsen, Kastama, Keiser, Roach, Spanel, Thibaudeau and Winsley - 12.

ENGROSSED SENATE BILL NO. 5971, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5264, by Senators West, Swecker, Jacobsen, Sheahan, Hargrove and Hale

Providing transportation to the lieutenant governor's spouse for activities conducted on behalf of the state.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5264 was substituted for Senate Bill No. 5264 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5264 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5264.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5264 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Mulliken - 1.

SUBSTITUTE SENATE BILL NO. 5264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 2:25 p.m., on motion of Senator Sheahan, the Senate adjourned until 2:00 p.m., Sunday, March 16, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FIRST DAY, MARCH 14, 2003

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

SIXTY-THIRD DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, March 16, 2003

The Senate was called to order at 2:00 p.m. by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Finkbeiner, McCaslin, Poulsen, Prentice and Reardon. On motion of Senator Hewitt, Senators Benton, Finkbeiner and McCaslin were excused. On motion of Senator Eide, Senators Poulson, Prentice and Reardon were excused.

The Sergeant at Arms Color Guard, consisting of Judi Best and Joe Van Buskirk, presented the Colors. Senator Bob Oke offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 13, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1158,
SUBSTITUTE HOUSE BILL NO. 1455,
HOUSE BILL NO. 1531,
ENGROSSED HOUSE BILL NO. 1616,
SUBSTITUTE HOUSE BILL NO. 1755,
SUBSTITUTE HOUSE BILL NO. 1820,
SUBSTITUTE HOUSE BILL NO. 1840,
HOUSE BILL NO. 1847,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852,
HOUSE BILL NO. 1860,
SECOND SUBSTITUTE HOUSE BILL NO. 1887,
SUBSTITUTE HOUSE BILL NO. 1931,
HOUSE BILL NO. 1937,
HOUSE BILL NO. 1952,
HOUSE BILL NO. 1967,
SUBSTITUTE HOUSE BILL NO. 1971,
HOUSE BILL NO. 1996,
SUBSTITUTE HOUSE BILL NO. 2039,
SUBSTITUTE HOUSE BILL NO. 2046,
HOUSE BILL NO. 2075, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1211,
SECOND SUBSTITUTE HOUSE BILL NO. 1234,
SUBSTITUTE HOUSE BILL NO. 1250,

SUBSTITUTE HOUSE BILL NO. 1346,
SUBSTITUTE HOUSE BILL NO. 1470,
HOUSE BILL NO. 1479,
SUBSTITUTE HOUSE BILL NO. 1609,
SUBSTITUTE BILL NO. 1622,
SUBSTITUTE HOUSE BILL NO. 1707,
HOUSE BILL NO. 1727, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466,
SUBSTITUTE HOUSE BILL NO. 1702,
HOUSE BILL NO. 2113,
HOUSE BILL NO. 2122,
SECOND SUBSTITUTE HOUSE BILL NO. 2124,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2179, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2003

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1093,
HOUSE BILL NO. 1199,
HOUSE BILL NO. 1205,
SUBSTITUTE HOUSE BILL NO. 1219,
SUBSTITUTE HOUSE BILL NO. 1390,
SUBSTITUTE HOUSE BILL NO. 1472,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,
ENGROSSED HOUSE BILL NO. 1717,
SUBSTITUTE HOUSE BILL NO. 1743,
HOUSE BILL NO. 1753,
SUBSTITUTE HOUSE BILL NO. 1854, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2003

MR. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1109,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1438,
SUBSTITUTE HOUSE BILL NO. 1532,
SUBSTITUTE HOUSE BILL NO. 1829,
HOUSE BILL NO. 1882,
HOUSE BILL NO. 2006,
SUBSTITUTE HOUSE BILL NO. 2007,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021,
SUBSTITUTE HOUSE BILL NO. 2027,
HOUSE BILL NO. 2063,
ENGROSSED HOUSE BILL NO. 2064,
ENGROSSED HOUSE BILL NO. 2067,
HOUSE BILL NO. 2073,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088,
SUBSTITUTE HOUSE BILL NO. 2090,
SUBSTITUTE HOUSE BILL NO. 2094,
HOUSE BILL NO. 2100,
SUBSTITUTE HOUSE BILL NO. 2111,
SUBSTITUTE HOUSE BILL NO. 2118,
HOUSE BILL NO. 2129,
SUBSTITUTE HOUSE BILL NO. 2132,
HOUSE BILL NO. 2183,
SUBSTITUTE HOUSE BILL NO. 2202,
HOUSE JOINT MEMORIAL NO. 4018, and the same are herewith transmitted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1081 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Hunter, Benson, Schual-Berke, Newhouse, Cooper, Roach and Simpson)

Providing funds to investigate and prosecute mortgage lending fraud.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1093 by House Committee on State Government (originally sponsored by Representatives Hatfield, Hankins, Morris and Blake)

Updating primary ballot rotation law.

Referred to Committee on Government Operations and Elections.

EHB 1109 by Representatives Clibborn, Newhouse, Benson, Wallace and Haigh

Providing wildland fire fighting training.

Referred to Committee on Government Operations and Elections.

ESHB 1158 by House Committee on State Government (originally sponsored by Representatives Miloscia, Shabro, Hunt, Haigh, McDermott, Tom and Kenney) (by request of Secretary of State Reed)

Enhancing voting systems certification.

Referred to Committee on Government Operations and Elections.

HB 1199 by Representatives Fromhold, Pflug, Simpson, Alexander, Cooper, Delvin, Conway, Bush, Anderson and Darneille (by request of Joint Committee on Pension Policy)

Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation.

Referred to Committee on Ways and Means.

HB 1205 by Representatives Conway, Delvin, Simpson, Alexander, Cooper and Chase (by request of Joint Committee on Pension Policy)

Addressing the department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service.

Referred to Committee on Ways and Means.

SHB 1211 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Kenney, Wood, Hudgins, Cooper, Veloria, Schual-Berke, Lovick, Kirby, Dickerson, Upthegrove, McDermott, Rockefeller, Morrell, Murray, Simpson, Darneille, Chase, Cody and Ruderman)

Modifying accountability requirements under the public accountancy act.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1219 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson, Anderson, Upthegrove, Rockefeller and Simpson) (by request of Governor Locke)

Addressing violations connected with the offer, sale, or purchase of securities.

Referred to Committee on Financial Services, Insurance and Housing.

2SHB 1234 by House Committee on Appropriations (originally sponsored by Representatives Pettigrew, Veloria, McCoy, Conway and Chase)

Establishing an industry cluster-based approach to economic development.

Referred to Committee on Economic Development.

SHB 1250 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Linville, Sump, Quall and Mielke) (by request of Commissioner of Public Lands Sutherland))

Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas.

Referred to Committee on Natural Resources, Energy and Water.

SHB 1346 by House Committee on Judiciary (originally sponsored by Representatives Lovick, Cairnes, Rockefeller, Campbell, Moeller, Clibborn, Cooper, Flannigan, Simpson, Kagi, Pettigrew and Chase)

Changing provisions relating to vacation of records of conviction for pre-sentencing reform act felony offenses.

Referred to Committee on Judiciary.

SHB 1390 by House Committee on Local Government (originally sponsored by Representatives Moeller, Jarrett, Lovick, Fromhold, Veloria, Kessler, Pettigrew, Miloscia, McDermott, Dunshee, Upthegrove, DeBolt, Wallace, Wood, Sullivan, Schual-Berke, Kagi and Nixon)

Authorizing instant runoff voting.

Referred to Committee on Government Operations and Elections.

ESHB 1431 by House Committee on State Government (originally sponsored by Representatives McDermott, McMahan, Hunt, Kenney, Haigh, Rockefeller, Simpson, Alexander, Cody, Berkey and Linville) (by request of Secretary of State Reed)

Changing the primary to June.

Referred to Committee on Government Operations and Elections.

ESHB 1438 by House Committee on Transportation (originally sponsored by Representatives Sullivan, Jarrett, Upthegrove, Nixon, Schoesler, Crouse, Wood, Gombosky, Ruderman, Cooper, Linville, Rockefeller, Hudgins, McDermott and Wallace)

Providing incentives to reduce air pollution through the use of neighborhood electric vehicles.

Referred to Committee on Highways and Transportation.

SHB 1455 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Santos, Kenney, Benson, Schual-Berke, Quall, O'Brien, Cooper, Berkey, Dunshee, Haigh, Morris, Sullivan, Skinner, Miloscia, Veloria, Delvin, Hatfield, Simpson and Wallace) (by request of Department of Financial Institutions)

Licensing and regulating money transmission and currency exchange.

Referred to Committee on Financial Services, Insurance and Housing.

ESHB 1466 by House Committee on Education (originally sponsored by Representatives Quall, Tom, Haigh, Talcott, McDermott, Anderson, Linville, Rockefeller, Ericksen, Upthegrove, Jarrett, Dunshee, Nixon, Kessler, Ruderman, Eickmeyer, Cox, Lovick, Hunt, Grant, Woods, Wallace, Pflug, Kenney and Fromhold)

Promoting environmental, natural science, wildlife, forestry, and agricultural education.

Referred to Committee on Education.

SHB 1470 by House Committee on Education (originally sponsored by Representatives Cox, Haigh, Schoesler, Sump, Quall and Santos)

Expanding "residency" for purposes of attending Washington public schools.

Referred to Committee on Education.

SHB 1472 by House Committee on Judiciary (originally sponsored by Representatives Veloria, Skinner, Eickmeyer, McCoy, Miloscia, McDonald and Condotta)

Managing clean and sober housing.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1479 by Representatives Sullivan, Ericksen, Rockefeller, Miloscia and Woods (by request of Department of Transportation)

Authorizing the ferry system to use alternative public works contracting procedures.

Referred to Committee on Highways and Transportation.

HB 1531 by Representatives Grant, Holmquist, Kessler, Buck, Linville, Haigh, Ruderman, Armstrong, O'Brien, Miloscia, Lovick, Newhouse, Morris, Gombosky, Hatfield, Chandler, Veloria, McMahan, Quall, Schindler, Blake, Shabro, Talcott, Clibborn, Schual-Berke, Bush, Schoesler, Upthegrove, Hinkle, Condotta, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander

Requiring the governor's signature on significant legislative rules.

Referred to Committee on Government Operations and Elections.

SHB 1532 by House Committee on Health Care (originally sponsored by Representatives Quall, Cox, Schual-Berke, Kenney, Pflug, McDermott, Simpson, Hunt, Rockefeller and Kagi)

Prohibiting smoking in residence halls of schools, colleges, and universities.

Referred to Committee on Health and Long-Term Care.

ESHB 1592 by House Committee on Transportation (originally sponsored by Representatives Simpson and Ericksen)

Regulating special license plates.

Referred to Committee on Highways and Transportation.

SHB 1609 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives O'Brien and Buck) (by request of Sentencing Guidelines Commission)

Requiring a plan to establish pilot regional correctional facilities.

Referred to Committee on Children and Family Services and Corrections.

EHB 1616 by Representatives Dunshee and Schual-Berke

Allowing intermediate licensees under parental supervision to carry nonfamily members.

Referred to Committee on Highways and Transportation.

SHB 1622 by House Committee on State Government (originally sponsored by Representatives Morrell, Pflug, Cody, Skinner and Clibborn) (by request of Department of Social and Health Services)

Clarifying the definition of "research."

Referred to Committee on Health and Long-Term Care.

SHB 1702 by House Committee on Transportation (originally sponsored by Representatives Hatfield, Mielke, Romero, Armstrong, Cooper, Blake, Boldt, Orcutt, Santos, McCoy, Alexander, Schoesler, Chandler, Grant, Schindler and Condotta)

Recovering costs for motorist information signs.

Referred to Committee on Highways and Transportation.

SHB 1707 by House Committee on Local Government (originally sponsored by Representatives Jarrett, Simpson, Shabro, Sullivan, Moeller, Berkey, Schindler, Linville and Anderson)

Revising environmental review provisions to improve the development approval process and enhance economic development.

Referred to Committee on Land Use and Planning.

EHB 1717 by Representatives Cody and Campbell

Authorizing separate billing of tenants for water and wastewater services.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1727 by Representatives O'Brien and Kirby

Providing that no fee may be charged for death certificates of sex offenders supplied to law enforcement agencies.

Referred to Committee on Children and Family Services and Corrections.

SHB 1743 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Cooper, Upthegrove, Sump, Pearson and Anderson) (by request of Department of Ecology)

Reviewing the management and oversight of hazardous waste management facilities.

Referred to Committee on Natural Resources, Energy and Water.

HB 1753 by Representatives Cody, Pflug, Skinner, Clibborn, Morrell, Benson and Edwards (by request of Department of Social and Health Services and Department of Health)

Concerning nursing practices in community-based and in-home care.

Referred to Committee on Health and Long-Term Care.

SHB 1755 by House Committee on Local Government (originally sponsored by Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell)

Creating alternative means for annexation of unincorporated islands of territory.

Referred to Committee on Land Use and Planning.

SHB 1820 by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Pettigrew, Kagi, Santos and Kenney)

Changing provisions concerning youth shelter notification to parents about runaway youth.

Referred to Committee on Children and Family Services and Corrections.

SHB 1829 by House Committee on Appropriations (originally sponsored by Representatives Bailey, Sehlin, Talcott, Kristiansen, Clements, Tom, Pearson, McMahan, Benson, Woods and Pflug)

Regulating postretirement employment in the public employees' retirement system and the teachers' retirement system.

Referred to Committee on Ways and Means.

SHB 1840 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Clibborn, Jarrett, Rockefeller, O'Brien, Skinner, Hankins, Edwards, Nixon, Pettigrew, Sullivan, Hunt, Moeller, Schindler, Mielke, Kenney, Haigh, Linville, Lovick, Chase, Darneille and Tom)

Authorizing nonprofit corporations to participate in self-insurance risk pools.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1847 by Representatives Hunter, Benson, Schual-Berke, Kenney, Moeller, Bush, Darneille, Morrell and Rockefeller

Allowing merchants to require additional identification when conducting credit and debit card sales.

Referred to Committee on Financial Services, Insurance and Housing.

ESHB 1852 by House Committee on Higher Education (originally sponsored by Representatives Schual-Berke, Conway, Cox, Cody, Kenney, Pflug, Clements, O'Brien, Chase, Morrell, Veloria and Skinner)

Facilitating collaboration among health care work force stakeholders to address the health care personnel shortage.

Referred to Committee on Health and Long-Term Care.

SHB 1854 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Crouse, Sullivan, Delvin, Blake, Bush and Grant)

Allowing cities and public utility districts to purchase energy, including the capability to produce energy, from the agency.

Referred to Committee on Natural Resources, Energy and Water.

HB 1860 by Representatives O'Brien and Mielke (by request of Indeterminate Sentence Review Board)

Revising procedures for hearings concerning violations by sex offenders of postrelease conditions.

Referred to Committee on Children and Family Services and Corrections.

HB 1882 by Representatives Grant, Delvin, Miloscia, Jarrett and Upthegrove

Modifying local improvement district provisions.

Referred to Committee on Government Operations and Elections.

2SHB 1887 by House Committee on Appropriations (originally sponsored by Representatives Linville, Sump, Cooper, Buck and Hatfield)

Creating the commercial fisheries permit buyback account.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1931 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Lantz, Hankins, Chase, Dunshee, Flannigan, Veloria and Haigh)

Regarding the training of law enforcement officers.

Referred to Committee on Judiciary.

HB 1937 by Representatives Murray, Holmquist, Romero and Hankins

Excluding power wheelchairs from motor vehicle regulation.

Referred to Committee on Highways and Transportation.

HB 1952 by Representatives Hatfield, Blake and Cooper

Designating highways of statewide significance.

Referred to Committee on Highways and Transportation.

HB 1967 by Representatives Haigh, Miloscia and Hunt (by request of Department of General Administration)

Allowing the state purchasing and material control director to receive electronic and web-based bids.

Referred to Committee on Government Operations and Elections.

SHB 1971 by House Committee on Children and Family Services (originally sponsored by Representatives Dickerson, Kagi, Pettigrew, Miloscia, Fromhold, Darneille, Shabro, Orcutt, Bailey, Schual-Berke and Kenney)

Establishing a deaf education task force.

Referred to Committee on Education.

HB 1996 by Representatives Morrell, McDonald and Kagi

Clarifying the eligibility for local funds of building operation and maintenance costs of housing projects eligible to receive housing trust funds.

Referred to Committee on Financial Services, Insurance and Housing.

HB 2006 by Representatives Schindler, Gombosky, Ahern, Sump, Wood, Jarrett, Crouse, Pearson, Clements, Ericksen and Moeller

Authorizing nuisance abatement powers of county governments.

Referred to Committee on Government Operations and Elections.

SHB 2007 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Nixon, Ruderman, Bush, Dickerson and Hudgins)

Prohibiting unsolicited commercial text messages.

Referred to Committee on Technology and Communications.

ESHB 2021 by House Committee on Transportation (originally sponsored by Representatives Wallace, Boldt, Moeller, Uptegrove and Kenney)

Requiring disclosure of air bag status of a vehicle in private sales.

Referred to Committee on Highways and Transportation.

SHB 2027 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Kirby, Delvin, Morris, DeBolt and Sullivan)

Regulating the sale of cigarettes.

Referred to Committee on Technology and Communications.

SHB 2039 by House Committee on Judiciary (originally sponsored by Representatives Fromhold, Carrell, Pettigrew, Cairnes, Lantz, Moeller, Newhouse, Armstrong, Grant, Quall, Woods, Roach, Hankins, Morris, Ericksen, Crouse, Condotta, Talcott, Holmquist, McMahan, Clements, Bailey, Clibborn, Kessler, Campbell, Hunter, Chandler, Gombosky, Schoesler, Ruderman, Miloscia, Kirby, Hinkle and Kenney)

Providing affirmative defenses for activities defined under RCW 4.16.300.

Referred to Committee on Judiciary.

SHB 2046 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Lantz, Kirby, O'Brien, Moeller and Santos)

Providing for law enforcement powers for interfering with a dog guide or service animal.

Referred to Committee on Judiciary.

HB 2063 by Representatives Kristiansen, Blake, Linville, Schoesler, Hatfield, Eickmeyer and Orcutt

Extending the expiration date for reporting requirements on timber purchases.

Referred to Committee on Natural Resources, Energy and Water.

EHB 2064 by Representatives Woods, Rockefeller, Bush, Lantz, Ahern, Hankins, Benson, Haigh, Sehlin, Morris, Bailey, Wood, Talcott, Ericksen, Edwards and Carrell

Studying methods of avoiding military base closure.

Referred to Committee on Government Operations and Elections.

EHB 2067 by Representatives Schoesler and Cox

Permitting withdrawals of public ground waters.

Referred to Committee on Natural Resources, Energy and Water.

HB 2073 by Representatives Schoesler, Romero and Cox

Disposing of local government records.

Referred to Committee on Government Operations and Elections.

HB 2075 by Representatives Romero, Cooper, Buck and Kenney

Studying recreational boating safety.

Referred to Committee on Parks, Fish and Wildlife.

ESHB 2076 by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Conway, Berkey, Upthegrove, Moeller, Wood and Schual-Berke)

Requiring a statewide strategic plan for higher education.

Referred to Committee on Higher Education.

ESHB 2088 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Schoesler, Chandler and Linville)

Revising provisions relating to storm water rates and charges.

Referred to Committee on Natural Resources, Energy and Water.

SHB 2090 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Clements, Sump and Orcutt)

Prohibiting interference with search and rescue dogs.

Referred to Committee on Judiciary.

SHB 2094 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern)

Allowing detention of persons at outdoor music venues for investigation of drug and alcohol violations.

Referred to Committee on Judiciary.

HB 2100 by Representatives Romero, Veloria and Wallace (by request of Washington State Patrol)

Adding an ex officio member to the building code council.

Referred to Committee on Government Operations and Elections.

SHB 2111 by House Committee on Higher Education (originally sponsored by Representatives Priest, Jarrett and Cox)

Exploring opportunities to create performance contracts between the state and institutions of higher education.

Referred to Committee on Higher Education.

HB 2113 by Representatives Morrell, Cox, Kenney, Fromhold, Jarrett, Chase, Priest, McCoy and Buck

Regarding refunds of federal financial aid to students who withdraw from institutions of higher education.

Referred to Committee on Higher Education.

SHB 2118 by House Committee on Commerce and Labor (originally sponsored by Representatives Newhouse and Sullivan)

Authorizing approved microbrewers to sell beer at farmers markets.

Referred to Committee on Commerce and Trade.

HB 2122 by Representatives Schual-Berke, Benson, Cody, Campbell and Kenney

Simplifying administrative procedures for state-purchased health care programs.

Referred to Committee on Health and Long-Term Care.

2SHB 2124 by House Committee on Appropriations (originally sponsored by Representatives Quall, Talcott, McDermott, Tom, Haigh, Cox, Rockefeller, Hunter, Santos, Edwards and Anderson)

Regarding high school graduation requirements.

Referred to Committee on Education.

HB 2129 by Representatives Sommers, Haigh, Anderson, Hunter, Tom, McDermott, Talcott and Nixon

Requiring agency reports to the legislature to be submitted electronically.

Referred to Committee on Government Operations and Elections.

SHB 2132 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Kenney, Schual-Berke, Santos and McDermott)

Securing public building or construction contracts.

Referred to Committee on Government Operations and Elections.

ESHB 2179 by House Committee on Judiciary (originally sponsored by Representatives Clibborn, Jarrett, Lantz, Lovick, Hunter, Rockefeller, Hudgins and Flannigan)

Clarifying district court provisions.

Referred to Committee on Judiciary.

HB 2183 by Representatives Ericksen and Romero

Adjusting the amount allowed for unbid sewer and water projects.

Referred to Committee on Government Operations and Elections.

SHB 2202 by House Committee on Commerce and Labor (originally sponsored by Representatives McDonald and Conway)

Providing for cosmetology apprenticeships.

Referred to Committee on Commerce and Trade.

HJM 4018 by Representatives Blake, Veloria and Kenney

Requesting Congress to enter trade agreements that are more fair to domestic agricultural businesses.

Referred to Committee on Agriculture.

MOTIONS

On motion of Senator Sheahan, Substitute House Bill No. 1622 was referred to the Committee on Health and Long-Term Care.

On motion of Senator Sheahan, Substitute House Bill No. 2027 was referred to the Committee on Technology and Communications.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Swecker, Gubernatorial Appointment No. 9065, Trudy Marcellay, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

Senators Swecker and Carlson spoke to the confirmation of Trudy Marcellay as a member of the Board of Trustees for Centralia Community College.

APPOINTMENT OF TRUDY MARCELLAY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Benton, Finkbeiner, McCaslin, Poulsen, Prentice and Reardon - 6.

MOTION

On motion of Senator Parlette, Gubernatorial Appointment No. 9072, William J. McDowell, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15, was confirmed.

APPOINTMENT OF WILLIAM J. MCDOWELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Benton, McCaslin, Poulsen and Reardon - 4.

SECOND READING

SENATE BILL NO. 5868, by Senators Brown, West, Sheahan and Kohl-Welles

Releasing driving abstracts of prospective volunteers.

MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5868 was substituted for Senate Bill No. 5868 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5868 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5868.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5868 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators McCaslin, Poulsen and Reardon - 3.

SUBSTITUTE SENATE BILL NO. 5868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Doumit, Senator McAuliffe was excused.

SECOND READING

SENATE BILL NO. 5190, by Senators Jacobsen, Horn, Haugen and Franklin

Strengthening laws against fuel tax evasion.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5190 was substituted for Senate Bill No. 5190 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5190 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5190.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Deccio - 1.

Excused: Senators McAuliffe, McCaslin and Poulsen - 3.

SUBSTITUTE SENATE BILL NO. 5190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5189, by Senators Benton, Swecker, Kohl-Welles, Shin, Stevens, Oke, Roach and Winsley

Exempting veterans of the Korean conflict from tuition increases.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5189 was substituted for Senate Bill No. 5189 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5189.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5189 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McCaslin and Poulsen - 2.

SUBSTITUTE SENATE BILL NO. 5189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5197, by Senators Swecker, Rasmussen, Jacobsen, Sheahan and Brandland (by request of Department of Agriculture)

Moving a web site address from statute to rule.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5197.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5197 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McCaslin and Poulsen - 2.

SENATE BILL NO. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5204, by Senators Oke, Doumit, T. Sheldon, Jacobsen, Swecker, Kohl-Welles and Esser (by request of Department of Fish and Wildlife)

Providing opportunities for wildlife viewing.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5204 was substituted for Senate Bill No. 5204 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5204 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5204.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5204 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5351, by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn, Stevens, Spanel and Esser

Requiring state agencies to first apply land use mandates to state lands.

MOTIONS

On motion of Senator Mulliken, Senate Bill No. 5351 was substituted for Senate Bill No. 5351 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5351.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5351 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Fairley, Fraser, Keiser, Kohl-Welles, Prentice, Regala and Thibaudeau - 7

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5651, by Senators Hargrove, Mulliken and T. Sheldon

Authorizing land banks in certain counties with low population densities.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 5651 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5651.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5651 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005, by House Committee on Trade and Economic Development (originally sponsored by Representatives Morris, Anderson, Linville, Veloria, Skinner, Quall, Hunt, Cox, Miloscia, Ericksen, McDonald, Pearson, Sullivan and Hankins)

Supporting the Vancouver 2010 Olympic bid.

The joint memorial was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Substitute House Joint Memorial No. 4005 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage. Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Joint Memorial No. 4005.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Joint Memorial Bill No. 4005 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5413, by Senators Benton, Prentice, Reardon, Doumit, Honeyford, Mulliken, Rossi, Zarelli, Finkbeiner, Shin, Esser and Kohl-Welles

Allowing out-of-state licensees to practice commercial real estate.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5413 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5413.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5413 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5428, by Senators Finkbeiner, Haugen, Horn and Shin (by request of Department of Licensing)

Allowing alternative means of renewing driver's licenses.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5428.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5428 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West and Winsley - 41.

Voting nay: Senators Fraser, Hargrove, Kline, Roach, Spanel, Thibaudeau and Zarelli - 7.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5782, by Senators Horn and Haugen

Allowing release of bus drivers' driving abstracts to employers.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5782 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5782.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5782 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5783, by Senators Finkbeiner and Regala (by request of Department of Revenue)

Implementing the streamlined sales and use tax agreement.

The bill was read the second time.

MOTION

On motion of Senator Finkbeiner, the rules were suspended, Senate Bill No. 5783 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5783.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5783 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Johnson - 1.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5898, by Senators Oke, Doumit, Esser, Jacobsen, Swecker, Fraser and Shin

Studying recreational boating safety.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5898 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5898.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5898 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5898, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5117, by Senators Eide and Kohl-Welles

Regulating the sale, distribution, and installation of air bags.

MOTIONS

On motion of Senator Eide, Substitute Senate Bill No. 5117 was substituted for Senate Bill No. 5117 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Eide, the rules were suspended, Substitute Senate Bill No. 5117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5117.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5117 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Morton - 1.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5996, by Senators West, Brown, Kohl-Welles, T. Sheldon, Shin, Hale, Rossi, Fairley, Spanel, Franklin, Parlette, McAuliffe, Rasmussen and Winsley

Creating a committee to host the 2005 NCSL conference.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5996 was substituted for Senate Bill No. 5996 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Brown: "Senator West, Section three of the bill provides a presumption that public officials and staff are not violating the state ethics act by soliciting gifts, grants and donations to host 'government conferences.' What does the term 'government conferences' encompass?"

Senator West: "The genesis of this legislation is the need for us to organize logistical support for the National Conference of State Legislators' Annual Meeting to be held in Seattle in 2005. The term 'government conferences' should be understood in that context. It describes only those conferences in which the Washington State government is an official participant, such as NCSL, the American Legislative Exchange Council, the Council of State Governments, Pacific North West Economic Region, National Governor's Association, National Association of Attorney Generals or other bone fide governmental group."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5996.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5996 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5970, by Senator Hargrove

Requiring that the family law handbook be provided when a person applies for a marriage license.

The bill was read the second time.

MOTION

On motion of Senator Hargrove, the rules were suspended, Senate Bill No. 5970 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5970.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5970 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Stevens - 1.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5970, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Reardon was excused.

SECOND READING

SENATE BILL NO. 5994, by Senators Hewitt, Reardon, Honeyford, Haugen, Rossi, Hale, Mulliken and T. Sheldon

Removing suppliers and distributors of wine from the provisions of chapter 19.126 RCW.

The bill was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Senate Bill No. 5994 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5994.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5994 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Reardon - 2.

SENATE BILL NO. 5994, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5273, by Senators Roach, Winsley, Kastama, Shin, Franklin, Rasmussen, Oke, Swecker, Schmidt, Reardon, West and McCaslin

Extending the use of veterans' scoring criteria in employment examinations.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5273 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5273.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5273 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Fraser - 1.

Excused: Senators Poulsen and Reardon - 2.

SENATE BILL NO. 5273, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5859, by Senator Benton

Criminalizing interference with certain mining rights and activities.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5859 was substituted for Senate Bill No. 5859 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5859 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5859.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5859 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Reardon - 2.

SUBSTITUTE SENATE BILL NO. 5859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5895, by Senators Rasmussen, Swecker, Shin and Sheahan

Increasing the apple commission from thirteen to fifteen members.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5895 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Eide: "Senator Swecker, are there any fees involved in this adding two more members to the Apple Commission?"

Senator Swecker: "Not to my knowledge. I don't think it changed any of the fees at all."

Senator Eide: "Okay, do they get like travel time? Is that something that the commission already has included in their budget?"

Senator Swecker: "Yes, it is already included. This is purely a shift in the number of representatives from each area, based primarily on a geographic shift in the industry itself."

Senator Eide: "Thank you."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5895.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5895 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Reardon - 2.

SENATE BILL NO. 5895, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5270, by Senators Brandland, Kline, Roach, Kastama, Rasmussen, Johnson, Esser, McCaslin, Kohl-Welles and Winsley

Creating a law enforcement mobilization policy board and plan.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5270 was substituted for Senate Bill No. 5270 and the substitute bill was placed on second reading and read the second time.

Senator McCaslin moved that the following striking amendment by Senator Brandland be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) Because of the possibility of a disaster of unprecedented size and destruction, including acts of domestic terrorism and civil unrest, that requires law enforcement response for the protection of persons or property and preservation of the peace, the need exists to ensure that the state is adequately prepared to respond to such an incident. There is a need to (a) establish a mechanism and a procedure to provide for reimbursement to law enforcement agencies that respond to help others in time of need, and to host law enforcement agencies that experience expenses beyond the resources of the agencies; and (b) generally to protect the public safety, peace, health, lives, and property of the people of Washington.

(2) It is hereby declared necessary to:

(a) Provide the policy and organizational structure for large-scale mobilization of law enforcement resources in the state, using the incident command system, through creation of the Washington state law enforcement mobilization plan;

(b) Confer upon the chief of the Washington state patrol the powers provided in this chapter;

(c) Provide a means for reimbursement to law enforcement jurisdictions that incur expenses when mobilized by the chief under the Washington state law enforcement mobilization plan; and

(d) Provide for reimbursement of the host law enforcement agency when it has:

(i) Exhausted all of its resources; and

(ii) Invoked its local mutual aid network and exhausted those resources.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any general purpose law enforcement agency as defined in RCW 10.93.020.

(2) "Board" means the state law enforcement mobilization policy board.

(3) "Chief" means the chief of the Washington state patrol.

(4) "Chief law enforcement officer" means the chief of police or sheriff responsible for law enforcement services in the jurisdiction in which the emergency is occurring.

(5) "General authority Washington peace officer" means a general authority Washington peace officer as defined in RCW 10.93.020.

(6) "Host agency" means the law enforcement agency that requests statewide mobilization under sections 2 through 7 of this act.

(7) "Mobilization" means a redistribution of regional and statewide law enforcement resources in response to an emergency or disaster situation.

(8) "Mutual aid" means emergency interagency assistance provided without compensation pursuant to an agreement under chapter 39.34 RCW.

(9) "Resource coordination" means the effort to locate and arrange for the delivery of resources needed by chief law enforcement officers.

(10) "State law enforcement resource coordinator" means a designated individual or agency selected by the chief to perform the responsibilities of that position.

NEW SECTION. Sec. 3. (1) The state law enforcement mobilization policy board shall be established by the chief and shall have representatives from each of the regions established in section 6 of this act. In carrying out its duty, the board shall consult with and solicit recommendations from representatives of the state and local law enforcement and emergency management organizations, and regional law enforcement mobilization committees.

(2) The board shall establish and make recommendations to the chief on the refinement and maintenance of the Washington state law enforcement mobilization plan, including the procedures to be used during an emergency or disaster response requiring coordination of local, regional, and state law enforcement resources.

(3) The chief shall review the Washington state law enforcement mobilization plan, as submitted by the board, recommend changes as necessary, and may approve the plan. The plan shall be consistent with the Washington state comprehensive emergency management plan. The chief may recommend the plan for inclusion within the state comprehensive emergency management plan established under chapter 38.52 RCW.

NEW SECTION. Sec. 4. (1) Local law enforcement may request mobilization only in response to an emergency or disaster exceeding the capabilities of available local resources and those available through existing mutual aid agreements. Upon finding that the

local jurisdiction has exhausted all available resources, it is the responsibility of the chief to determine whether mobilization is the appropriate response to the emergency or disaster and, if so, to mobilize jurisdictions under the Washington state law enforcement mobilization plan.

(2) Upon mobilization, the chief shall appoint a state law enforcement resource coordinator, and an alternate, who shall serve jointly with the chief law enforcement officer from the host agency to command the mobilization effort consistent with incident command system procedures.

(3) Upon mobilization, all law enforcement resources including those of the host agency and those that responded earlier under an existing mutual aid or other agreement shall be mobilized. Mobilization may include the redistribution of regional or statewide law enforcement resources to either direct emergency incident assignments or to assignments in communities where law enforcement resources are needed.

(4) For the duration of the mobilization:

(a) Host agency resources shall become state law enforcement mobilization resources, under the command of the state law enforcement resource coordinator and the chief law enforcement officer from the host agency, consistent with the state law enforcement mobilization plan and incident command system procedures; and

(b) All law enforcement authorities providing resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter.

(5) The chief, in consultation with the regional law enforcement resource coordinator, shall determine when mobilization is no longer required and shall then declare the end to the mobilization.

NEW SECTION. Sec. 5. (1) The state law enforcement resource coordinator, or alternate, shall serve in that capacity for the duration of the mobilization.

(2) The duties of the coordinator are to:

(a) Coordinate the mobilization of law enforcement and other support resources within a region;

(b) Be primarily responsible for the coordination of resources in conjunction with the regional law enforcement mobilization committees, in the case of incidents involving more than one region or when resources from more than one region must be mobilized; and

(c) Advise and consult with the chief regarding what resources are required in response to the emergency or disaster and in regard to when the mobilization should end.

NEW SECTION. Sec. 6. (1) Regions within the state are initially established as follows and may be adjusted as necessary by the state law enforcement policy board, but should remain consistent with the Washington state fire defense regions:

(a) Central region - Grays Harbor, Thurston, Pacific, and Lewis counties;

(b) Lower Columbia region - Kittitas, Yakima, and Klickitat counties;

(c) Mid-Columbia region - Chelan, Douglas, and Grant counties;

(d) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Adams, and Lincoln counties;

(e) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and Island counties;

(f) Olympic region - Clallam and Jefferson counties;

(g) South Puget Sound region - Kitsap, Mason, King, and Pierce counties;

(h) Southeast region - Benton, Franklin, Walla Walla, Columbia, Whitman, Garfield, and Asotin counties;

(i) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania counties.

(2) Within each of the regions there is created a regional law enforcement mobilization committee. The committees shall consist of the sheriff of each county in the region, the district commander of the Washington state patrol from the region, a number of police chiefs within the region equivalent to the number of counties within the region plus one, and the director of the counties' emergency management office. The police chief members of each regional committee must include the chiefs of police of each city of ninety-five thousand or more population, and the number of members of the committee shall be increased if necessary to accommodate such chiefs. Members of each regional mobilization committee shall select a chair, who shall have authority to implement the regional plan, and a secretary as officers. Members serving on the regional mobilization committees shall not be eligible for reimbursement for meeting-related expenses from the state.

(3) The regional mobilization committees shall work with the relevant local government entities to facilitate development of intergovernmental agreements if any such agreements are required to implement a regional law enforcement mobilization plan.

(4) Regional mobilization committees shall develop regional law enforcement mobilization plans that include provisions for organized law enforcement agencies to respond across municipal, county, or regional boundaries. Each regional mobilization plan shall be consistent with the incident command system, the Washington state law enforcement mobilization plan, and regional response plans adopted prior to the effective date of this act.

(5) Each regional plan, adopted under subsection (4) of this section shall be approved by the state law enforcement mobilization policy board before implementation.

NEW SECTION. Sec. 7. The state patrol in consultation with the Washington association of sheriffs and police chiefs and the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from funds appropriated specifically for this purpose when jurisdictions are mobilized under the Washington state law enforcement mobilization plan.

Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost law enforcement authority for reimbursement of expenses incurred in providing law enforcement resources for mobilization.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 36.28A RCW."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Brandland to Substitute Senate Bill No. 5270.

The motion by Senator McCaslin carried and the striking amendment by Senator Brandland was adopted.

MOTIONS

On motion of Senator McCaslin, the following title amendment was adopted:

On page 1, line 1 of the title, after "mobilization;" strike the remainder of the title and insert "adding new sections to chapter 36.28A RCW; and creating a new section."

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute Senate Bill No. 5270 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5270.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5270 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Schmidt, Senator Hewitt was excused.

SECOND READING

SENATE BILL NO. 5477, by Senators Shin, Winsley and Schmidt

Requiring the delivery of endorsements by recording officers.

The bill was read the second time.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5477 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5477.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5477 and the bill passed the Senate by the following vote: Yeas 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hewitt and Poulsen - 2.

SENATE BILL NO. 5477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5193, by Senators Benton, Prentice, Winsley, Horn, Franklin, Kohl-Welles, Oke and Kline (by request of Insurance Commissioner Kreidler)

Prohibiting insurers from canceling, denying, or refusing to renew property insurance policies due to claims made for malicious harassment.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5193 was substituted for Senate Bill No. 5193 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5193 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5193.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5193 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5861, by Senators Roach, Rasmussen, T. Sheldon, Finkbeiner, Kohl-Welles, Oke, Schmidt and Shin

Making it a crime to impersonate a veteran of the armed forces.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 5861 was substituted for Senate Bill No. 5861 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5861 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5861.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5861 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5758, by Senators Stevens, Hargrove and Kline

Reorganizing criminal statutes within the RCW.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Senate Bill No. 5758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5758.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5758 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Keiser, Senator Eide was excused.

SECOND READING

SENATE BILL NO. 5051, by Senator Jacobsen

Removing the sale of strong beer from the exclusive jurisdiction of the liquor control board.

MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 5051 was substituted for Senate Bill No. 5051 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 5051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5051.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5051 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Hargrove, Kohl-Welles and Prentice - 3.

Excused: Senators Eide and Poulsen - 2.

SUBSTITUTE SENATE BILL NO. 5051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5473, by Senators Regala, B. Sheldon, Johnson, Kohl-Welles, Winsley and Rasmussen

Requiring the criminal justice training commission to train officers on interacting with developmentally disabled and mentally ill persons.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5473 was substituted for Senate Bill No. 5473 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5473.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5473 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5708, by Senators Franklin, Esser, Haugen, Thibaudeau, Kline and Kohl-Welles

Providing a procedure for court-ordered contact with a child for nonparents.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5708 was substituted for Senate Bill No. 5708 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5708 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5708.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5708 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 42.

Voting nay: Senators Fairley, Johnson, Kohl-Welles, McAuliffe, Regala and Zarelli - 6.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A parliamentary inquiry, Madam President. Since there is a rule that Senators approaching the bar during the vote is an incorrect procedure, but when the President Pro Tempore calls up the Vice President Pro Tempore and he approaches the bar, is that within the parliamentary rules?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Winsley: "There is an exception to the rule for the Vice President Pro Tempore to come up and offer to relieve the President Pro Tempore, which he is going to do in a short period of time."

Senator McCaslin: "Ladies and gentlemen, stay alert. Senator Deccio is going to take over."

SECOND READING

SENATE BILL NO. 5520, by Senators Haugen, Horn and Oke (by request of Department of Transportation)

Authorizing the ferry system to use alternative public works contracting procedures.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5520 was substituted for Senate Bill No. 5520 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5520 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Haugen, these alternative bidding techniques are restricted to ferry terminal construction only and do not include the actual construction of ferries themselves? Is that correct?"

Senator Haugen: "That is correct. Last year, in another bill, we had passed legislation to allow us to design a bill for ferries, so this deals with the terminals."

Senator Benton: "Just with the terminals. Thank you."

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5520.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5520 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5310, by Senators Morton, Hargrove and Haugen

Establishing bond requirements for title insurance agent licenses.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5310 was substituted for Senate Bill No. 5310 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5310 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5310.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5310 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Sheldon, T. - 1.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

Vice President Pro Tempore Deccio assumed the Chair.

SECOND READING

SENATE BILL NO. 5360, by Senators West, Sheahan, Honeyford, Hewitt, Roach, Hale, Esser and Mulliken

Revising penalties for false industrial insurance claims.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5360 was substituted for Senate Bill No. 5360 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5360 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5360.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5360 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5360, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5694, by Senators Swecker, Jacobsen, Horn, Doumit, Haugen and Rasmussen

Creating a pilot project to develop an integrated environmental permit system.

The bill was read the second time.

MOTIONS

On motion of Senator Tim Sheldon, Second Substitute Senate Bill No. 5694 was substituted for Senate Bill No. 5694 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Second Substitute Senate Bill No. 5694 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5694.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5694 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5694, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5474, by Senators Regala, Stevens, McAuliffe, Carlson, Kohl-Welles, Winsley and Rasmussen

Creating a kinship caregiver's authorization affidavit.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5474 was substituted for Senate Bill No. 5474 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5474.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5474 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice,

Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5463, by Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin (by request of Secretary of State Reed)

Authorizing a pilot project for military and overseas voters to vote over the Internet.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5463.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5463 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5284, by Senators Stevens, Horn, Benton, Haugen, Oke, Swecker, Esser and Mulliken

Penalizing failure to use required traction equipment.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5284.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 37.

Voting nay: Senators Benton, Brown, Finkbeiner, Hale, Hewitt, Honeyford, McCaslin, Morton, Mulliken, West and Zarelli - 11.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5284, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5429, by Senators Mulliken, Prentice and Horn (by request of Department of Licensing)

Authorizing the Performance Registration Information Systems Management Program (PRISM).

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5429 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5429.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5429 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5517, by Senators B. Sheldon, Schmidt, Kohl-Welles, Oke, Poulsen, West and Rasmussen

Clarifying the apportionment of business and occupation taxes on certain businesses conducted both within and outside the state.

The bill was read the second time.

MOTION

Senator Betti Sheldon moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.04.260 and 2001 2nd sp.s. c 25 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; and

(d) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent. If the activities are conducted both within and without this state, the amount of tax on such person shall be equal to the apportioned gross income of the business multiplied by the rate of .275 percent. The apportioned gross income shall be calculated by multiplying the apportionable income by a fraction, the numerator of which is the sum of the property factor, if any, the payroll factor, if any, and the sales factor, if any, and the denominator of which is three reduced by the number of factors that have a denominator of zero. The apportionment factors shall be calculated according to rules adopted by the department consistent with, but are not required to be identical to, the principles and concepts contained in chapter 82.56 RCW. If the provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition or the department may require the use of an alternative apportionment method, if reasonable, such as separate accounting, the exclusion of any one or more of the factors, or the inclusion of one or more additional factors. As used in this section, "apportionable income" means the gross income of the taxpayer, less applicable exemptions and deductions allowable under this chapter.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross

proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Betti Sheldon to Senate Bill No. 5517.

The motion by Senator Betti Sheldon carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Rossi, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "clarifying the apportionment of business and occupation taxes on travel agent or tour operator businesses conducted both within and outside the state; and amending RCW 82.04.260."

On motion of Senator Rossi, the rules were suspended, Engrossed Senate Bill No. 5517 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rossi: "Under the provisions of Engrossed Senate Bill No. 5517, the Department of Revenue will utilize a three factor formula for the apportionment of B & O taxation for the travel agent/tour operator classification contained in RCW 82.04.260 (7). How will this formula determine how sales, that are included in the sales factor of the three factor formula, be allocated between the various states?"

Senator Betti Sheldon: "It is the intent of Engrossed Senate Bill No. 5517 that when apportioning income under RCW 82.04.260 (7), the sales factor as it applies to travel agents and tour operators and is referred in RCW 82.56 will be sourced to the physical location where the ticket for the tour is sold. Further, the intention is that for this purpose, the location of the sale of the tour shall be the primary physical location the traveler's travel agent uses to complete the sale and if no travel agent is involved and the sale is made via telephone, fax, internet or through any other electronic telecommunication, the principal residence of the traveler will be deemed the location of the sale. The bill also intends that if the Department of Revenue requires an alternative apportionment method, as is referred to in Engrossed Senate Bill No. 5517, that the sale shall always be sourced to the primary physical location of the traveler's travel agent, or if there is no travel agent and the sale is made via telephone fax, internet or through any other electronic telecommunication, to the traveler's principal residence. Finally, Engrossed Senate Bill No. 5517 envisions the Department of Revenue to implement a rule that is consistent with the intent of this amendatory act."

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5517.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5517 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

ENGROSSED SENATE BILL NO. 5517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5933, by Senators Hargrove, Franklin and Kline

Authorizing the Quileute Tribe to enter cigarette tax contracts.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5933 was substituted for Senate Bill No. 5933 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5933 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5933.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5933 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Pro Tempore Winsley assumed the Chair.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Kohl-Welles, Carlson, Johnson, Shin, Jacobsen, McAuliffe, Schmidt, Rasmussen and B. Sheldon

Authorizing an interim study to develop a master plan for education.

MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Concurrent Resolution No. 8401 was substituted for Senate Concurrent Resolution No. 8401 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Concurrent No. 8401 was advanced to third reading, the second reading considered the third and the substitute concurrent resolution was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8401 and the concurrent resolution passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Finkbeiner, Jacobsen, Johnson, Morton and Oke - 5.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5966, by Senators Deccio and Winsley

Increasing the supply of dentists and dental hygienists to meet the critical shortage of dental providers in this state and underserved areas.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5966 was substituted for Senate Bill No. 5966 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5966 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5966.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5966 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5966, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5091, by Senators Carlson, Fraser, Shin and Spanel (by request of Joint Committee on Pension Policy)

Making optional plan 3 member contributions.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Senate Bill No. 5091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5091.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5091 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SENATE BILL NO. 5091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

SECOND READING

SENATE BILL NO. 5373, by Senators Roach, Fairley, Horn, Stevens and Winsley (by request of Secretary of State Reed)

Regulating actions on the validity of ballot measures.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5373 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5373.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5373 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Excused: Senators Poulsen and Thibaudeau - 2.

SENATE BILL NO. 5373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5221, by Senators Roach, Kastama, Fairley, Stevens, Horn and Benton (by request of Secretary of State Reed)

Reorganizing election laws.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5221 was substituted for Senate Bill No. 5221 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5221 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5221.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5221 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Poulsen - 1.

SUBSTITUTE SENATE BILL NO. 5221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Carlson: "A point of personal privilege, Madam President. I happen to be in Vancouver, but state wide, the 4A State Championship Prairie High School Girls' Basketball Team are the new champs for the state of Washington."

MOTION

At 6:39 p.m., on motion of Senator Sheahan, the Senate adjourned until 9:00 a.m., Monday, March 17, 2003.

BRAD OWEN, President the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-THIRD DAY, MARCH 16, 2003

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

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 17, 2003

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown and Poulsen. On motion of Senator Eide, Senators Brown and Poulsen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Skylar Deffinbaugh and Kelly Gates, presented the Colors. George Tsukamoto, Stake President for the Church of Jesus Christ, LDS, in Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 14, 2003

MR. PRESIDENT:

The House has passed the following bills:

SUBSTITUTE HOUSE BILL NO. 1041,

SUBSTITUTE HOUSE BILL NO. 1129,

HOUSE BILL NO. 1133,

SUBSTITUTE HOUSE BILL NO. 1271,

SUBSTITUTE HOUSE BILL NO. 2172,

HOUSE BILL NO. 2186,

HOUSE BILL NO. 2199,

HOUSE JOINT MEMORIAL NO. 4021, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2003

MR. PRESIDENT:

The House has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1164,

SUBSTITUTE HOUSE BILL NO. 1278,

SUBSTITUTE HOUSE BILL NO. 1495,

SUBSTITUTE HOUSE BILL NO. 1608,

SUBSTITUTE HOUSE BILL NO. 1634,

SUBSTITUTE HOUSE BILL NO. 1655,

HOUSE BILL NO. 1670,

SUBSTITUTE HOUSE BILL NO. 1724,

SECOND SUBSTITUTE HOUSE BILL NO. 1784,

SUBSTITUTE HOUSE BILL NO. 1788,

SUBSTITUTE HOUSE BILL NO. 1813,

SUBSTITUTE HOUSE BILL NO. 1824,

SUBSTITUTE HOUSE BILL NO. 1826,

SUBSTITUTE HOUSE BILL NO. 1849,

SUBSTITUTE HOUSE BILL NO. 1855,

HOUSE BILL NO. 1858,

SUBSTITUTE HOUSE BILL NO. 1872, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2003

MR. PRESIDENT:

The House has passed the following bills:

**HOUSE BILL NO. 1483,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
HOUSE BILL NO. 1576,
HOUSE BILL NO. 1631,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,
SUBSTITUTE HOUSE BILL NO. 1734,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1843,
SUBSTITUTE HOUSE BILL NO. 1909,
SECOND SUBSTITUTE HOUSE BILL NO. 1913,
SUBSTITUTE HOUSE BILL NO. 1943,
HOUSE BILL NO. 1972,
SECOND SUBSTITUTE HOUSE BILL NO. 1973,
HOUSE BILL NO. 2001,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114,
SUBSTITUTE HOUSE BILL NO. 2196, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2003

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4404, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 15, 2003

MR. PRESIDENT:

**The House has passed the following bills:
SECOND SUBSTITUTE HOUSE BILL NO. 1003,
SECOND SUBSTITUTE HOUSE BILL NO. 1223,
HOUSE BILL NO. 1481,
HOUSE BILL NO. 1492,
HOUSE BILL NO. 1497,
HOUSE BILL NO. 1503,
SUBSTITUTE HOUSE BILL NO. 1512,
HOUSE BILL NO. 1526,
ENGROSSED HOUSE BILL NO. 1561,
HOUSE BILL NO. 1579,
HOUSE BILL NO. 1584,
HOUSE BILL NO. 1677,
SECOND SUBSTITUTE HOUSE BILL NO. 1698,
SUBSTITUTE HOUSE BILL NO. 1722,
SECOND SUBSTITUTE HOUSE BILL NO. 1725,
ENGROSSED HOUSE BILL NO. 1808,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845,
ENGROSSED HOUSE BILL NO. 2045, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

March 15, 2003

MR. PRESIDENT:

The Speaker has signed ENGROSSED HOUSE BILL NO. 1977, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 15, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5044, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

***The President signed:
ENGROSSED HOUSE BILL NO. 1977.***

SIGNED BY THE PRESIDENT

***The President signed:
SUBSTITUTE SENATE BILL NO. 5044.***

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1003 by House Committee on Appropriations (originally sponsored by Representatives Morris, Linville, Wood, Anderson, O'Brien and Sullivan)

Creating the research and technology transfer commission.

Referred to Committee on Technology and Communications.

SHB 1041 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Kagi, Conway, Chase, Kirby, Dickerson, Kenney, Campbell, Talcott, Skinner and Jarrett)

Authorizing mental health advance directives.

Referred to Committee on Children and Family Services and Corrections.

SHB 1129 by House Committee on State Government (originally sponsored by Representatives Sommers, Haigh, Armstrong, McDermott, Benson, Wallace, Veloria, Hunt, Kenney, Schual-Berke, Fromhold, Wood, Rockefeller, Cody and O'Brien)

Allowing public officials to provide information on the impact of ballot propositions.

Referred to Committee on Government Operations and Elections.

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

Requiring county assessors to submit an annual property tax report to the department of revenue.

Referred to Committee on Government Operations and Elections.

ESHB 1164 by House Committee on Health Care (originally sponsored by Representatives Kessler, Pflug, Ruderman, Alexander, Cody, Moeller, Campbell, Clibborn, Morrell, Armstrong, Clements, Delvin, McDonald, Berkey, Haigh, Kenney, Hankins, Conway, Rockefeller, Simpson, Chase and McMahan)

Authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry.

Referred to Committee on Health and Long-Term Care.

2SHB 1223 by House Committee on Appropriations (originally sponsored by Representatives Dickerson, Kagi, Chase, Cody and Lovick)

Placing jurisdiction over deceased minors with the county coroner.

Referred to Committee on Government Operations and Elections.

SHB 1271 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Anderson, Morris and Wood)

Enhancing interoperability of emergency communications.

Referred to Committee on Technology and Communications.

SHB 1278 by House Committee on Finance (originally sponsored by Representatives Conway, Cairnes, Kirby and Bush)

Listing property for tax purposes.

Referred to Committee on Government Operations and Elections.

HB 1481 by Representatives Sullivan, Ericksen and Veloria (by request of Department of Transportation)

Modifying relocation assistance provisions.

Referred to Committee on Highways and Transportation.

HB 1483 by Representatives Lantz and Campbell

Allowing judicial members on the board of industrial insurance appeals.

Referred to Committee on Commerce and Trade.

HB 1492 by Representatives Conway, Campbell, Cody, Skinner, Darneille, Sehlin and Kenney

Including nonprofits in the small business economic impact statement requirement.

Referred to Committee on Commerce and Trade.

SHB 1495 by House Committee on Commerce and Labor (originally sponsored by Representatives Hudgins, Chandler, Conway and Kenney) (by request of Liquor Control Board))

Changing provisions relating to the summary suspension of a liquor license pending revocation proceedings.

Referred to Committee on Commerce and Trade.

HB 1497 by Representatives O'Brien, Delvin, Mielke, Ruderman, Haigh, Ahern, Anderson, Lovick, Kagi and Kenney

Reorganizing criminal statutes within the RCW.

Referred to Committee on Judiciary.

HB 1503 by Representatives Miloscia, O'Brien, Haigh, Lantz, Lovick, Moeller, Upthegrove and Anderson

Encouraging the office of the administrator for the courts to conduct performance audits.

Referred to Committee on Judiciary.

SHB 1512 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Cox, Fromhold, Sump, Schoesler, Hatfield, Ahern, Clements and Armstrong)

Allowing special hunts to reduce crop damage caused by wildlife.

Referred to Committee on Parks, Fish and Wildlife.

ESHB 1524 by House Committee on Local Government (originally sponsored by Representatives Schindler, Romero, Crouse, Mielke, Cox, O'Brien, Benson, Berkey, Ericksen, Jarrett, Ahern and Rockefeller)

Restricting utility assessments and charges for certain mobile home parks.

Referred to Committee on Financial Services, Insurance and Housing.

HB 1526 by Representatives Linville, Armstrong, Haigh, Morris, Cooper, Mastin, Gombosky, Delvin, Grant, Schoesler, Sullivan, Chandler and Schual-Berke

Revising provisions relating to cost-reimbursement agreements between state agencies and permit applicants.

Referred to Committee on Natural Resources, Energy and Water.

EHB 1561 by Representatives Orcutt, Kagi, Pettigrew and Boldt (by request of Department of Social and Health Services)

Eliminating certain department of social and health services' reporting requirements.

Referred to Committee on Children and Family Services and Corrections.

HB 1576 by Representatives Campbell, Kirby, Newhouse and Moeller

Revising provisions relating to dismissal of citations for failure to provide proof of insurance.

Referred to Committee on Judiciary.

HB 1579 by Representatives O'Brien, Delvin, Kagi, Mastin, Sullivan and Wood

Decriminalizing "fine only" criminal statutes.

Referred to Committee on Judiciary.

HB 1584 by Representatives Lantz, Carrell, Flannigan and Campbell (by request of Administrative Office of the Courts)

Changing provisions relating to the administrative office of the courts.

Referred to Committee on Judiciary.

SHB 1608 by House Committee on Local Government (originally sponsored by Representatives Upthegrove, Schindler, Berkey, Mielke, Tom, Ericksen, Romero, Jarrett, Edwards, Linville and Anderson)

Concerning the accommodation of housing and employment growth under local comprehensive plans.

Referred to Committee on Land Use and Planning.

HB 1631 by Representatives McCoy, Cooper, Conway, Romero, Lovick, Simpson and Kenney

Regulating fire protection sprinkler system contractors.

Referred to Committee on Commerce and Trade.

SHB 1634 by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Kenney, Berkey, Wood, Holmquist, Crouse, Tom, Edwards and Rockefeller)

Changing the residential property seller disclosure statement.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1655 by House Committee on Transportation (originally sponsored by Representatives Clibborn, Ericksen, Murray, Cooper, Morrell, Simpson, Armstrong, Rockefeller, Jarrett, Schindler, Mielke, Anderson, Wallace, Nixon, Shabro and Schual-Berke)

Providing for determination of disability for special parking privileges by advanced registered nurse practitioners.

Referred to Committee on Health and Long-Term Care.

ESHB 1660 by House Committee on State Government (originally sponsored by Representatives McDermott, Armstrong and Dickerson)

Increasing accountability of ballot measure petitions.

Referred to Committee on Government Operations and Elections.

HB 1670 by Representatives McDermott, Armstrong, Sommers, Haigh, Kessler, Nixon, Hatfield, Wood, Hunt, Tom, Wallace and Shabro

Adjusting the definition of "election cycle."

Referred to Committee on Government Operations and Elections.

HB 1677 by Representatives Shabro, Newhouse, Bailey, Roach, Bush, Boldt, Chandler, Linville, Quall and McDermott

Authorizing a county to exempt certain property used in agriculture from taxation.

Referred to Committee on Agriculture.

2SHB 1698 by House Committee on Capital Budget (originally sponsored by Representatives Cooper, Anderson, Wood, Jarrett, O'Brien, Murray, Upthegrove, Pflug and Dunshee)

Concerning the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1722 by House Committee on Finance (originally sponsored by Representatives Gombosky and Cairnes)

Limiting the taxability of certain internet transactions.

Referred to Committee on Technology and Communications.

SHB 1724 by House Committee on Children and Family Services (originally sponsored by Representatives Cody, Dickerson, Pflug, Skinner, Hunt, Alexander and Kenney) (by request of Department of Services for the Blind)

Conforming the department of services for the blind provisions with federal law.

Referred to Committee on Government Operations and Elections.

2SHB 1725 by House Committee on Appropriations (originally sponsored by Representatives Cooper and Upthegrove)

Concerning the cost of a catch record card.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1734 by House Committee on Local Government (originally sponsored by Representatives Romero, Hinkle, Moeller, Delvin, Grant, Jarrett and Flannigan) (by request of Department of Community, Trade, and Economic Development)

Updating the state building code.

Referred to Committee on Land Use and Planning.

2SHB 1784 by House Committee on Appropriations (originally sponsored by Representatives Darneille, Upthegrove, Chase, Linville, Wallace, Kagi, Kessler, Kenney, Schual-Berke, Wood, Dickerson, Santos, Simpson and Morrell)

Improving coordination of services for children's mental health.

Referred to Committee on Children and Family Services and Corrections.

ESHB 1787 by House Committee on Children and Family Services (originally sponsored by Representatives Pettigrew, Boldt, Moeller, Miloscia, Jarrett, Priest, Dickerson and Santos)

Establishing a 211 network.

Referred to Committee on Children and Family Services and Corrections.

SHB 1788 by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong and Haigh)

Regulating job order contracting for public works.

Referred to Committee on Government Operations and Elections.

EHB 1808 by Representatives Kenney, Cox, Fromhold, Priest, Berkey, Jarrett, Gombosky, Morrell, Chase, McCoy and Lantz

Requiring standards of review before changing lines of instruction at research universities.

Referred to Committee on Higher Education.

SHB 1813 by House Committee on State Government (originally sponsored by Representatives Miloscia, Boldt, Linville, Edwards, Romero, Cody, McDermott, Haigh, Hunt, Moeller, Ruderman, Santos, Rockefeller, Simpson, Conway, Wood and Kenney)

Expanding employment opportunities for people with disabilities.

Referred to Committee on Government Operations and Elections.

SHB 1824 by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Pettigrew, Miloscia, Kagi, Darneille and Schual-Berke)

Requiring development of criteria for research-based treatment programs for juveniles.

Referred to Committee on Children and Family Services and Corrections.

SHB 1826 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Veloria, McMahan, O'Brien, Kenney, Boldt, Mielke, Santos, Hudgins, Upthegrove, Simpson and Conway)

Including trafficking in persons in the criminal profiteering law.

Referred to Committee on Judiciary.

ESHB 1843 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Benson, Schual-Berke, Moeller, Bush, Simpson, Mielke and Rockefeller)

Prohibiting manufacture or sale of fraudulent or stolen drivers' licenses and identicards.

Referred to Committee on Financial Services, Insurance and Housing.

ESHB 1845 by House Committee on State Government (originally sponsored by Representatives Newhouse, Schual-Berke, Benson, Kirby, Linville, Moeller, Chase, Bush, Upthegrove, Veloria, McIntire, Skinner, Mielke and Rockefeller)

Exempting bank account, social security, and credit card numbers from public disclosure.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1849 by House Committee on Health Care (originally sponsored by Representatives Bailey, Cody, Pflug, Morris, Skinner, McDonald, Ruderman, Pearson, Ahern, Schindler, Kagi, Kristiansen, Morrell, Orcutt, Darneille, Benson, Wood, Pettigrew, Newhouse, Clements, O'Brien, Linville, Moeller, Chase, Tom, Alexander, Talcott, Rockefeller, Woods and Anderson)

Creating a list of health care providers willing to serve as volunteer resources during an emergency or disaster.

Referred to Committee on Health and Long-Term Care.

SHB 1855 by House Committee on Children and Family Services (originally sponsored by Representatives Dickerson, Campbell, McDermott and Skinner)

Clarifying licensed independent clinical social worker education and experience requirements.

Referred to Committee on Children and Family Services and Corrections.

HB 1858 by Representatives Morris, McIntire, Gombosky, Cairnes, Roach and Shabro

Regarding taxation of persons providing chemical dependency services.

Referred to Committee on Health and Long-Term Care.

SHB 1872 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Blake, Veloria, Chase, Santos and Hatfield)

Providing for linked deposit loans for assistive technology.

Referred to Committee on Financial Services, Insurance and Housing.

SHB 1909 by House Committee on Higher Education (originally sponsored by Representatives Jarrett, Kenney, Cox, Fromhold, Chase, Berkey, Pearson, McCoy, Gombosky, Lantz, Clements, Talcott, Buck, Rockefeller, Pflug, Moeller, Priest, Edwards and Santos)

Creating a pilot project for competency-based transfer in higher education.

Referred to Committee on Higher Education.

2SHB 1913 by House Committee on Appropriations (originally sponsored by Representatives Darneille, Mastin, Schual-Berke, Campbell, Cody, Moeller, Grant, Edwards and Santos)

Granting authority to address concerns with lead-based paint activities.

Referred to Committee on Natural Resources, Energy and Water.

SHB 1943 by House Committee on Finance (originally sponsored by Representatives McIntire, Delvin, Conway, Gombosky, Armstrong, Clements, Edwards and Kenney)

Modifying cigarette regulatory provisions.

Referred to Committee on Commerce and Trade.

HB 1972 by Representative Hatfield

Making a commercial fish seller's failure to account for commercial harvest a misdemeanor.

Referred to Committee on Parks, Fish and Wildlife.

2SHB 1973 by House Committee on Appropriations (originally sponsored by Representatives Veloria, McCoy and Kenney)

Promoting tourism.

Referred to Committee on Economic Development.

HB 2001 by Representatives Murray, Skinner and Hudgins

Providing property tax exemptions for nonprofit organizations supporting artists.

Referred to Committee on Ways and Means.

EHB 2045 by Representatives Haigh, Armstrong and Miloscia

Establishing a work group to evaluate creating a centralized identification number system.

Referred to Committee on Technology and Communications.

ESHB 2114 by House Committee on Children and Family Services (originally sponsored by Representatives Kagi and Dickerson)

Establishing a family preservation and intervention services legislative task force.

Referred to Committee on Children and Family Services and Corrections.

SHB 2172 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Sullivan, Morris, Benson, Rockefeller, Wood and Hudgins)

Promoting the purchase of fuel cells for the use of distributive generation at state-owned facilities.

Referred to Committee on Natural Resources, Energy and Water.

HB 2186 by Representatives Fromhold, Armstrong and Sommers

Making an irrevocable choice to waive rights to the defined benefit under the plan 3 retirement systems.

Referred to Committee on Ways and Means.

SHB 2196 by House Committee on Appropriations (originally sponsored by Representatives Sommers and Fromhold) (by request of Office of Financial Management)

Revising and reporting on state agency allotments.

Referred to Committee on Ways and Means.

HB 2199 by Representative Morris

Concerning telecommunications.

Referred to Committee on Technology and Communications.

HJM 4021 by Representatives Wallace, Crouse, Morris, Condotta, Lovick, Kessler, Darneille, Berkey, Hatfield, Hudgins, Moeller and Blake

Requesting that the Bonneville Power Administration not raise rates.

Referred to Committee on Natural Resources, Energy and Water.

HCR 4404 by Representatives McDermott, Tom, Quall, Talcott and Hunt

Creating a joint select committee to examine the K-12 governance structure.

Referred to Committee on Education.

PERSONAL PRIVILEGE

Senator Hale: "A point of personal privilege, Mr. President. Good morning, Lads and Lassies of the Senate. It is my pleasure to wish you all a Happy St. Paddie's Day. As a granddaughter of Mattie O'Neil, I feel very strongly about this day, as does my colleague, the Senator from Ireland there. Mr. President, you were not here yesterday when the President Pro Tempore directed a number of us to deliver something green to the body. I have the privilege to do that today. So, I say to the Sons of the Sod--I like that--and the lovely ladies of the Senate, Happy St. Patrick's Day."

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Esser, Gubernatorial Appointment No. 9082, Don Mukai, as a member of the Board of Trustees for Lake Washington Technical College District No. 26, was confirmed

APPOINTMENT OF DON MUKAI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Poulsen - 2.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. Every year, on St. Patrick's Day--so called--I have to straighten everybody out on the truth. It seems the Irish were having trouble driving all the snakes out of Ireland. I don't know why; maybe they were confused. Sann Patriciao, an Italian Bishop, moved north to Ireland and because the Irish were so discriminating, he had to change his name to St. Patrick. He is really the one who did the job, so next year we are going to have green spaghetti."

POINT OF INQUIRY

Senator Hale: "Senator Deccio, is it true that those snakes went to Italy?"

Senator Deccio: "They left and came back again."

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9083, Erin Munding, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF ERIN MUNDINGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Poulsen - 2.

PERSONAL PRIVILEGE

Senator Spanel: "A point of personal privilege, Mr. President. I would ask for a moment of silence for Rachel Corrie, the Evergreen State College student, who was killed in Gaza over the weekend. Her brother-in-law is Kelly Simpson on the Highways and Transportation Committee staff, and her family is known by many of our staff. So, I would just ask for a moment of silence."

MOMENT OF SILENCE

The members of the Senate stood for a moment of silence in memory of Rachel Corrie.

SECOND READING

SENATE BILL NO. 5828, by Senators Sheahan, Keiser, Regala, Kastama, Thibaudeau, Hale, Fraser and Winsley

Requiring information on meningitis immunization for college students.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 5828 was substituted for Senate Bill No. 5828 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sheahan, the rules were suspended, Substitute Senate Bill No. 5828 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5828.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5828 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Poulsen - 2.

SUBSTITUTE SENATE BILL NO. 5828, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Shin: "A point of personal privilege, Mr. President. Last night, the Madam President Pro Tempore asked us two O'Shins to come prepared for an Irish Day Festivity today. O'Shin, I presume to be referring to my younger brother over there and myself. I am an Irish man made in Korea, recycled in the United States, so instead I decided to celebrate this today. This is the USS O'Brien--let me give you a little history lesson on the commemoration of the bicentennial anniversary in United States History. This is a US Naval ship named, O'Brien, DD 975, in honor of Jeremiah O'Brien, who was born in 1744 and died in 1818--an American Irishman from Maine, who led the first naval battle in the American Revolutionary War on June 12, 1775. It is fitting that we honor him today.

"Also, I don't know if you folks saw this TV program or not--in 1985--President Ronald Reagan of the United States, Canadian Prime Minister, Brian Mulroney--those two stood between the US and Canada Border, shaking hands and they sang together 'When Irish Eyes are Smiling.' That brought tears to my eyes. President Reagan said, 'In the nineteenth century, we were almost slaves, we were a British Colony. Today, we stand as leaders of two great nations, singing 'When Irish Eyes are Smiling.' I thought this was fitting for American history."

SECOND READING

SENATE BILL NO. 5692, by Senators Carlson, Hargrove, Esser, Parlette, Kohl-Welles, McAuliffe and Rasmussen

Establishing a 211 network.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5692 was substituted for Senate Bill No. 5692 and the substitute bill was placed on second read and read the second time

On motion of Senator Carlson, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the implementation of a single easy to use telephone number, 211, for public access to information and referral for health and human services and information about access to services after a natural or nonnatural disaster will benefit the citizens of the state of Washington by providing easier access to available health and human services, by reducing inefficiencies in connecting people with the desired service providers, and by reducing duplication of efforts. The legislature further finds in a time of reduced resources for providing health and human services that establishing a cost-effective means to continue to provide information to the public about available services is important. The legislature further finds that an integrated statewide system of local information and referral service providers will build upon an already existing network of experienced service providers without the necessity of creating a new agency, department, or system to provide 211 services. The legislature further finds that no funds should be appropriated by the legislature to a 211 system under this act without receiving documentation that a 211 system will provide savings to the state.

NEW SECTION. Sec. 2. 211 SYSTEM. 211 is created as the official state dialing code for public access to information and referral for health and human services and information about access to services after a natural or nonnatural disaster.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of social and health services.
- (2) "WIN 211" means the Washington information network 211, a 501(c)(3) corporation incorporated in the state of Washington.
- (3) "Approved 211 service provider" means a public or nonprofit agency or organization designated by WIN 211 to provide 211 services.
- (4) "211 service area" means an area of the state of Washington identified by WIN 211 as an area in which an approved 211 service provider will provide 211 services.
- (5) "211" means the abbreviated dialing code assigned by the federal communications commission on July 21, 2000, for consumer access to community information and referral services.

NEW SECTION. Sec. 4. NEW INFORMATION SERVICES. Before a state agency or department that provides health and human services establishes a new public information telephone line or hotline, the state agency or department shall consult with WIN 211 about using the 211 system to provide public access to the information.

NEW SECTION. Sec. 5. 211 SERVICES. Only a service provider approved by WIN 211 may provide 211 telephone services. WIN 211 shall approve 211 service providers, after considering the following:

- (1) The ability of the proposed 211 service provider to meet the national 211 standards recommended by the alliance of information and referral systems and adopted by the national 211 collaborative on May 5, 2000;
- (2) The financial stability and health of the proposed 211 service provider;
- (3) The community support for the proposed 211 service provider;
- (4) The relationships with other information and referral services; and
- (5) Such other criteria as WIN 211 deems appropriate.

NEW SECTION. Sec. 6. 211 ACCOUNT. The 211 account is created in the state treasury. Moneys in the account may be spent only after appropriation. The 211 account shall include any funding for this purpose appropriated by the legislature, private contributions, and all other sources. Expenditures from the 211 account shall be used only for the implementation and support of the 211 system.

NEW SECTION. Sec. 7. USE OF MONEYS FOR PROJECTS AND ACTIVITIES IN SUPPORT OF 211--ELIGIBLE ACTIVITIES. (1) WIN 211 shall study, design, implement, and support a statewide 211 system.

- (2) Activities eligible for assistance from the 211 account include, but are not limited to:
 - (a) Creating a structure for a statewide 211 resources data base that will meet the alliance for information and referral systems standards for information and referral systems data bases and that will be integrated with local resources data bases maintained by approved 211 service providers;
 - (b) Developing a statewide resources data base for the 211 system;
 - (c) Maintaining public information available from state agencies, departments, and programs that provide health and human services for access by 211 service providers;
 - (d) Providing grants to approved 211 service providers for the design, development, and implementation of 211 for its 211 service area;
 - (e) Providing grants to approved 211 service providers to enable 211 service providers to provide 211 service on an ongoing basis; and
 - (f) Providing grants to approved 211 service providers to enable the provision of 211 services on a twenty-four-hour per day seven-day a week basis.

NEW SECTION. Sec. 8. REPORTING. WIN 211 shall provide an annual report to the legislature and the department beginning July 1, 2004.

NEW SECTION. Sec. 9. CAPTIONS NOT LAW. Captions used in this chapter are not part of the law.

NEW SECTION. Sec. 10. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. EFFECTIVE DATE. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act constitute a new chapter in Title 43 RCW."

MOTIONS

On motion of Senator Carlson, the following title amendment was adopted:

On page 1, line 2 of the title, after "referral;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency."

On motion of Senator Carlson, the rules were suspended, Engrossed Substitute Senate Bill No. 5692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5692.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5692 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Finkbeiner, Honeyford and Parlette - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5062, by Senators Doumit, Oke, Jacobsen, Winsley, Rasmussen and Kohl-Welles

Creating the Puget Sound recreational fisheries enhancement oversight committee.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5062 was substituted for Senate Bill No. 5062 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5062.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5062 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Benton, Brandland, Mulliken and Stevens - 4.

SUBSTITUTE SENATE BILL NO. 5062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5676, by Senators Carlson, Kohl-Welles, Mulliken, Shin and Schmidt (by request of Higher Education Coordinating Board)

Regarding higher education financial assistance.

The bill was read the second time.

MOTION

Senator Shin moved that the following amendment by Senators Shin and Carlson be adopted:

On page 3, after line 12, insert the following:

"Sec. 5. RCW 28B.119.010 and 2002 c 204 s 2 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW ~~((and))~~, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, ~~((and))~~ students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Shin and Carlson on page 3, after line 12, to Senate Bill No. 5676.

The motion by Senator Shin carried and the amendment was adopted.

MOTIONS

On motion of Senator Carlson, the following title amendment was adopted:

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "higher education financial assistance; and amending RCW 28B.101.005, 28B.101.010, 28B.101.020, 28B.101.040, and 28B.119.010."

On motion of Senator Carlson, the rules were suspended, Engrossed Senate Bill No. 5676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5676.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5676 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5588, by Senators Kline, Esser, Roach and Kohl-Welles (by request of Sentencing Guidelines Commission)

Requiring a plan to establish pilot regional correctional facilities.

MOTIONS

On motion of Senator Kline, Substitute Senate Bill No. 5588 was substituted for Senate Bill No. 5588 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kline, the rules were suspended, Substitute Senate Bill No. 5588 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5588.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5588 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Honeyford - 1.

SUBSTITUTE SENATE BILL NO. 5588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fraser: "A point of personal privilege, Mr. President. We have had a lot of very fine stories today about people's various Irish heritages. My own is that I was almost made in Ireland, in that my father was born there in Clonakilty in County Cork, actually. I appreciate very much the fine attention and respect for the Irish heritage that has been shown today. In response, with permission of the President, I would like to provide another treat to help you enjoy caucus, once we get to that point. Thank you, Mr. President."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. If these Irish people were really serious, they would provide us all with a bottle of Irish Whiskey."

SECOND READING

SENATE BILL NO. 5042, by Senators T. Sheldon, Morton and Fraser (by request of Commissioner of Public Lands Sutherland)

Authorizing the department of natural resources to enter contracts that indemnify another party against loss or damage.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5042 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5042.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5042 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Kline - 1.

SENATE BILL NO. 5042, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:04 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 1:00 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Oke, Gubernatorial Appointment No. 9180, William P. Roehl, as a member of the Fish and Wildlife Commission, was confirmed.

Senators Oke and Doumit spoke to the confirmation of William P. Roehl as a member of the Fish and Wildlife Commission.

APPOINTMENT OF WILLIAM P. ROEHL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 8; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Absent: Senators Esser, Haugen, Honeyford, Horn, McAuliffe, McCaslin, Parlette and Rossi - 8.

MOTION

On motion of Senator Hewitt, Senator Rossi was excused.

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9090, Teresa Pan, as a member of the Board of Trustees for Bates Technical College District No. 28, was confirmed.

APPOINTMENT OF TERESA PAN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Rossi - 1.

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9097, Naomi K. Pursel, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF NAOMI K. PURSEL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND READING

SENATE BILL NO. 5904, by Senators Deccio, Thibaudeau, Winsley, Franklin, Parlette, Keiser, Brandland, Benton, Carlson, Hale, Johnson, Kline, McAuliffe, McCaslin, Mulliken, Oke, Rasmussen, West, Finkbeiner, Kohl-Welles, Shin, Stevens, Esser, B. Sheldon and Hewitt

Concerning prescription drug assistance programs for seniors.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5904 was substituted for Senate Bill No. 5904 and the substitute bill was placed on second reading and read the second time.

Senator Franklin moved that the following amendments be considered simultaneously and be adopted:

On page 1, after line 15, insert the following:

"The legislature further finds that prescription drugs play an increasingly significant role in maintaining and improving the health of Washington residents. But the cost of these drugs is placing a growing strain on state health care programs. For those people not covered by these programs, or otherwise uninsured, the high costs may limit their access to medications altogether. However, by maximizing its purchasing power and taking better advantage of its position as a major buyer of prescription drugs, the state should reduce the price it pays for such drugs across all state programs, and offer some relief to others in need who lack prescription drug coverage. To further this purpose, the legislature intends to create the aggregate purchasing prescription drug discount program."

On page 5, after line 12, insert the following:

"Sec. 7. RCW 41.05.011 and 2001 c 165 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(14) "Emergency service personnel killed in the line of duty" means law enforcement officers and fire fighters as defined in RCW 41.26.030, and reserve officers and fire fighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(15) "Prescription drug program" means a program administered by a state agency pursuant to which prescription drugs are purchased or reimbursement for the purchase of prescription drugs is provided, or any state agency making such a purchase or reimbursement.

(16) "Wholesaler" means a corporation, individual, or other entity that buys drugs or devices for resale and distributes the drugs or devices to corporations, individuals, or entities other than consumers.

(17) "Manufacturer" means anyone who is engaged in manufacturing, preparing, propagating, compounding, processing, packaging, repackaging, or labeling a drug. However, a pharmacist compounding drugs to be dispensed from the pharmacy in which the drugs are compounded pursuant to prescriptions for individual patients is not a manufacturer.

(18) "Supplier" means a wholesaler or manufacturer.

NEW SECTION. Sec. 8. A new section is added to chapter 41.05 RCW to read as follows:

No later than July 1, 2004, the health care authority must implement a program to aggregate the purchase of prescription drugs from suppliers for prescription drug programs in this state, to be known as the "aggregate purchasing prescription drug discount program." The authority may contract with an outside manager to administer this program, which includes the following components:

(1) Price discounts on prescription drugs negotiated by the health care authority or manager with prescription drug suppliers on behalf of prescription drug programs in this state.

(2) A means to make the negotiated price discounts available to any person who is:

(a) A resident of the state of Washington;

(b) Ineligible for medicaid prescription benefits;

(c) Ineligible for, or not receiving, or both, a prescription drug benefit under a medicare supplemental policy or any other third-party payer prescription benefit; and

(d)(i) At least fifty-five years old; or

(ii) Between the ages of nineteen and fifty-four who is otherwise eligible for benefits under Title II of the social security act (federal old-age, survivors, and disability insurance benefits)."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Brown demanded a roll call and the demand was sustained.

POINT OF ORDER

Senator Deccio: "A point of order, Mr. President. I think the amendments by Senator Franklin are out of the scope and object of the bill. The bill specifically deals with an act relating to prescription drug assistance programs for seniors. Remember, this bill came out of committee with all members of the committee signing it off. I don't understand now how--"

President Owen: "Senator Deccio, you are going beyond the arguments on the scope and object of the bill. Senator Franklin, do you wish to respond?"

REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you, Mr. President. I do not believe that these amendments are beyond the scope and object of this bill. It says, 'Age fifty-five.' There was no opposition and now all of a sudden, it is beyond the scope and object--"

President Owen: "Senator Franklin, your remarks are not relative to the appropriateness of the amendments to the bill."

There being no objection, further consider of the amendments was deferred.

MOTION

Senator Brown moved that the following amendment be adopted:

Beginning on page 1, line 16, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose, and subject to any conditions placed on appropriations made for this purpose, the department shall design the medicaid prescription drug assistance program. Neither the benefits of, nor eligibility for, the program is considered to be an entitlement.

(2) The department is directed to obtain necessary federal waivers to implement this program. Consistent with federal waiver conditions, the department is authorized to charge enrollment fees, premiums, or point-of-service cost-sharing to enrollees of the program.

(3) Eligibility for this program is limited to persons: (a) Who are eligible for medicare or age sixty-five and older; (b) whose family income does not exceed two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; (c) who do not otherwise have insurance that provides prescription drug coverage; and (d) who are not otherwise eligible under Title XIX of the federal social security act.

(4) The department is authorized to use a cost-effective prescription drug benefit design. Consistent with federal waiver conditions, this benefit design can be different than the benefit design offered under the medical assistance program. The benefit design may include a deductible benefit that provides coverage when enrollees incur higher prescription drug costs as defined by the department. The department also may offer more than one benefit design.

(5) The department is authorized to limit enrollment of persons who qualify for the program so as to prevent an overexpenditure of appropriations for this program or to assure necessary compliance with federal waiver budget neutrality requirements. The department shall not reduce existing medical assistance program eligibility or benefits to assure compliance with federal waiver budget neutrality requirements.

(6) No funds from an approved federal waiver that allows for the collection of premiums from medicaid clients will be used to finance the medicaid prescription drug assistance program.

(7) This program will be terminated within twelve months after implementation of a prescription drug benefit under Title XVIII of the social security act.

(8) The department shall provide recommendations to the appropriate committees of the senate and house of representatives by November 15, 2003, on financing options available to support the medicaid prescription drug assistance program. In recommending financing options, the department shall explore every opportunity to maximize federal funding to support the program."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Brown on page 1, line 16, to Substitute Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

Senator Rasmussen moved that the following amendment be adopted:

Beginning on page 2, line 37, after "those" strike all material through "purchases, to" on page 3, line 1 and insert "negotiated for its preferred prescription drugs, pursuant to the process established in section 4 of this act. The price discounts negotiated as a result of this process shall"

On page 3, after line 13, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

The administrator shall establish a pharmacy and therapeutics committee to identify its preferred drugs.

(1) The pharmacy and therapeutics committee shall be comprised of practicing licensed physicians, other practicing licensed health professionals with prescriptive authority, practicing licensed pharmacists, and pharmacoeconomists. At least one licensed health professional with prescriptive authority and one pharmacist must have demonstrated experience in serving women, children, and people of color. The membership composition must be consistent with applicable federal requirements under Title XIX of the federal social security act to allow full participation by the department of social and health services or other state agencies in activities under this act.

(2) The pharmacy and therapeutics committee shall review nationally recognized therapeutic drug classes. The committee must use an evidence-based process that evaluates the efficacy of prescription drugs, considering safety, efficacy, likelihood of compliance, outcomes, and any unique impacts on specific populations based upon factors such as sex, age, ethnicity, race, or disability. For each therapeutic class reviewed, the committee must identify the prescription drugs determined to be most clinically effective, and if applicable, equally effective. Decisions of the pharmacy and therapeutics committee regarding the clinical effectiveness of drugs within a therapeutic class are binding on the administrator.

(3) Members of the pharmacy and therapeutics committee are immune from civil liability for any official acts performed in good faith as members of the committee.

NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

State-purchased health care programs shall adopt any preferred drug list established by the administrator for the price discount program components of their programs that purchase prescription drugs directly or through reimbursement of retail pharmacies consistent with the scope of benefits offered through those programs. In administering prescription drug benefits under state-purchased health care programs, agencies shall honor an endorsing prescriber's direction to dispense a prescription drug as written on the prescription order or to continue therapy with the drug classes included in section 4 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Deccio: "A point of order, Mr. President. I challenge scope and object on this amendment. The bill relates specifically to prescription drugs for seniors. This amendment establishes a preferred drug list for all agencies, regardless of whether it is just L & I, etc. It also deals with the issue of 'dispenses written,' which is outside the scope and object of the bill. So, I would challenge on that basis." Senator Brown: "Mr. President, I believe this amendment is well within the scope and object of the underlying bill. The amendment, essentially, directs the Health Care Authority--as I understand it--it is already well within their authority to put together something such as a preferred drug list which would enable seniors to obtain benefits and discounts. What this amendment simply does is directs them to do that in such a way that preserves the physician's ability to direct specific prescription drugs and to have a convenient non-bureaucratic way to override the list--should it be put in place. I think this fits well within the idea of obtaining additional prescription drug benefits for seniors."

There being no objection, further consider of the amendment was deferred.

MOTION

Senator Deccio moved that the following amendments by Senator Deccio and Thibaudeau be considered simultaneously and be adopted:

On page 3, beginning on line 1, after "resident" strike all material through "businesses." on line 5, and insert ":

(a) Whose family income does not exceed two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services;

(b) Who does not otherwise have insurance that provides prescription drug coverage; and

(c) Who is: (I) At least fifty years old; or (ii) between the ages of nineteen and forty-nine and is otherwise eligible for benefits under Title II of the social security act, federal old age, survivors, and disability insurance benefits."

On page 3, beginning on line 6, after "program" strike "a reasonable" and insert "an"

On page 3, line 7, after "fee" insert "sufficient"

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Deccio and Thibaudeau on page 3, lines 1, 6 and 7, to Substitute Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

MOTION

On motion of Senator Sheahan, further consideration of Substitute Senate Bill No. 5904 was deferred.

President Pro Tempore Winsley assumed the Chair.

SECOND READING

SENATE BILL NO. 5144, by Senators Morton and Oke

Protecting forest land from exotic forest insects or diseases.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5144 was substituted for Senate Bill No. 5144 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5144 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5144.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5144 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5144, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5407, by Senators Horn, Prentice, Honeyford and Benton

Regulating motorsports vehicle dealer franchises.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5407 was substituted for Senate Bill No. 5407 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5407 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5407.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5407 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5076, by Senators Morton, Fraser, T. Sheldon and Doumit (by request of Commissioner of Public Lands Sutherland)

Determining a "highest responsible bidder" for valuable materials from state-owned aquatic lands.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5076 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5076.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5076 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5076, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schmidt: "A point of personal privilege, Madam President. I wanted to make an announcement to the members. You just received an e-mail from me that tomorrow at twelve-thirty, we are going to have a press conference. You are all invited to participate and to join all of us. The members on this side of the aisle have already seen it--but back here in our caucus there is a banner--it is on the wall. I invite you to go back and take a look at it. This is a banner inviting you to join us tomorrow and we are asking that everyone sign it. It is going to be given to our National Guard leadership here in the state. They are going to send that over to our troops that are currently in Kuwait. The banner reads, 'We are proud Americans; We are proud of you. Thank you from the individual members of the Washington State Senate.'

"As I mentioned, it is here in the back of the room. Take a look at it. The e-mail gives a detailed copy of the press release and we are going to have a press conference tomorrow at twelve-thirty in Senate Hearing Room 3, and we invited everybody to be there. Thank you."

SECOND READING

SENATE BILL NO. 5935, by Senators Brandland, Oke, Swecker, Hale, Rasmussen, Schmidt and Winsley (by request of Washington State Patrol)

Consolidating fire service mobilization responsibilities within the Washington state patrol.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5935 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5935.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5935 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5935, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5597, by Senators Oke, T. Sheldon, Swecker, Thibaudeau, Carlson, Shin, Winsley, Spanel, Kline, Regala, Haugen, Jacobsen, Poulsen, B. Sheldon, Stevens, Keiser, Kohl-Welles and Rasmussen

Prohibiting tobacco product sampling.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Oke, in your speech, you referred to coupons. My question is, 'does this bill outlaw the distribution of coupons for tobacco products?'"

Senator Oke: "That is a good question, Senator. I know that they pass them out, but this, I don't believe would outlaw coupons. It would outlaw sampling and I don't believe that coupons would be sampling. We can take that to the lawyers and check that out, but my intent is that the need for coupons is not there. The effect of this bill would end sampling."

Senator Benton: "Let me follow up on this. Is it, under current law, against the law to distribute samples to minors?"

Senator Oke: "The answer to that question is 'yes.' Unfortunately, as I said, with all the sampling going on, we don't have the people out there to make sure that is not occurring. I have enough testimony over the two or three years that I have worked this issue that I know that these samples get into the hands of our children."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5597.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5597 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Voting nay: Senators Benton, Hewitt, Honeyford, Mulliken, Roach, Stevens and West - 7.

SENATE BILL NO. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5665, by Senators Rasmussen and Swecker

Changing irrigation district administration provisions.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 5665 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5665.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5665 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5512, by Senators Honeyford, Kastama, West, Keiser, Winsley and Rasmussen

Including nonprofits in the small business economic impact statement requirement.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5512 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5512.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5512 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8004, by Senators Morton, Haugen, Hargrove and T. Sheldon

Requesting that British Columbia refrain from releasing grizzly bears near our common border.

The joint memorial was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Joint Memorial No. 8004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.
Debate ensued.

POINT OF INQUIRY

Senator Hewitt: "Senator Morton, do you think it would be possible if we could get some of those grizzly bears diverted to West Seattle?"

Senator Morton: "Thank you, Senator Hewitt—only if the previous speaker to you would show me the ability, that he mentioned here, conditioning the bears to head to West Seattle."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8004.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8004 and the joint memorial passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Spanel, Stevens, Swecker, West, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Fairley, Franklin, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Sheldon, B., Shin and Thibaudeau - 14.

SENATE JOINT MEMORIAL NO. 8004, having received the constitutional majority, was declared passed.

President Owen assumed the Chair.

SECOND READING

SENATE BILL NO. 5457, by Senators Horn, Haugen, Oke, Johnson, Hargrove, B. Sheldon, Roach, Zarelli, Sheahan, Jacobsen, Stevens, Schmidt, Rossi, Eide, Kline, T. Sheldon, West, Shin and Rasmussen

Posting hazards to motorcycles.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5457 was substituted for Senate Bill No. 5457 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5457 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Regala: "Senator Horn, since I am not familiar with this issue, do we not already post hazards when there are steel plates in the areas that you mentioned?"

Senator Horn: "Most of the time, they are posted in construction zones or you know they are there, but these hazards are significantly different for motorcycles than they would be for a car. If you have a rough lane change, an automobile can traverse that quite easily, while a motorcycle cannot."

Senator Regala: "But, they are already posted?"

Senator Horn: "Just in construction zones."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5457.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5457 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Honeyford and Regala - 2.

SUBSTITUTE SENATE BILL NO. 5457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5904 and the pending amendments by Senator Franklin on page 1, line 15, and page 5, after line 12, and the pending amendments by Senator Rasmussen on page 2, line 37, and page 3, line 13, deferred earlier after a scope and object challenge on the amendments.

RULINGS BY THE PRESIDENT

President Owen: "In ruling upon the points of order raised by Senator Deccio as to the scope and object of the amendments by Senator Franklin on page 1, line 15, and page 5, after line 12, and the amendments by Senator Rasmussen on page 2, line 37, and page 3, line 13, to Substitute Senate Bill No. 5904, the President finds and rules as follows:

"With respect to the amendments by Senator Franklin, the President finds that Substitute Senate Bill 5904 is a bill that provides several means to reduce the cost of prescription drugs to the residents of the state of Washington. While major sections of the bill provide programs limited to low-income elderly residents, other sections of the bill are clearly applicable to all residents, regardless of age or income level.

"The amendments by Senator Franklin would expand eligibility for participation in the discount purchase program set forth in the underlying bill and also add further definitions to that program. In previous rulings, the President has allowed amendments which change or further define the class of persons eligible for programs or benefits set forth in a bill. In keeping with these rulings, the President finds that the amendments by Senator Franklin simply expand upon the class of persons eligible for one of the programs set forth in the underlying bill and is within the scope and object of Substitute Senate Bill 5904.

"The President, therefore, finds that the amendments by Senator Franklin on page 1, line 15, and page 5, after line 12, to Substitute Senate Bill No. 5904 to be within the scope and object of the underlying bill."

President Owen: "In ruling upon the point of order raised by Senator Deccio as to the scope and object of the amendments by Senator Rasmussen on page 2, line 37, and page 3, line 13, to Substitute Senate Bill No. 5904, the President finds and rules as follows:

"With respect to the amendments by Senator Rasmussen, the President finds that the amendments would create a totally new committee to create a new program not in the underlying bill. Moreover, Section 5 of the amendment addresses the practice of medicine in a way which is not related to the programs in the underlying measure, which are aimed at reducing the costs of prescription drugs.

"For these reasons, the President, therefore, finds that the amendments by Senator Rasmussen to be outside the scope and object of Substitute Senate Bill 5904 and the point is well taken."

The President ruled that the amendments by Senator Franklin on page 1, line 15, and page 5, line 12, to Substitute Senate Bill No. 5904 to be in order.

The President ruled that the amendments by Senator Rasmussen on page 2, line 37, and page 3, after line 13 to be out of order.

The President declared the question before the Senate to be the adoption of the amendments by Senator Franklin on page 1, line 15, and page 5, line 12, to Substitute Senate Bill No. 5904.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Franklin: "A parliamentary inquiry, Mr. President. May I ask a question in regards to closing debate since I was the sponsor of the amendments?"

RULING BY THE PRESIDENT

President Owen: "Senator Franklin, the President has already allowed you to speak."

Senator Franklin: "I don't want to."

President Owen: "Asking a question is not allowed in the limit of time for debate. If I remember the rule correctly that would be just another form in participating in the debate. If someone else wants to ask a question, that is a different story."

Senator Franklin: "So the maker of the amendment--"

President Owen: "Senator Franklin, the President believes that you have done that. I have been trying to be flexible in allowing people to speak again and I think that we accomplished that. Other members that have not spoken before still may

ask if they wish to do so. Asking a question is--you want to ask another member a question or do you want to ask me a question? Well, that is perfectly all right."

Senator Franklin: "Thank you. I am glad that we now understand each other. I wanted to ask you a question."

President Owen: "Some days, I am a little slower than others."

Senator Franklin: "Thank you, Mr. President. Since I was the maker of the amendments, I thought that it was then that I was the one to make the closing debate and that was it and not a speech from another member."

President Owen: "Senator Franklin, the rule was established to allow you to close debate. In other words, you would be able to open debate and you would be able to close debate. However, that does not prohibit a person who has not spoken from being able to speak. It is up to you to anticipate, somehow, when the last speaker has spoken and then for you to complete debate. I am sorry that does not automatically cut off debate."

Further debate ensued.

A roll call on the amendments had been requested when under consideration earlier in the day.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Franklin on page 1, line 15, and page 5, after line 12, to Substitute Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26.

MOTION

Senator Doumit moved that the following amendment be adopted:

On page 1, line 16, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

(1) To the extent funds are appropriated specifically for this purpose, and subject to any conditions placed on appropriations made for this purpose, the department shall design the medicaid prescription drug assistance program. Neither the benefits of, nor eligibility for, the program is considered to be an entitlement.

(2) The department is directed to obtain necessary federal waivers to implement this program. Consistent with federal waiver conditions, the department is authorized to charge enrollment fees, premiums, or point-of-service cost-sharing to enrollees of the program.

(3) Eligibility for this program is limited to persons: (a) Who are eligible for medicare or age sixty-five and older; (b) whose family income does not exceed one hundred seventy five percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; (c) who do not otherwise have insurance that provides prescription drug coverage; and (d) who are not otherwise eligible under Title XIX of the federal social security act.

(4) The department is authorized to use a cost-effective prescription drug benefit design. Consistent with federal waiver conditions, this benefit design can be different than the benefit design offered under the medical assistance program. The benefit design may include a deductible benefit that provides coverage when enrollees incur higher prescription drug costs as defined by the department. The department also may offer more than one benefit design.

(5) The department is authorized to limit enrollment of persons who qualify for the program so as to prevent an overexpenditure of appropriations for this program or to assure necessary compliance with federal waiver budget neutrality requirements. The department shall not reduce existing medical assistance program eligibility or benefits to assure compliance with federal waiver budget neutrality requirements.

(6) No funds from an approved federal waiver that allows for the collection of premiums from medicaid clients will be used to finance the medicaid prescription drug assistance program.

(7) This program will be terminated within twelve months after implementation of a prescription drug benefit under Title XVIII of the social security act.

(8) The department shall provide recommendations to the appropriate committees of the senate and house of representatives by November 15, 2003, on financing options available to support the medicaid prescription drug assistance program. In recommending financing options, the department shall explore every opportunity to maximize federal funding to support the program."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

POINT OF ORDER

Senator West: "A point of order, Mr. President. The amendment is substantially similar to the previous amendment by Senator Brown. These amendments strike the same section and insert similar words. I believe the body has made this decision by turning down the amendment by Senator Brown. The good gentleman's amendment would have been appropriate as an amendment to the amendment by Senator Brown, but is not appropriate at this time."

REPLY BY THE PRESIDENT

President Owen: "Are you raising the point of order that the amendment by Senator Doumit is an issue that has already been decided and may not be decided twice?"

Senator West: "That is correct, Mr. President."

Debate ensued.

RULING BY THE PRESIDENT

President Owen: "In ruling on the point of order raised by Senator West regarding the amendment by Senator Doumit on page 1, line 16, to Substitute Senate Bill No. 5904, the President finds that Rule 142 of Reed's Rules states in part, in this case where the previous amendment was defeated: 'the negative result does not prevent a great variety of subsequent motions to strike out and insert or to strike out or to insert, some of which are as follows:' Then it states a number of different examples. The President believes that the amendment by Senator Doumit is appropriate, and the point is not well taken."

The President ruled that the amendment by Senator Doumit on page 1, line 16, to be properly before the Senate.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Doumit on page 1, line 16, to Substitute Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute Senate Bill No. 5904 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5904.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5904 and the bill passed the Senate by the following vote Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, Poulsen, Prentice, Regala, Sheldon, B. and Spanel - 14.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute Senate Bill No. 5904 was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5450, by Senators Horn, Jacobsen, Finkbeiner, Eide, Swecker, Reardon, Regala, Fairley, Kline, Fraser, Haugen, Keiser and Kohl-Welles

Providing incentives to reduce air pollution through the use of neighborhood electric vehicles.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following amendment was adopted:

On page 3, after line 14, insert the following:

"Sec. 4. RCW 46.61.688 and 2002 c 328 s 2 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Neighborhood electric vehicle," meaning a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500;

(d) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

((d)) (e) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208 and to neighborhood electric vehicles. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(8) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

Sec. 5. RCW 46.61.687 and 2000 c 190 s 2 are each amended to read as follows:

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than six years old and/or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;

(d) If the child is less than six but at least four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained in a child booster seat;

(e) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

(6) The requirements of subsection (1)(a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds."

Renumber the section following consecutively.

MOTIONS

On motion of Senator Horn, the following title amendment was adopted:

On line 3 of the title, after "46.04.320" insert ", 46.61.688, and 46.61.687"

On motion of Senator Horn, the rules were suspended, Engrossed Senate Bill No. 5450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5450.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5450 and the bill passed the Senate by the following vote Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Stevens - 1.

ENGROSSED SENATE BILL NO. 5450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5942, by Senators Reardon, Hewitt, Prentice and Honeyford

Concerning licensing requirements for elevator mechanics and contractors.

MOTION

On motion of Senator Reardon, Substitute Senate Bill No. 5942 was substituted for Senate Bill No. 5942 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Reardon, the following striking amendment by Senators Reardon, Hewitt, Honeyford, Keiser was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.87.010 and 2002 c 98 s 1 are each amended to read as follows:

For the purposes of this chapter, except where a different interpretation is required by the context:

- (1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee, or otherwise;
- (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator, moving walk, and other elevating devices, as defined in this section;
- (3) "Existing installations" means an installation defined as an "installation, existing" in this chapter or in rules adopted under this chapter;
- (4) "Elevator" means a hoisting or lowering machine equipped with a car or platform that moves in guides and serves two or more floors or landings of a building or structure;
 - (a) "Passenger elevator" means an elevator (i) on which passengers are permitted to ride and (ii) that may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;
 - (b) "Freight elevator" means an elevator (i) used primarily for carrying freight and (ii) on which only the operator, the persons necessary for loading and unloading, and other employees approved by the department are permitted to ride;
 - (c) "Sidewalk elevator" means a freight elevator that: (i) Operates between a sidewalk or other area outside the building and floor levels inside the building below the outside area, (ii) has no landing opening into the building at its upper limit of travel, and (iii) is not used to carry automobiles;
 - (d) "Hand elevator" means an elevator utilizing manual energy to move the car;
 - (e) "Inclined elevator" means an elevator that travels at an angle of inclination of seventy degrees or less from the horizontal;
 - (f) "Multideck elevator" means an elevator having two or more compartments located one immediately above the other;
 - (g) "Observation elevator" means an elevator designed to permit exterior viewing by passengers while the car is traveling;
 - (h) "Power elevator" means an elevator utilizing energy other than gravitational or manual to move the car;
 - (i) "Electric elevator" means an elevator where the energy is applied by means of an electric driving machine;
 - (j) "Hydraulic elevator" means an elevator where the energy is applied by means of a liquid under pressure in a cylinder equipped with a plunger or piston;
 - (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator having a plunger or cylinder directly attached to the car frame or platform;
 - (l) "Electro-hydraulic elevator" means a direct-plunger elevator where liquid is pumped under pressure directly into the cylinder by a pump driven by an electric motor;
 - (m) "Maintained-pressure hydraulic elevator" means a direct-plunger elevator where liquid under pressure is available at all times for transfer into the cylinder;
 - (n) "Roped hydraulic elevator" means a hydraulic elevator having its plunger or piston connected to the car with wire ropes or indirectly coupled to the car by means of wire ropes and sheaves;
 - (o) "Rack and pinion elevator" means a power elevator, with or without a counterweight, that is supported, raised, and lowered by a motor or motors that drive a pinion or pinions on a stationary rack mounted in the hoistway;
 - (p) "Screw column elevator" means a power elevator having an uncounterweighted car that is supported, raised, and lowered by means of a screw thread;
 - (q) "Rooftop elevator" means a power passenger or freight elevator that operates between a landing at roof level and one landing below and opens onto the exterior roof level of a building through a horizontal opening;
 - (r) "Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed, and permanently installed in structures such as grain elevators, radio antenna, bridge towers, underground facilities, dams, power plants, and similar structures to provide vertical transportation of authorized personnel and their tools and equipment only;
 - (s) "Workmen's construction elevator" means an elevator that is not part of the permanent structure of a building and is used to raise and lower workers and other persons connected with, or related to, the building project;
 - (t) "Boat launching elevator" means ~~(an elevator, as defined by subsections (2) and (4) of this section,)~~ a conveyance that serves a boat launching structure and a beach or water surface and is used for the carrying or handling of boats in which people ride;
 - (u) "Limited-use/limited-application elevator" means a power passenger elevator where the use and application is limited by size, capacity, speed, and rise, intended principally to provide vertical transportation for people with physical disabilities;
- (5) "Escalator" means a power-driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car (a) that moves in guides in a substantially vertical direction, (b) the floor area of which does not exceed nine square feet, (c) the inside height of which does not exceed four feet, (d) the capacity of which does not exceed five hundred pounds, and (e) that is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator: (a) Located in either a stationary or horizontally moving hoistway; (b) used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power-driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator; and (c) in which no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a passenger carrying device (a) on which passengers stand or walk and (b) on which the passenger carrying surface remains parallel to its direction of motion;

(9) "Belt manlift" means a power driven endless belt provided with steps or platforms and a hand hold for the transportation of personnel from floor to floor;

(10) "Department" means the department of labor and industries;

(11) "Director" means the director of the department or his or her representative;

(12) "Inspector" means an elevator inspector of the department or an elevator inspector of a municipality having in effect an elevator ordinance pursuant to RCW 70.87.200;

(13) "Permit" means a permit issued by the department to erect, construct, install, alter, modernize, relocate, or operate a conveyance;

(14) "Person" means this state, a political subdivision, any public or private corporation, any firm, or any other entity as well as an individual;

(15) "One-man capacity manlift" means a single passenger, hand- powered counterweighted device, or electric-powered device, that travels vertically in guides and serves two or more landings;

(16) "Private residence conveyance" means a conveyance installed in or on the premises of a single-family dwelling and operated for transporting persons or property from one elevation to another;

(17) "Material hoist" means a hoist that is not a part of a permanent structure used to raise or lower materials during construction, alteration, or demolition. It is not applicable to the temporary use of permanently installed personnel elevators as material hoists;

(18) "Material lift" means a lift that (a) is permanently installed, (b) is comprised of a car or platform that moves in guides, (c) serves two or more floors or landings, (d) travels in a vertical or inclined position, (e) is an isolated, self-contained lift, (f) is not part of a conveying system, and (g) is installed in a commercial or industrial area not accessible to the general public or intended to be operated by the general public;

(19) "Casket lift" means a lift that (a) is installed at a mortuary, (b) is designed exclusively for carrying of caskets, (c) moves in guides in a basically vertical direction, and (d) serves two or more floors or landings;

(20) "Wheelchair lift" means a lift that travels in a vertical or inclined direction and is designed for use by physically handicapped persons;

(21) "Stairway chair lift" means a lift that travels in a basically inclined direction and is designed for use by physically handicapped persons;

(22) "Personnel hoist" means a hoist that is not a part of a permanent structure, is installed inside or outside buildings during construction, alteration, or demolition, and used to raise or lower workers and other persons connected with, or related to, the building project. The hoist may also be used for transportation of materials;

(23) "Advisory committee" means the elevator advisory committee as described in this chapter;

(24) "Elevator helper/apprentice" means a person who works under the general direction of a licensed elevator mechanic. A license is not required to be an elevator helper/apprentice;

(25) "Elevator mechanic" means any person who possesses an elevator mechanic license in accordance with this chapter and who is engaged in erecting, constructing, installing, altering, ~~((servicing -servicing))~~ repairing, wiring, dismantling, modernizing, relocating, or maintaining ~~((elevators or related))~~ conveyances covered by this chapter;

(26) "License" means a written license, duly issued by the department, authorizing a person, firm, or company to carry on the business of erecting, constructing, installing, altering, ~~((servicing))~~ repairing, wiring, dismantling, modernizing, relocating, or maintaining ~~((elevators or related))~~ conveyances covered by this chapter;

(27) "Elevator contractor license" means a license that is issued to an elevator contractor who has met the qualification requirements established in RCW 70.87.240;

(28) "Elevator mechanic license" means a license that is issued to a person who has met the qualification requirements established in RCW 70.87.240;

(29) "Licensee" means the elevator mechanic or elevator contractor;

(30) "Repair" means a process for the purpose of ensuring performance in accordance with this chapter and not amounting to an alteration, in which a part, device, or component that is basically the same as the original is replaced, or the original is rehabilitated, reconditioned, or renewed and returned into place;

(31) "Replacement" or "replace" means a process for the purpose of ensuring performance in accordance with this chapter and not amounting to an alteration, in which a new part, device, or component is substituted for a part, device, or component that is removed in its entirety;

(32) "Maintenance" means a scheduled or routine process for the purpose of ensuring performance in accordance with this chapter and not amounting to an alteration, in which parts, devices, or components are examined, serviced, lubricated, cleaned, repaired, replaced, or adjusted;

(33) "Alteration" means any process, including but not limited to the replacement or repair of any part, device, or component modifying any safety system, speed control, or travel of the conveyance. An alteration requires testing of the conveyance before it is placed in or returned to service. The department may identify by rule processes or activities that constitute an alteration;

(34) "Public agency" means a county, incorporated city or town, municipal corporation, state agency, institution of higher education, political subdivision, or other public agency and includes any department, bureau, office, board, commission, or institution of such entity;

(35) "Platform" means a rigid surface that is maintained in a horizontal position at all times when in use, and upon which passengers stand or a load is carried.

Sec. 2. RCW 70.87.020 and 2002 c 98 s 2 are each amended to read as follows:

(1) The purpose of this chapter is to provide for safety of life and limb, to promote safety awareness, and to ensure the safe, design, mechanical and electrical operation, erection, installation, construction, alteration, maintenance, ((inspection, and repair)) relocation, wiring, dismantling, or modernization of conveyances, and all such operation, erection, installation, alteration, inspection, and repair subject to the provisions of this chapter shall be reasonably safe to persons and property and in conformity with the provisions of this chapter and the applicable statutes of the state of Washington, and all orders, and rules of the department. The use of unsafe and defective lifting devices imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. ~~((Elevator))~~ Personnel performing work covered by this chapter must, by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience must include, but not be limited to, recognizing the

safety hazards and performing the procedures to which ~~((they))~~ the personnel performing work covered by this chapter are assigned in conformance with the requirements of ~~((the this))~~ this chapter. This chapter establishes the minimum standards for ~~((elevator))~~ personnel performing work on conveyances.

(2) This chapter is not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by this chapter, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in this chapter and the rules adopted under this chapter.

(3) In any suit for damages allegedly caused by a failure or malfunction of the conveyance, conformity with the rules of the department is prima facie evidence that the operation, erection, installation, alteration, maintenance, and inspection~~((, and repair))~~ of the conveyance is reasonably safe to persons and property.

Sec. 3. RCW 70.87.030 and 2002 c 98 s 3 are each amended to read as follows:

The department shall adopt rules governing the mechanical and electrical operation, erection, installation, alterations, inspection, construction, acceptance tests, relocation, modernization, wiring, dismantling, and ~~((repair))~~ maintenance of conveyances that are necessary and appropriate and shall also adopt minimum standards governing existing installations. In the execution of this rule-making power and before the adoption of rules, the department shall consider the rules for the safe mechanical operation, erection, installation, alteration, inspection, and ~~((repair))~~ maintenance of conveyances, including the American National Standards Institute Safety Code for Personnel and Material Hoists, the American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, and Escalators, and any amendatory or supplemental provisions thereto. The department by rule shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter limits the authority of the department to prescribe or enforce general or special safety orders as provided by law.

The department may consult with: Engineering authorities and organizations concerned with standard safety codes; rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and/or inspection of ~~((elevators, dumbwaiters, and escalators, etcetera))~~ conveyances; and the qualifications that are adequate, reasonable, and necessary for the elevator mechanic, contractor, and inspector.

Sec. 4. RCW 70.87.050 and 2002 c 98 s 4 are each amended to read as follows:

The operation, construction, erection, installation, alteration, maintenance, inspection, modernization, wiring, and ~~((repair))~~ dismantling of any conveyance located in, or used in connection with, any building owned by the state, a county, or a political subdivision, other than those located within and owned by a city having an elevator code, shall be under the jurisdiction of the department.

Sec. 5. RCW 70.87.060 and 1983 c 123 s 6 are each amended to read as follows:

(1) The person erecting, constructing, installing, relocating, modernizing, repairing, wiring, dismantling, or altering a conveyance is responsible for its operation and maintenance until the department has issued an operating permit for the conveyance, except during the period when a limited operating permit in accordance with RCW 70.87.090(2) is in effect, and is also responsible for all tests of a new, relocated, or altered conveyance until the department has issued an operating permit for the conveyance.

(2) The owner or his or her duly appointed agent shall be responsible for the safe operation and proper maintenance of the conveyance after the department has issued the operating permit and also during the period of effectiveness of any limited operating permit in accordance with RCW 70.87.090(2). The owner shall be responsible for all periodic tests required by the department.

Sec. 6. RCW 70.87.080 and 1983 c 123 s 8 are each amended to read as follows:

(1) An installation or alteration permit shall be obtained from the department before erecting, constructing, installing, relocating, modernizing, wiring, dismantling, or altering a conveyance in any place or structure.

(2) The installer of the conveyance shall submit an application for the permit in duplicate, in a form that the department may prescribe.

(3) The permit issued by the department shall be kept posted conspicuously at the site of installation.

(4) No permit is required for repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength, and design.

(5) After July 1, 2004, the department may issue an installation or alteration permit only to the holder of a valid elevator contractor's license under this chapter.

Sec. 7. RCW 70.87.110 and 1983 c 123 s 12 are each amended to read as follows:

(1) The requirements of this chapter are intended to apply to all conveyances except as modified or waived by the department. They are intended to be modified or waived whenever any requirements are shown to be impracticable, such as involving expense not justified by the protection secured. However, the department shall not allow the modification or waiver unless equivalent or safer construction is secured in other ways. An exception applies only to the installation covered by the application for waiver.

(2) The provisions of RCW 70.87.180(2), 70.87.230, and 70.87.240(2), insofar as they relate to the maintenance of a conveyance other than a passenger elevator to which access by the general public is not restricted, do not apply to a conveyance used in a facility in which agricultural products are stored, food products are processed, goods are manufactured, energy is generated, or similar industrial or agricultural processes are performed, if the owner of the conveyance:

(a) Provides to all employees required or allowed to perform maintenance on the conveyance adequate training to ensure the safety of employees and adherence to the published operating specifications of the conveyance manufacturer;

(b) Allows and restricts maintenance to be performed on the conveyance to only:

(I) A licensed elevator contractor or mechanic;

(ii) A worker who (A) is regularly employed by the owner; (B) has successfully completed the training required by (a) of this subsection; and (C) has attained journeyman status in an electrical or mechanical trade, only if the employer has or utilizes an established journeyman program to train its electrical or mechanical trade employees and such employees perform conveyor maintenance in the course of their regular employment; or

(iii) A person authorized under subsection (3) of this section; and

(c) Maintains a (I) maintenance log describing the maintenance work performed on the conveyance and identifying the person who performed the work; and (ii) training log for each employee allowed to perform conveyance maintenance describing the course of study provided, including whether it is general or conveyance specific, and identifying when the employee has successfully completed the training required by (a) of this subsection and when such training was completed.

(3) The provisions of RCW 70.87.180(2), 70.87.230, and 70.87.240(2), insofar as they relate to the installation or maintenance of a material lift, conveyor, and related equipment that is subject to the standard designation B20.1 as established by the American Society of Mechanical Engineers and not designed or intended to convey one or more workers, do not apply to a person performing such work if:

(a) The person is employed by a licensed elevator contractor engaged in the business of installing and maintaining such equipment and has successfully completed a course of training, including any training provided by the manufacturer, to ensure the safety of employees and adherence to the published installation and operating specifications of the conveyance manufacturer; and

(b) The employer maintains a (I) log identifying the equipment installed or maintained, describing the work performed, and identifying the person who performed the work; and (ii) training log describing the course of study applicable to each conveyance and identifying each employee who has successfully completed the training required by (a) of this subsection and when such training was completed.

(4) The provisions of RCW 70.87.180(2), 70.87.230, and 70.87.240(2), insofar as they relate to the maintenance of a conveyance located in a private residence, do not apply to a person performing such maintenance work at the direction of the owner if the owner of the conveyance and the residence resides in the residence where the conveyance is located.

(5) It is a violation of RCW 49.17.060 for:

(a) An owner to allow a conveyance covered by subsection (2) of this section to be maintained by a person other than as qualified pursuant to subsection (2)(b) of this section; or

(b) An owner or employer to fail to maintain records required under subsection (2)(c) or (3)(b) of this section.

Sec. 8. RCW 70.87.125 and 2002 c 98 s 6 are each amended to read as follows:

(1) A license issued under this chapter may be suspended, revoked, or subject to civil penalty by the department upon verification that any one or more of the following reasons exist:

(a) Any false statement as to a material matter in the application;

(b) Fraud, misrepresentation, or bribery in securing a license;

(c) Failure to notify the department and the owner or lessee of ~~((an elevator))~~ a conveyance or related mechanisms of any condition not in compliance with this chapter; and

(d) A violation of any provisions of this chapter.

(2) The department may suspend or revoke a permit if:

(a) The permit was obtained through fraud or by error if, in the absence of error, the department would not have issued the permit;

(b) The conveyance for which the permit was issued has not been constructed, installed, maintained, or repaired in accordance with the requirements of this chapter; or

(c) The conveyance has become unsafe.

(3) The department shall suspend any license issued under this chapter promptly after receiving notice from the department of social and health services that the holder of the license has been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a support order. If the person has continued to meet all other license requirements during the suspension, reissuance of the certificate of licensure shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(4) The department shall notify in writing the owner, licensee, or person installing the conveyance, of its action and the reason for the action. The department shall send the notice by certified mail to the last known address of the owner or person. The notice shall inform the owner or person that a hearing may be requested pursuant to RCW 70.87.170.

~~((4))~~ (5)(a) If the department has suspended or revoked a permit or license because of fraud or error, and a hearing is requested, the suspension or revocation shall be stayed until the hearing is concluded and a decision is issued.

(b) If the department has revoked or suspended a license because the ~~((elevator personnel))~~ licensee performing the work covered by this chapter is working in a manner that does not effectively prevent injuries or deaths or protect employees and the public from unsafe conditions as is required by this chapter, the suspension or revocation is effective immediately and shall not be stayed by a request for a hearing.

(c) If the department has revoked or suspended a permit because the conveyance is unsafe or is not constructed, installed, maintained, or repaired in accordance with this chapter, the suspension or revocation is effective immediately and shall not be stayed by a request for a hearing.

~~((5))~~ (6) The department must remove a suspension or reinstate a revoked license if the licensee pays all the assessed civil penalties and is able to demonstrate to the department that the licensee has met all the qualifications established by this chapter.

~~((6))~~ (7) The department shall remove a suspension or reinstate a revoked permit if a conveyance is repaired or modified to bring it into compliance with this chapter.

Sec. 9. RCW 70.87.170 and 2002 c 98 s 8 are each amended to read as follows:

(1) Any person aggrieved by an order or action of the department denying, suspending, revoking, or refusing to renew a permit or license; assessing a penalty for a violation of this chapter; or ordering the operation of a conveyance to be discontinued, may request a hearing within fifteen days after notice ~~((of))~~ of the department's order or action is received. The date the hearing was requested shall be the date the request for hearing was postmarked. The party requesting the hearing must accompany the request with a certified or cashier's check for two hundred dollars payable to the department. The department shall refund the two hundred dollars if the party requesting the hearing prevails at the hearing; otherwise, the department shall retain the two hundred dollars.

If the department does not receive a timely request for hearing, the department's order or action is final and may not be appealed.

(2) If the aggrieved party requests a hearing, the department shall ask an administrative law judge to preside over the hearing. The hearing shall be conducted in accordance with chapter 34.05 RCW.

Sec. 10. RCW 70.87.180 and 2002 c 98 s 9 are each amended to read as follows:

(1) The construction, erection, installation, relocation, alteration, ~~((maintenance,))~~ modernization, wiring, dismantling, or operation of a conveyance without a permit by any person owning or having the custody, management, or operation thereof, except as provided in RCW 70.87.080 and 70.87.090, is a misdemeanor. Each day of violation is a separate offense. No prosecution may be maintained where the issuance or renewal of a permit has been requested but upon which no action has been taken by the department.

(2) The construction, erection, installation, relocation, alteration, maintenance, ~~((or operation))~~ modernization, wiring, or dismantling of a conveyance without a license by any person except as provided in RCW 70.87.110 is a misdemeanor. Each day of violation is a separate offense. No prosecution may be maintained where the issuance or renewal of a license has been requested by an applicant but upon which no action has been taken by the department.

Sec. 11. RCW 70.87.220 and 2002 c 98 s 11 are each amended to read as follows:

The department may adopt the rules necessary to establish and administer the elevator safety advisory committee. The purpose of the advisory committee is to advise the department on the adoption of rules that apply to conveyances; methods of enforcing and administering this chapter; and matters of concern to the conveyance industry and to the individual installers, owners, and users of conveyances. ~~((The advisory committee consists of five persons appointed by))~~ The director of the department or his or her designee with the advice of the chief elevator inspector shall appoint the advisory committee members as follows: One registered architect or professional engineer with experience in the elevator industry; one employee of a licensed elevator contractor who qualifies for or possesses an elevator mechanic license; one contractor qualifying for or possessing an elevator contractor license; one employer whose agricultural or industrial facilities use conveyances in one or more storage or manufacturing process; one employee who has five or more years' experience repairing or maintaining conveyances for one such agricultural or industrial employer; one manufacturer of conveyances; and one ad hoc member representing a municipality with jurisdiction over conveyances under RCW 70.87.200. The committee members shall serve four years.

The committee shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief of the elevator section. The committee members shall serve without per diem or travel expenses.

The chief elevator inspector shall be the secretary for the advisory committee.

Sec. 12. RCW 70.87.230 and 2002 c 98 s 10 are each amended to read as follows:

Except as provided by RCW 70.87.110, no person shall erect, construct, wire, install, alter, replace, maintain, ~~((remove))~~ relocate, modernize, or dismantle any conveyance ~~((contained within a building or structures))~~ within the jurisdiction of this state unless he or she has an elevator mechanic license and the person is working: (1) For an owner, as defined in RCW 70.87.010(1) that operates a facility

described in RCW 70.87.110(2); (2) for a public agency, as defined in RCW 70.87.010(34); or (3) under the direct supervision of a person, firm, or company who has an elevator (~~contractors [contractor]]~~) contractor license pursuant to this chapter.

A person, firm, public agency, or company is not required to have an elevator (~~contractors [contractor]]~~) contractor license for removing or dismantling conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the building is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

Sec. 13. RCW 70.87.240 and 2002 c 98 s 12 are each amended to read as follows:

(1) Any person, firm, or company wishing to engage in the business of erecting, constructing, installing, altering, servicing, replacing, repairing, relocating, wiring, dismantling, modernizing, or maintaining (~~elevators, dumbwaiters, escalators, or moving sidewalks~~) conveyances within the jurisdiction of the department must make application for ((a)) an elevator contractor license with the department on a form provided by the department and be a registered general or specialty contractor under chapter 18.27 RCW.

(2) Except as provided by RCW 70.87.110, any person wishing to (~~engage in installing, altering, repairing, or servicing elevators, dumbwaiters, escalators, or moving sidewalks~~) erect, construct, install, alter, repair, maintain, relocate, modernize, wire, or dismantle conveyances within the jurisdiction of the department must make application for ((a)) an elevator mechanic license with the department on a form provided by the department.

(3) No elevator contractor license may be granted to any person or firm who has not proven to possess the following qualifications:

(a) Five years' work experience in the elevator industry in construction, maintenance, and service or repair, as verified by current and previous elevator contractor (~~licensees~~) licensed to do business; or

(b) Satisfactory completion of a written examination administered by the department on this chapter and the rules adopted under this chapter.

(4) No elevator mechanic license may be granted to any person who has not proven to possess the following qualifications:

(a) An acceptable combination of documented experience and education credits: Not less than three years' work experience in the elevator industry, in construction, or maintenance and service or repair, as verified by current and previous public agency employers and employers licensed to do business in this state; and

(b) Satisfactory completion of a written examination administered by the department on this chapter and the rules adopted under this chapter.

(5) Any person who furnishes the department with acceptable proof that he or she has worked for at least three consecutive years as an elevator constructor, or as a conveyance maintenance or repair person shall upon making application for a license and paying the license fee is entitled to receive a license without an examination. The person must have:

(a) Worked without direct and immediate supervision for (~~an elevator~~) (i) a general or specialty contractor (~~licensed to do business~~) registered under chapter 18.27 RCW and engaged primarily in the business of installing conveyances in this state; (ii) a public agency; or (iii) a conveyance owner. This employment may not be less than each and all of the three years immediately (~~before June 13, 2002~~) preceding July 1, 2004. The person must make application within (~~one year of June 13, 2002~~) ninety days after July 1, 2004, or the effective date of rules adopted under this chapter establishing license requirements;

(b) Obtained a certificate of completion and successfully passed the mechanic examination of a nationally recognized training program for the elevator industry such as the national elevator industry educational program or its equivalent; or

(c) Obtained a certificate of completion of an apprenticeship program for an elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Washington state apprenticeship and training council.

(6) A license must be issued to an individual holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of this chapter, upon application and without examination.

(7) The department shall adopt rules that become effective on or after July 1, 2004, to implement this section and RCW 70.87.250.

Sec. 14. RCW 70.87.250 and 2002 c 98 s 13 are each amended to read as follows:

(1) Upon approval of an application, the department may issue a license that is (~~biannually [biennially]]~~) biennially renewable. The fee for the license and for any renewal shall be set by the department in rule.

(2) The department may issue temporary elevator mechanic licenses. These temporary elevator mechanic licenses will be issued to those certified as qualified and competent by licensed elevator contractors. The company shall furnish proof of competency as the department may require. Each license must recite that it is valid for a period of thirty days from the date of issuance and for such particular (~~elevators~~) conveyances or geographical areas as the department may designate, and otherwise entitles the licensee to the rights and privileges of an elevator mechanic license issued in this chapter. A temporary elevator mechanic license (~~must~~) may be renewed by the department and a fee as established in rule must be charged for any temporary elevator mechanic license or renewal.

(3) The renewal of all licenses granted under this section is conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing rules of the department. The course must consist of not less than eight hours of instruction that must be attended and completed within one year immediately preceding any license renewal.

(4) The courses must be taught by instructors through continuing education providers that may include, but are not limited to, association seminars and labor training programs. The department must approve the continuing education providers. All instructors must be approved by the department and are exempt from the requirements of subsection (3) of this section with regard to his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(5) A licensee who is unable to complete the continuing education course required under this section before the expiration of his or her license due to a temporary disability may apply for a waiver from the department. This will be on a form provided by the department and signed under the pains and penalties of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee must submit to the department a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability. At which time a waiver sticker, valid for ninety days, must be issued to the licensee and affixed to his or her license.

(6) Approved training providers must keep uniform records, for a period of ten years, of attendance of licensees, and these records must be available for inspection by the department at its request. Approved training providers are responsible for the security of all attendance records and certificates of completion. However, falsifying or knowingly allowing another to falsify attendance records or certificates of completion constitutes grounds for suspension or revocation of the approval required under this section.

Sec. 15. RCW 70.87.260 and 2002 c 98 s 14 are each amended to read as follows:

This chapter cannot be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, maintaining, erecting, constructing, installing, altering, inspecting, testing, (~~or repairing~~) wiring, or dismantling any (~~elevator~~) conveyance or other related mechanisms covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this chapter or any acts or omissions arising hereunder.

NEW SECTION. Sec. 16. The elevator safety advisory committee shall review chapter 70.87 RCW as it pertains to conveyances located in private residences and shall report its findings and recommendations to the legislature by January 1, 2004.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Reardon, the following title amendment was adopted:

On page 1, line 2 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 70.87.010, 70.87.020, 70.87.030, 70.87.050, 70.87.060, 70.87.080, 70.87.110, 70.87.125, 70.87.170, 70.87.180, 70.87.220, 70.87.230, 70.87.240, 70.87.250, and 70.87.260; creating a new section; prescribing penalties; and declaring an emergency."

On motion of Senator Reardon, the rules were suspended, Engrossed Substitute Senate Bill No. 5942 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5942.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5942 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5989, by Senators Haugen, Horn and Jacobsen

Representing pilots on the board of pilotage commissioners.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5989 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5989.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5989 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5989, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5352, by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Shin

Encouraging agricultural conservation programs.

MOTION

On motion of Senator Swecker, Substitute Senate Bill No. 5352 was substituted for Senate Bill No. 5352 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator West, the following amendment by Senators West and Haugen was adopted:

On page 5, after line 10, insert the following:

"(4) Each county and city with agricultural lands designated under RCW 36.70A.170 shall allow wineries, affiliated and ancillary tasting rooms, and accessory uses as a permitted use acceptable and compatible with other agricultural-related industries within all such agricultural land designations. Such use may only be restricted in a manner uniformly applied to all permitted uses in all agricultural zoning classifications in each city and county."

Renumber the sections consecutively and correct any internal references accordingly.

MOTIONS

On motion of Senator Swecker, the following title amendment was adopted:

On page 1, on line 1 of the title, after "agricultural", strike "conservation programs" and insert "land use"

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 5352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Fairley, Fraser, Kline and Kohl-Welles - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:36 p.m., on motion of Senator Sheahan, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:00 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Hewitt, Gubernatorial Appointment No. 9102, Dora C. Reyes, as a member of the Board of Trustees for Walla Walla Community College District No. 20, was confirmed.

APPOINTMENT OF DORA C. REYES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 6; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 43.

Absent: Senators Deccio, Horn, McCaslin, Mulliken, Prentice and Thibaudeau - 6.

MOTION

On motion of Senator Hewitt, Senators Deccio, Horn and McCaslin were excused.

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9104, James Robinson, as a member of the Board of Trustees for Olympic Community College District No. 3, was confirmed.

APPOINTMENT OF JAMES ROBINSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Horn and McCaslin - 3.

SECOND READING

SENATE BILL NO. 5751, by Senator Hargrove

Concerning the sale of valuable material from state lands.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5751 was substituted for Senate Bill No. 5751 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5751.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5751 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 5751, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5749, by Senators Hargrove, Stevens and Rasmussen (by request of Indeterminate Sentence Review Board)

Revising procedures for hearings concerning violations by sex offenders of postrelease conditions.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5749 was substituted for Senate Bill No. 5749 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5749.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5749 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Eide - 1.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 5749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5912, by Senators Mulliken, Haugen, Sheahan, Horn, Parlette, Rasmussen and Spanel

Creating the Produce Railcar Pool.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5912 was substituted for Senate Bill No. 5912 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5912 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5912.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5912 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

SUBSTITUTE SENATE BILL NO. 5912, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5938, by Senators Finkbeiner and Esser

Updating financial responsibility laws for vessels.

MOTION

On motion of Senator Finkbeiner, Senate Bill No. 5938 was not substituted.

Senate Bill No. 5938 was read the second time.

MOTION

On motion of Senator Finkbeiner, the following striking amendment by Senators Finkbeiner and Spanel was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the current financial responsibility laws for vessels are in need of update and revision. The legislature intends that, whenever possible, the standards set for Washington state provide the highest level of protection consistent with other western states and to ultimately achieve a more uniform system of financial responsibility on the Pacific Coast.

Sec. 2. RCW 88.40.011 and 2000 c 69 s 30 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(1)~~ "Barge" means a vessel that is not self-propelled.

~~(2)~~ "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel, fishing vessel, or a passenger vessel, of three hundred or more gross tons (including but not limited to, commercial fish processing vessels and freighters).

~~((2))~~ (3) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

~~((3))~~ (4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

~~((4))~~ (5) "Department" means the department of ecology.

~~((5))~~ (6) "Director" means the director of the department of ecology.

~~((6))~~ (7)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from ~~(a tank)~~ any vessel with an oil carrying capacity over two hundred fifty barrels or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (I) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

~~((7))~~ (8) "Fishing vessel" means a self-propelled commercial vessel of three hundred or more gross tons that is used for catching or processing fish.

(9) "Gross tons" means tonnage as determined by the United States coast guard under 33 C.F.R. section 138.30.

~~((August 14, 1989,))~~ (10) "Hazardous substances" means any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499. The following are not hazardous substances for purposes of this chapter:

(a) Wastes listed as F001 through F028 in Table 302.4; and

(b) Wastes listed as K001 through K136 in Table 302.4.

~~((8))~~ "Inland barge" means any barge operating on the waters of the state and certified by the coast guard as an inland barge.

~~(9))~~ (11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

~~((10))~~ (12) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed as of March 1, 2003, in Table 302.4 of 40 C.F.R. Part 302 adopted (~~(August 14, 1989)~~) under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

~~((11))~~ (13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land.

~~((12))~~ (14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

~~((13))~~ (15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

~~((14))~~ (16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

~~((15))~~ (17) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

~~((16))~~ (18) "Spill" means an unauthorized discharge of oil into the waters of the state.

~~((17))~~ (19) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

~~((18))~~ (20) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Sec. 3. RCW 88.40.020 and 2000 c 69 s 31 are each amended to read as follows:

(1) Any ~~(inland)~~ barge that transports hazardous substances in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish evidence of financial responsibility in the amount of the greater of ~~((one))~~ five million dollars, or ~~((one))~~ three hundred ((fifty)) dollars per gross ton of such vessel.

(2)(a) Except as provided in (b) or (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars. The amount of financial responsibility required under this subsection is one billion dollars after January 1, 2004.

(b) The director by rule may establish a lesser standard of financial responsibility for ~~((barges))~~ tank vessels of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the ~~((barge))~~ tank vessel is capable of carrying. The director shall not set the standard for ~~((barges))~~ tank vessels of three hundred gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The director may require the owner or operator of a tank vessel to prove membership in such an organization.

(3)(a) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay ~~((the greater of at least six hundred dollars per gross ton or five hundred thousand))~~ at least three hundred million dollars.

(b) The owner or operator of a cargo vessel or passenger vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The director may require the owner or operator of a cargo vessel or passenger vessel to prove membership in such an organization.

(4) A fishing vessel while on the navigable waters of the state must demonstrate financial responsibility in the following amounts:
(a) For a fishing vessel carrying predominantly nonpersistent product, one hundred thirty-three dollars and forty cents per incident, for each barrel of total oil storage capacity, persistent and nonpersistent product, on the vessel or one million three hundred thirty-four thousand dollars, whichever is greater; or (b) for a fishing vessel carrying predominantly persistent product, four hundred dollars and twenty cents per incident, for each barrel of total oil storage capacity, persistent product and nonpersistent product, on the vessel or six million six hundred seventy thousand dollars, whichever is greater.

(5) The documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and for necessary expenses.

~~((5) The department may by rule set a lesser amount of financial responsibility for a tank vessel that meets standards for construction, propulsion, equipment, and personnel established by the department. The department shall require as a minimum level of financial responsibility under this subsection the same level of financial responsibility required under federal law.)~~

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

Sec. 4. RCW 88.40.040 and 2000 c 69 s 33 are each amended to read as follows:

(1) ~~((The department shall deny entry to the waters of the state to any vessel that does not meet the financial responsibility requirements of this chapter.))~~ It is unlawful for any vessel required to have financial responsibility under this chapter to enter or operate on Washington waters without meeting the requirements of this chapter or rules adopted under this chapter, except when necessary to avoid injury to the vessel's crew or passengers. Any vessel owner or operator that does not meet the financial responsibility requirements of this chapter and any rules prescribed thereunder or the federal oil pollution act of 1990 shall be reported by the department to the United States coast guard.

(2) The department shall enforce section 1016 of the federal oil pollution act of 1990 as authorized by section 1019 of the federal act."

MOTIONS

On motion of Senator Finkbeiner, the following title amendment was adopted:

On page 1, line 2 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 88.40.011, 88.40.020, and 88.40.040; and creating a new section."

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Senate Bill No. 5938 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5938.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5938 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5938, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5955, by Senator Benton

Creating the personal reemployment account program.

MOTIONS

On motion of Senator Sheahan, Substitute Senate Bill No. 5955 was substituted for Senate Bill No. 5955 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5955 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Fairley, Franklin, Fraser, Kastama, Keiser, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 12.

SUBSTITUTE SENATE BILL NO. 5955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5695, by Senators Honeyford, Winsley, Mulliken, Johnson, T. Sheldon, Zarelli, Oke and Rasmussen

Declaring buildings used for criminal activity to be a nuisance.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5695 was substituted for Senate Bill No. 5695 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5695 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5695.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5695 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 40.

Voting nay: Senators Fairley, Finkbeiner, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Spanel and Thibaudeau - 9.

SUBSTITUTE SENATE BILL NO. 5695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5507, by Senators T. Sheldon and Mulliken

Clarifying who has standing regarding growth management hearings board hearings.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 5507 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5507.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5507 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 16.

SENATE BILL NO. 5507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5797, by Senators Parlette and Brandland

Requiring the department of social and health services to inspect adult family homes at least every twenty-four months.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5797 was substituted for Senate Bill No. 5797 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5797 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5797.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5797 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5024, by Senators Honeyford and Hale

Concerning public water systems.

MOTIONS

On motion of Senator Honeyford, Second Substitute Senate Bill No. 5024 was substituted for Senate Bill No. 5024 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Second Substitute Senate Bill No. 5024 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5024.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5024 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Doumit, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Spanel and Thibaudeau - 16.

SECOND SUBSTITUTE SENATE BILL NO. 5024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5145, by Senators Mulliken and T. Sheldon

Concerning withdrawals of public ground waters.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5145 was substituted for Senate Bill No. 5145 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 30.

Voting nay: Senators Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Spanel and Thibaudeau - 19.

SUBSTITUTE SENATE BILL NO. 5145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5073, by Senators Fraser, Honeyford, Hale and Kohl-Welles

Adopting provisions for cooperative watershed management plans.

The bill was read the second time.

MOTION

On motion of Senator Fraser, the following striking amendment by Senators Fraser, Honeyford, Hewitt, Regala and Morton was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that throughout Washington state there are many active efforts to protect, manage, and restore watersheds. The state's river systems provide a variety of benefits for society's many needs, so efforts to protect these watersheds should reflect the diversity of social, environmental, and economic factors that make the state unique.

Yet, there is a conflict between the natural flow of river systems and the way watersheds are governed. From a hydrological standpoint, a watershed is a single, integrated system. But these systems usually flow through a number of cities, counties, and other municipalities as they move from their source to the sea. As a result, many are subject to the full range of management interests, including multiple government entities with jurisdiction over water. In many cases, the political boundaries of government do not align with the hydrological boundaries of watersheds and may actually hinder the implementation of coordinated, cooperative plans. Cooperative watershed management actions by local governments, special districts, and utilities can help maintain healthy watershed function and support the beneficial use of water by these entities and protect the quality of the resource that they use or affect. By participating in cooperative watershed management actions, local governments, special districts, and utilities are acting in the public interest and in a manner that is intended to sustain maximum beneficial use and high quality of water over time and to maintain the services that these entities provide.

Therefore, it is the intent of this act to remove statutory barriers that may prevent local governments from working together in the creation and implementation of cooperative, coordinated watershed plans. In addition, it is the further intent of this act to provide additional authorities to assist in such implementation.

NEW SECTION. Sec. 2. A new section is added to chapter 39.34 RCW to read as follows:

(1) The legislative authority of a city or county and the governing body of any special purpose district enumerated in subsection (2) of this section may authorize up to ten percent of its water-related revenues to be expended in the implementation of watershed management plan projects or activities that are in addition to the county's, city's, or district's existing water-related services or activities. Such limitation on expenditures shall not apply to additional revenues for watershed plan implementation that are authorized by voter approval under section 5 of this act. Water-related revenues include rates, charges, and fees for the provision of services relating to water supply, treatment, distribution, and management generally, and those general revenues of the local government that are expended for water management purposes. A local government may not expend for this purpose any revenues that were authorized by voter approval for other specified purposes or that are specifically dedicated to the repayment of municipal bonds or other debt instruments.

(2) The following special purpose districts may exercise the authority provided by this section:

- (a) Water districts, sewer districts, and water-sewer districts organized under Title 57 RCW;
- (b) Public utility districts organized under Title 54 RCW;
- (c) Irrigation, reclamation, conservation, and similar districts organized under Titles 87 and 89 RCW;
- (d) Port districts organized under Title 53 RCW;
- (e) Diking, drainage, and similar districts organized under Title 85 RCW;
- (f) Flood control and similar districts organized under Title 86 RCW;
- (g) Lake management districts organized under chapter 36.61 RCW;
- (h) Aquifer protection areas organized under chapter 36.36 RCW; and
- (i) Shellfish protection districts organized under chapter 90.72 RCW.

(3) The authority for expenditure of local government revenues provided by this section shall be applicable broadly to the implementation of watershed management plans addressing water supply, water transmission, water quality treatment or protection, or any other water-related purposes. Such plans include but are not limited to plans developed under the following authorities:

- (a) Watershed plans developed under chapter 90.82 RCW;
- (b) Salmon recovery plans developed under chapter 77.85 RCW;
- (c) Watershed management elements of comprehensive land use plans developed under the growth management act, chapter 36.70A RCW;
- (d) Watershed management elements of shoreline master programs developed under the shoreline management act, chapter 90.58 RCW;
- (e) Nonpoint pollution action plans developed under the Puget Sound water quality management planning authorities of chapter 90.71 RCW and chapter 400-12 WAC;
- (f) Other comprehensive management plans addressing watershed health at a WRIA level or sub-WRIA basin drainage level;
- (g) Coordinated water system plans under chapter 70.116 RCW and similar regional plans for water supply; and
- (h) Any combination of the foregoing plans in an integrated watershed management plan.

(4) The authority provided by this section to expend revenues for watershed management plan implementation shall be construed broadly to include, but not be limited to:

- (a) The coordination and oversight of plan implementation, including funding a watershed management partnership for this purpose;
- (b) Technical support, monitoring, and data collection and analysis;
- (c) The design, development, construction, and operation of projects included in the plan; and
- (d) Conducting activities and programs included as elements in the plan.

Sec. 3. RCW 39.34.020 and 1985 c 33 s 1 are each amended to read as follows:

~~((For the purposes of this chapter, the term))~~ Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Public agency" ~~((shall))~~ means any agency, political subdivision, or unit of local government of this state including, but not limited to, municipal corporations, quasi municipal corporations, special purpose districts, and local service districts; any agency of the state government; any agency of the United States; any Indian tribe recognized as such by the federal government; and any political subdivision of another state.

~~((The term))~~ (2) "State" ~~((shall))~~ means a state of the United States.

(3) "Watershed management partnership" means an interlocal cooperation agreement formed under the authority of section 4 of this act.

(4) "WRIA" has the definition in RCW 90.82.020.

NEW SECTION. Sec. 4. A new section is added to chapter 39.34 RCW to read as follows:

Any two or more public agencies may enter into agreements with one another to form a watershed management partnership for the purpose of implementing any portion or all elements of a watershed management plan, including the coordination and oversight of plan implementation. The plan may be any plan or plan element described in section 2(3) of this act. The watershed partnership agreement shall include the provisions required of all interlocal agreements under RCW 39.34.030(3). The agreement shall be filed pursuant to RCW 39.34.040 with the county auditor of each county lying within the geographical watershed area to be addressed by the partnership. The public agencies forming the partnership shall designate a treasurer for the deposit, accounting, and handling of the funds of the partnership. The treasurer shall be either a county treasurer or a city treasurer of a county or city participating in the agreement to form the partnership.

NEW SECTION. Sec. 5. A new section is added to chapter 39.34 RCW to read as follows:

The public agencies forming a watershed management partnership under the authority of section 4 of this act may develop and implement a plan for financing all or one or more elements of a watershed management plan. These public agencies may propose raising additional revenues for this purpose from one or more sources under the existing revenue authorities of those public agencies financing plan implementation. The agencies shall attempt as nearly as practicable to develop a proposal under which the total burden will be distributed equitably upon those persons within the watershed plan area who will be benefited by the project, program, or activity. The revenue proposal shall be submitted at a special or general election on the same day in all jurisdictions in which one or more elements of the proposal are to be

applicable, and shall not be implemented unless the proposal receives a majority vote of the votes cast within each city, county, and special purpose district participating in the proposal.

NEW SECTION. Sec. 6. A new section is added to chapter 39.34 RCW to read as follows:

Where a watershed management partnership formed under the authority of section 4 of this act establishes a separate legal entity to conduct the cooperating undertaking of the partnership, such legal entity is authorized for the purpose of carrying out such undertaking to contract indebtedness and to issue and sell general obligation bonds pursuant to and in the manner provided for general county bonds in chapters 36.67 and 39.46 RCW and other applicable statutes, and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes. The joint board established by the partnership agreement shall perform the functions referenced in chapter 36.67 RCW to be performed by the county legislative authority in the case of county bonds.

NEW SECTION. Sec. 7. A new section is added to chapter 39.34 RCW to read as follows:

The amendments by chapter . . . , Laws of 2003 (this act) to the interlocal cooperation act authorities are intended to provide additional authority to public agencies for the purposes of implementing watershed management plans, and do not affect any agreements among public agencies existing on the effective date of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 36.01 RCW to read as follows:

A county may, acting through the county legislative authority, participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 9. A new section is added to chapter 36.94 RCW to read as follows:

In addition to the authority provided in RCW 36.94.020, a county may, as part of maintaining a system of sewerage and/or water, participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 10. A new section is added to chapter 36.89 RCW to read as follows:

In addition to the authority provided in RCW 36.89.030, a county may, as part of maintaining a system of storm water control facilities, participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

Sec. 11. RCW 35.21.210 and 1965 c 7 s 35.21.210 are each amended to read as follows:

Any city or town shall have power to provide for the sewerage, drainage, and water supply thereof, and to establish, construct, and maintain a system or systems of sewers and drains and a system or systems of water supply, within or without the corporate limits of such city or town, and to control, regulate, and manage the same. In addition, any city or town may, as part of maintaining a system of sewers and drains or a system of water supply, or independently of such a system or systems, participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 12. A new section is added to chapter 35.67 RCW to read as follows:

In addition to the authority provided in RCW 35.67.020, a city may, as part of maintaining a system sewerage, participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 13. A new section is added to chapter 57.08 RCW to read as follows:

In addition to the authority provided in RCW 57.08.005, a water district, sewer district, or water-sewer district may participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 14. A new section is added to chapter 54.16 RCW to read as follows:

In addition to the authority provided in RCW 54.16.030 relating to water supply, a public utility district may participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 15. A new section is added to chapter 87.03 RCW to read as follows:

In addition to the authority provided throughout this title, an irrigation district, reclamation district, and similar districts organized pursuant to the authority of this title may participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 16. A new section is added to chapter 53.08 RCW to read as follows:

In addition to the authority provided in this chapter, a port district may participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 17. A new section is added to chapter 85.38 RCW to read as follows:

In addition to the authority provided throughout this title, diking, drainage, sewerage improvement, and similar districts organized pursuant to this title may participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 18. A new section is added to chapter 86.09 RCW to read as follows:

In addition to the authority provided in this chapter, flood control districts may participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management.

NEW SECTION. Sec. 19. A new section is added to chapter 86.15 RCW to read as follows:

In addition to the authority provided in this chapter, flood control zone districts may participate in and expend revenue on cooperative watershed management actions, including watershed management partnerships under section 6 of this act and other intergovernmental agreements, for purposes of water supply, water quality, and water resource and habitat protection and management."

MOTIONS

On motion of Senator Fraser, the following title amendment was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 39.34.020 and 35.21.210; adding new sections to chapter 39.34 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 36.89 RCW; adding a new section to chapter 35.67 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 87.03 RCW; adding a new section to chapter 53.08

RCW; adding a new section to chapter 85.38 RCW; adding a new section to chapter 86.09 RCW; adding a new section to chapter 86.15 RCW; and creating a new section."

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 5073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5073.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5073 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5674, by Senators Finkbeiner, Prentice, Esser, Haugen and Horn

Modifying regional transit authority provisions.

MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5674 was substituted for Senate Bill No. 5674 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the rules were suspended, Substitute Senate Bill No. 5674 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5674.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5674 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 31.

Voting nay: Senators Brown, Eide, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 18.

SUBSTITUTE SENATE BILL NO. 5674, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5074, by Senators Morton, Oke, Doumit, T. Sheldon, Fraser and Rasmussen (by request of Commissioner of Public Lands Sutherland)

Establishing contract harvesting of timber on state trust lands.

MOTIONS

On motion of Senator Morton, Second Substitute Senate Bill No. 5074 was substituted for Senate Bill No. 5074 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Second Substitute Senate Bill No. 5074 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5074.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5074 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Voting nay: Senators Fairley and Thibaudeau - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5550, by Senators West, Stevens, Kastama, Roach, Kline, Johnson, Fairley, T. Sheldon, Thibaudeau, Benton, Keiser, Eide, Prentice, Kohl-Welles, Esser, Shin, Oke and Winsley

Prohibiting secure community transition facilities from being sited near public and private youth camps.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 5550 was substituted for Senate Bill No. 5550 and the substitute bill was placed on second reading and read the second time.

On motion of Senator West, the rules were suspended, Substitute Senate Bill No. 5550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5550.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5550 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McAuliffe: "A point of personal privilege, Mr. President. Senator Deccio, I was so moved this morning on St. Patrick's Day to hear your speech of how St. Patrick was an Italian. Also, I was very concerned, being of the same heritage that you are, that we don't have green pasta today, so I am giving you pasta primavera for you to celebrate on St. Patrick's Day. Hopefully, next year, you will cook a whole lot of pasta for all of us."

MOTION

At 8:09 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Tuesday, March 18, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FOURTH DAY, MARCH 17, 2003

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

SIXTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 18, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Esser, McCaslin, Mulliken, Parlette, Poulsen and Schmidt. On motion of Senator Hewitt, Senators Esser, McCaslin Mulliken, Parlette and Schmidt were excused. On motion of Senator Eide, Senator Poulsen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Jennifer Blackman and Shanti Herzog, presented the Colors. George Tsukamoto, Stake President, Church of Jesus Christ, LDS, in Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

October 11, 2002

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

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

Tim Otani, to be appointed October 25, 2002, for a term ending June 30, 2005, as a member of the Housing Finance Commission..

GARY LOCKE, Governor

Referred to Committee on Financial Services, Insurance and Housing

MESSAGE FROM THE HOUSE

March 15, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1545,

ENGROSSED HOUSE BILL NO. 1645,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6033 by Senator Rossi

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 6034 by Senator Rossi

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 6035 by Senator Rossi

AN ACT Relating to retirement from public service.

Referred to Committee on Ways and Means.

SB 6036 by Senator Rossi

AN ACT Relating to retirement from public service.

Referred to Committee on Ways and Means.

SB 6037 by Senator Rossi

AN ACT Relating to education.
Referred to Committee on Ways and Means.

SB 6038 by Senator Rossi

AN ACT Relating to education.
Referred to Committee on Ways and Means.

SB 6039 by Senator Rossi

AN ACT Relating to higher education.
Referred to Committee on Ways and Means.

SB 6040 by Senator Rossi

AN ACT Relating to higher education.
Referred to Committee on Ways and Means.

SB 6041 by Senator Rossi

AN ACT Relating to natural resources.
Referred to Committee on Ways and Means.

SB 6042 by Senator Rossi

AN ACT Relating to natural resources.
Referred to Committee on Ways and Means.

SB 6043 by Senator Rossi

AN ACT Relating to human services.
Referred to Committee on Ways and Means.

SB 6044 by Senator Rossi

AN ACT Relating to human services.
Referred to Committee on Ways and Means.

SB 6045 by Senator Rossi

AN ACT Relating to fiscal matters.
Referred to Committee on Ways and Means.

SB 6046 by Senator Rossi

AN ACT Relating to state government.
Referred to Committee on Ways and Means.

SB 6047 by Senator Rossi

AN ACT Relating to fiscal matters.
Referred to Committee on Ways and Means.

SB 6048 by Senator Rossi

AN ACT Relating to state government.
Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 1545 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Hinkle, Kagi, Kenney, Schual-Berke, Upthegrove, Chase, Cox, McDermott, Delvin, Cooper, Dickerson, Pettigrew, Hankins, Lantz, Quall, Conway, Rockefeller and Clements)

Providing for coordination of early learning and child care programs.

Referred to Committee on Education.

EHB 1645 by Representatives Kessler, Skinner, Edwards, Lantz, Moeller, Kirby, Kenney, Lovick, O'Brien, Kagi, Simpson, McCoy, Cody, Ruderman, Flannigan, Upthegrove, Pettigrew, Clibborn, McDermott, Dickerson, Hudgins, Schual-Berke, Santos, Conway, Sullivan, Morrell and Darneille

Addressing protection of victims of domestic violence, sexual assault, or stalking in the rental of housing.

Referred to Committee on Financial Services, Insurance and Housing.

ESHB 1705 by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Simpson, Chandler, Cooper, Newhouse, Skinner, Romero, Hankins, Hatfield, Mastin, Delvin, Lovick, Campbell, Wood, Sump, Grant, Hudgins, Dunshee, Rockefeller, Moeller and Linville)

Funding tire recycling.

Referred to Committee on Natural Resources, Energy and Water.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9113, Alison Sing, as a member of the Board of Trustees for Edmonds Community College District No. 23 , was confirmed.

APPOINTMENT OF ALISON SING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Esser, McCaslin, Mulliken, Parlette, Poulsen and Schmidt - 6.

MOTION

On motion of Senator Honeyford, Senators Hewitt and Zarelli were excused.

MOTION

On motion of Senator Swecker, Gubernatorial Appointment No. 9120, Margaret E. Sundstrom, as a member of the Board of Trustees for Centralia Community College District No. 12, was confirmed.

APPOINTMENT OF MARGARET E. SUNDSTROM

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 43.

Excused: Senators Esser, Hewitt, McCaslin, Mulliken, Parlette and Zarelli - 6.

SECOND READING

SENATE BILL NO. 5325, by Senators Winsley, Franklin, Kastama, Rasmussen, Oke and Regala

Allocating money to cities and towns that provide services for state hospitals.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5325 was substituted for Senate Bill No. 5325 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5325 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5325.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5325 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Esser, McCaslin and Mulliken - 3.

SUBSTITUTE SENATE BILL NO. 5325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5819, by Senators Finkbeiner and Kline

Expanding implied consent to operation of a vehicle, railroad, street car, vessel, or aircraft involved in a fatality.

MOTIONS

On motion of Senator Finkbeiner, Substitute Senate Bill No. 5819 was substituted for Senate Bill No. 5819 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Finkbeiner, the following striking amendment by Senators Finkbeiner and Kline was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds and declares that:

(a) The state has a compelling interest in preventing fatal vehicle accidents in this state;

(b) In order to prevent fatal vehicle accidents, it is necessary to analyze and understand the causes of such accidents, including the role played by alcohol;

(c) The state's compelling interest in preventing fatal vehicle accidents therefore creates a special need beyond normal law enforcement for the collection of evidence of blood alcohol content from drivers involved in fatal vehicle accidents; and

(d) Because evidence of blood alcohol content diminishes over time, requiring a warrant before that evidence can be collected would be impracticable and would frustrate the state's interest in collecting the information.

(2) In order to foster the prevention of fatal vehicle accidents, it is the intent of the legislature to:

(a) Allow law enforcement officers to collect evidence of blood alcohol content from operators in fatal vehicle accidents; and

(b) Require hospitals to disclose evidence of blood alcohol content that they have collected from operators involved in fatal vehicle accidents to law enforcement.

NEW SECTION. Sec. 2. A new section is added to chapter 46.52 RCW to read as follows:

(1) A person who operates a vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to a test of his or her breath for the purpose of determining the alcohol concentration in his or her breath if the person is involved in a vehicle accident in which there has been a fatality.

(2) For the purposes of this section, "vehicle" includes a vehicle as defined in RCW 46.04.670, a street car as defined in RCW 46.04.570, a rail fixed guideway system as defined in RCW 81.104.015, a vessel as defined in RCW 88.02.010, an aircraft as defined in RCW 14.16.010 that is not regulated by the Federal Aviation Administration, or other vehicles not regulated by the Federal Railroad Administration.

(3) The test of breath must be administered at the direction of a law enforcement officer on the scene of a fatal vehicle accident. The officer shall inform the person of his or her right to refuse the breath test. The officer shall warn the operator that he or she will be guilty of a class 3 civil infraction if he or she refuses to submit to the test.

(4) The law enforcement officer shall forward the results of the test to the chief of the Washington state patrol.

(5) If a person is dead, unconscious, or otherwise in a condition rendering him or her incapable of submitting to a breath test, then a blood test must be given, unless it would interfere with medical treatment.

(6) If, after receiving the warnings under subsection (3) of this section, the person refuses the request of a law enforcement officer to submit to a test of his or her breath, no test may be given.

(7) A person refusing to submit to a test under subsection (6) of this section commits a class 3 civil infraction under chapter 7.80 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 46.52 RCW to read as follows:

(1) Every hospital shall on or before the tenth day of each month, report in writing to the chief of the Washington state patrol any toxicology report taken during the preceding calendar month from a person hospitalized as a result of an accident in which there has been a fatality that shows that the person may have been under the influence of intoxicating liquor at the time of the accident.

(2) As used in this section, "hospital" has the same meaning as in RCW 70.41.020.

Sec. 4. RCW 46.52.060 and 1998 c 169 s 1 are each amended to read as follows:

~~((It shall be the duty of))~~ The chief of the Washington state patrol ~~((to))~~ shall file, tabulate, and analyze all accident reports, all breath test results collected under section 2 of this act, and all toxicology reports collected under section 3 of this act and ~~((to))~~ publish annually, immediately following the close of each fiscal year, and monthly during the course of the year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports, breath test results, toxicology reports, and analysis or reports thereof shall be available to the director of licensing, the department of transportation, the utilities and transportation commission, the traffic safety commission, and other public entities authorized by the chief of the Washington state patrol, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTIONS

On motion of Senator Finkbeiner, the following title amendment was adopted:

On line 3 of the title, after "accident;" strike the remainder of the title and insert "amending RCW 46.52.060; adding new sections to chapter 46.52 RCW; creating a new section; and prescribing penalties."

On motion of Senator Finkbeiner the rules were suspended, Engrossed Substitute Senate Bill No. 5819 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5819.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5819 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Esser, McCaslin and Mulliken - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5819, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5845, by Senators Schmidt, McAuliffe, Kastama, Winsley, Regala and Rasmussen

Modifying contracting provisions for school district capital demonstration projects.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Senate Bill No. 5845 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5845.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5845 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Esser and Mulliken - 2.

SENATE BILL NO. 5845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5169, by Senator Hargrove

Changing provisions relating to court-ordered restitution in certain criminal cases.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5169 was substituted for Senate Bill No. 5169 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5169.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5169 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Esser - 1.

SUBSTITUTE SENATE BILL NO. 5169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5661, by Senators Schmidt, Mulliken, Shin, Finkbeiner, Stevens, Esser, Johnson, Reardon and Oke

Allowing the use of agricultural lands not currently being farmed as sites for recreational activities.

MOTIONS

On motion of Senator Schmidt, Substitute Senate Bill No. 5661 was substituted for Senate Bill No. 5661 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schmidt, the rules were suspended, Substitute Senate Bill No. 5661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Sheahan McCaslin and Oke demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5661.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5661 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Carlson, Deccio, Eide, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, McCaslin, Morton, Mulliken, Oke, Prentice, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 31.

Voting nay: Senators Benton, Brown, Doumit, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Kohl-Welles, McAuliffe, Parlette, Poulsen, Rasmussen, Roach, Spanel and Thibaudeau - 17.

Excused: Senator Esser - 1.

SUBSTITUTE SENATE BILL NO. 5661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brown: "A point of personal privilege, Mr. President. Several of my colleagues were aware of the fact that when I was in Seattle Saturday afternoon with my sisters and my son that I lost my purse. I have spent the last couple of days dealing with having no identification or credit cards and any of those things that we carry around. Well, I just got a phone call and a woman in Seattle has turned in my purse with all of it contents intact. She is a homeless woman who was staying at the YWCA Emergency Shelter. I just wanted to take a moment to tell people that sometimes we form stereotypes about individuals who are homeless. Obviously, I am really moved by her generosity and spirit. She actually spent the weekend trying to find me by contacting hotels. She was concerned about my son's flight information which was in the

purse, but, of course, she couldn't call long distance. So, her advocate, Laura Clarke, at the Womens' Shelter at the YWCA in Seattle called. I am going to try and meet her next week and thank her personally. A few of us are going to make a small donation to the Shelter, as well. If you would like to participate, just contact my office."

PERSONAL PRIVILEGE

Senator Kline: "A point of personal privilege, Mr. President. Senator Brown's story is actually a little bit more characteristic of Seattle, sometimes more than, I think, people realize. I know we all joke about--how does it go--Republicans against Democrats, the House against the Senate and everybody against Seattle. The fact is that in a nationwide test, I guess you would call it, by an organization whose name I forget. There was a test done in cities all over the country and in this test a wallet was left on a sidewalk in a variety of locations down town, fifty times, and the cities scored two points for every wallet that was actually returned to a name--always the same name and the same phone number that was in the ID. Seattle was the top city in the country for honesty, for people calling that phone number and saying, 'Your wallet is here with all the cards and all the money and please come and get it.'

"I know there is a tendency to want to bash this town. It is a bit liberal for some folks. I get that, but it is a damn nice place and it is an honest place and I sometimes think that it is a little bit of Heaven. Thank you."

SECOND READING

SENATE BILL NO. 5974, by Senators Benton, Haugen, Horn and Oke

Exercising sound business practices to enhance revenues for Washington State Ferries.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5974 was substituted for Senate Bill No. 5974 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5974 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5974.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5974 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5974, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Regala, the following resolution was adopted:

SENATE RESOLUTION 8641

By Senators Regala, Rasmussen, Kohl-Welles, McAuliffe and Spanel

WHEREAS, Skillful, enthusiastic, and innovative teachers improve the lives of countless students by encouraging curiosity and understanding and by contributing to the development of mind and spirit; and

WHEREAS, The U.S. Professors of the Year Program, presented by the Carnegie Foundation for the Advancement of Teaching and directed by the Council for Advancement and Support of Education, is one of the nation's most highly respected programs to recognize outstanding faculty; and

WHEREAS, The Washington Professor of the Year represents the thousands of dedicated university and college instructors throughout the state of Washington who serve their students, their community, and their state with dedication and talent; and

WHEREAS, The Professors of the Year Program supports schools and teachers who have high expectations of students, a passion for their development of intellectual autonomy, and who challenge them to ever higher levels of achievement; and

WHEREAS, The quality of life and the scope of opportunity for many future citizens of Washington will be determined by the quality of teaching in the classroom; and

WHEREAS, Suzanne Wilson Barnett, professor of history at the University of Puget Sound has been named Washington Professor of the Year for 2002;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington recognize and commend Suzanne Wilson Barnett for this recognition and her dedication to teaching; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Suzanne Wilson Barnett.

Senators Regala, Kohl-Welles and Franklin spoke to Senate Resolution 8641.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Suzanne Wilson Barnett, her husband, Redmond Barnett, and a fellow professor at the University of Puget Sound, who were seated in back of the Chamber.

MOTION

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

SECOND READING

SENATE BILL NO. 5776, by Senators Doumit, Morton, Hargrove, Mulliken, Rasmussen, Swecker, Haugen, Zarelli, Reardon, Parlette, McAuliffe and Winsley

Providing an appeal process for state agency permit decisions.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5776 was substituted for Senate Bill No. 5776 and the substitute bill was placed on second reading and read the second time.

Senator Mulliken moved that the following striking amendment by Senators Doumit, Mulliken and Kline be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this chapter is to reform the process of appeal and review of permit decisions made by state agencies and local governments for qualifying economic development projects, by establishing uniform, expedited, and consolidated appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely review. The appeal process authorized in this chapter is intended to be the exclusive process for review of decisions made by state agencies and local governments on permit applications for qualifying economic development projects, superseding other existing administrative board and judicial appeal procedures.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Final decision" means the highest and last decision available within the permit agency with respect to a permit application to the agency, including but not limited to decisions resulting from internal appeals available within the agency for the permit decision.

(2) "Participating permit agency" means any permit agency in which the applicant for a qualifying project has filed an application for an environmental or land use permit that is required for the qualifying project.

(3) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, use of, or interference with the land, air, or water in the state. This document must be required to be obtained from a state agency or local government, including but not limited to counties, cities, and air agencies, prior to constructing or operating a qualifying project. Local government permits include, but are not limited to, subdivisions, binding site plans, planned unit developments, shoreline permits or other approvals under RCW 90.58.140, master plan approvals, site plan approvals, permits or approvals required by critical area ordinances, conditional use permits, variances, and site-specific rezones authorized by a comprehensive plan or subarea plan or other equivalent documents however titled or denominated. Local government permits excluded under this definition include the adoption or amendment of a comprehensive plan, subarea plan, legislative actions on development regulations, and building, grading, flood hazard, utility connection, and other nondiscretionary construction permits.

(4) "Permit agency" means any state agency or local government, including but not limited to air agencies, authorized by law to issue permits.

(5) "Qualifying project" means an economic development project that is (a) located within a county that in its entirety qualifies as a distressed area as defined in RCW 43.168.020(3) and a rural natural resources impact area as defined in RCW 43.160.020, (b) designed to provide at least thirty full-time year-round jobs, and (c) designated as a qualifying project by the office of permit assistance established under chapter 43.42 RCW.

NEW SECTION. Sec. 3. The appeal process authorized in this chapter shall, notwithstanding any other provisions of this code, be the exclusive process for review of the decisions made by participating permit agencies on permit applications for a qualifying project.

The superior court civil rules and the rules of appellate procedure shall govern procedural matters for the judicial appeal process under this chapter to the extent that the rules are consistent with this chapter.

NEW SECTION. Sec. 4. (1) An environmental and land use hearings board is hereby established within the environmental hearings office created under RCW 43.21B.005. The environmental and land use hearings board shall be composed of six members, as provided in RCW 90.58.170. The chairperson of the pollution control hearings board shall be the chairperson of the environmental and land use hearings board. The members of the environmental and land use hearings board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

(2) All proceedings before the board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may adopt. In all such proceedings, the board shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as set forth in RCW 34.05.446. The board shall publish any such rules and arrange for the reasonable distribution thereof. Failure to adopt such rules shall not deprive the board of jurisdiction nor relieve the board of the duty to hear petitions for review filed under this chapter.

NEW SECTION. Sec. 5. (1) Proceedings for review under this chapter shall be commenced by filing a petition with the environmental and land use hearings board. The board may adopt by rule procedures for filing and service that are consistent with this chapter.

(2) Such petition is barred, and the board may not grant review, unless the petition is timely filed with the board and timely served on the following persons who shall be parties to the review of the petition:

(a) The participating permit agencies, which for purposes of the petition shall be (I) if a state agency, the director thereof, and (ii) if a local government, the jurisdiction's corporate entity which shall be served as provided in RCW 4.28.080; and

(b) Each of the following persons if the person is not the petitioner:

(I) Each person identified by name and address as applicant in the application to the participating permit agencies;
(ii) Each person identified in project application documents as an owner of the property at issue or, if none, each person identified as a taxpayer for the property at issue in the records of the county assessor.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance by the permit agency of the permit for the qualifying project.

(4) For the purposes of this section, the date on which a permit decision is issued is:

(a) Three days after a written decision is mailed by the permit agency to the project applicant or, if not mailed, the date on which the permit agency provides notice that a written decision is publicly available; or

(b) If (a) of this subsection does not apply, the date the decision is entered into the public record.

(5) Service on all parties shall be by personal service or by mail. Service by mail is effective on the date of mailing. Proof of service shall be by affidavit or declaration under penalty of perjury.

NEW SECTION. Sec. 6. Standing to bring a petition under this chapter is limited to the following persons:

(1) The applicant and the owner of the property to which the permit decision is directed;

(2) Another person aggrieved or adversely affected by the permit decision, or who would be aggrieved or adversely affected by a reversal or modification of the permit decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

(a) The permit decision has prejudiced or is likely to prejudice that person;

(b) That person's asserted interests are among those that the permit agency was required to consider when it made its permit decision;

(c) A decision of the board in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the permit decision; and

(d) The petitioner has exhausted his or her administrative remedies to the extent required by law;

(3) A participating permit agency under this chapter.

NEW SECTION. Sec. 7. A petition must set forth:

(1) The name and mailing address of the petitioner;

(2) The name and mailing address of the petitioner's attorney, if any;

(3) The name and mailing address of the permit agency whose permit is at issue, if any;

(4) A duplicate copy of the permit decision;

(5) Identification of each person to be made a party under this chapter;

(6) Facts demonstrating that the petitioner has standing to seek board review under this chapter;

(7) A separate and concise statement of each error alleged to have been committed;

(8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and

(9) A request for relief, specifying the type and extent of relief requested.

NEW SECTION. Sec. 8. (1) Within seven days after receipt of service of the petition filed pursuant to section 5 of this act, the project applicant shall file with the board and serve on all parties an affidavit certifying all applications for permits that the project applicant has filed with participating permit agencies for the qualifying project, provided, however, that no permit may be included that has been issued and appealed to the board or to court prior to the date of service of the petition filed with the board under this chapter. The board shall request verification from the participating agencies of the permit applications certified in the project applicant's affidavit and of the expected date for final decision on the permit applications. Filing of the affidavit shall toll the schedule for hearing by the board until twenty-one days after issuance of the final permit decision for the qualifying project that has been certified in the project applicant's affidavit and verified by a participating agency as applied for, unless the petition filed and served by the petitioner relates to the final permit.

(2) Within seven days after the expiration of the appeal period for the final permit decision for the qualifying project, the petitioner shall note an initial hearing on jurisdictional and other preliminary matters, and, if applicable, on other pretrial matters. This initial hearing shall be set no sooner than thirty-five days and not later than fifty days after the expiration of the appeal period for the final permit decision for the qualifying project.

(3) If petitions for review of more than one permit issued by participating permit agencies for a qualifying project are filed with the board, the board shall contemporaneously process all such petitions in accordance with the case schedule requirements set forth in this act.

(4) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner.

(5) The defenses of lack of standing, untimely filing or service of the petition, lack of good faith or improper purpose in filing, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the board allows discovery on such issues.

(6) The petitioner shall move the board for an order at the initial hearing that sets the date on which the permit decision record or records of the applicable permit agency or agencies, if any, must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and schedules a hearing or hearings on the merits.

(7) The parties may waive the initial hearing by scheduling with the board a date for the hearing or hearings on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (5) and (6) of this section.

(8) A party need not file an answer to a petition for review filed pursuant to section 5 of this act.

NEW SECTION. Sec. 9. The board shall provide expedited review of petitions filed under this chapter. Any matter reviewed on the decision record as provided in section 12(1) of this act must be set for hearing within sixty days of the date set for submitting the decision record of all participating permit agencies, absent a showing of good cause for a different date or a stipulation of the parties. Any matter reviewed de novo as provided in section 12(3) of this act must be set for hearing or trial no later than one hundred twenty days after the initial hearing date. The board shall issue a final decision and order within thirty days after the final hearing required in this section.

NEW SECTION. Sec. 10. (1) A petitioner or other party may request the board to stay or suspend an action by a participating permit agency or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) The board may grant a stay only if the board finds that: (a) The party requesting the stay is likely to prevail on the merits, (b) without the stay the party requesting it will suffer irreparable harm, (c) the grant of a stay will not substantially harm other parties to the proceedings, and (d) the request for the stay is timely in light of the circumstances of the case.

(3) The board may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

NEW SECTION. Sec. 11. (1) Within forty-five days after entry of an order to submit the decision record, where applicable, or within such a further time as the board allows or as the parties agree, each participating agency shall submit to the board a certified copy of the decision record for board review of the permit decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the board, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the board.

(3) The petitioner shall pay the participating agency the cost of preparing the record before the participating agency submits the decision record to the board. Failure by the petitioner to timely pay the participating agency relieves the participating agency of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the board shall equitably assess the cost of preparing the record among the parties. In assessing costs the board shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

NEW SECTION. Sec. 12. (1) For all permit decisions being reviewed that were made by quasi-judicial bodies or permit agency officers who made factual determinations in support of the decisions, after the conduct of proceedings in which the parties had an opportunity consistent with due process to make records on the factual issues, board review of factual issues and the conclusions drawn from the factual issues shall be confined to the records created by the quasi-judicial bodies or permit agency officers, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the records may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the permit decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to a permit decision proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the permit decision.

(3) For permit decisions other than those described in subsection (1) of this section, the board review of the permit decision shall be de novo on issues presented as error in the petition.

(4) The board may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5)(a) The parties may not conduct pretrial discovery except with the prior permission of the board, which may be sought by motion at any time after service of the petition. The board shall not grant permission unless the party requesting it makes a prima facie showing of need. The board shall strictly limit discovery to what is necessary for equitable and timely review of the issues.

(b) If the board allows the record to be supplemented, or in any de novo proceeding under subsection (3) of this section, the board shall require the parties to disclose before the hearing or trial on the merits the identity of witnesses and the specific evidence they intend to offer.

(c) If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties, and the board shall take such request into account in fashioning an equitable discovery order under this section.

NEW SECTION. Sec. 13. (1) The board shall review the decision record and all such evidence as is permitted to supplement the record for review restricted to the decision record or is required for de novo review under section 12 of this act. The board may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the permit decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The permit decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by an agency with expertise;

(c) The permit decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The permit decision is a clearly erroneous application of the law to the facts;

(e) The permit decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The permit decision violates the constitutional rights of the party seeking relief.

(2) The board may affirm or reverse each and every permit decision under review or remand the decision for modification or further proceedings involving the permit agencies.

NEW SECTION. Sec. 14. (1) In order to obtain judicial review of a final decision of the environmental and land use hearings board, a party to the board case as consolidated shall file a petition for judicial review in the superior court for Thurston county within thirty days after the filing of the final decision and order of the board. Any party may apply for direct review by the court of appeals. An application for direct review must be filed with the superior court within ten days after the filing of the petition for judicial review. In considering an application for direct review under this chapter, it shall be presumed that: (a) The qualifying project presents fundamental and urgent issues affecting the public interest which require a prompt determination, and (b) delay in obtaining a final and prompt determination of such issues would be detrimental to a party and the public interest.

(2) The presumption set forth in subsection (1) of this section shall require that the superior court certify the direct review not less than ten days, and not more than fifteen days, after the filing of the application therefore, unless, upon motion of a party with supporting excerpts from the record within ten days after the filing of such application, the superior court finds that: (a) The project is not a qualifying project, or (b) the project will not in fact provide new employment within the county in which the project is located. The court may make such findings upon a showing that said record contains clear, cogent, and convincing evidence to support such findings, which evidence has been testified to by at least one witness competent to testify on employment matters.

(3) A motion as set forth in subsection (2) of this section shall be heard within fourteen days after the filing of the motion and shall be confined to certified excerpts from the record, which any party may produce. It shall not be necessary to certify the entire record to the court for the purpose of hearing such motion.

(4) The court of appeals shall accept direct review of a case unless it finds that the superior court's certification under the standards contained in this section was clearly erroneous. Review by the court of appeals shall be restricted to the decision record of the permit agency and the board proceedings. All certified appeals shall be provided priority processing by the court of appeals.

Sec. 15. RCW 34.05.518 and 1995 c 382 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 14 of this act), be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(d) The appellate court's determination in the proceeding would have significant precedential value.

Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and growth management hearings boards as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent statewide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section, except as otherwise provided in chapter 43.-- RCW (sections 1 through 14 of this act).

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

Sec. 16. RCW 36.70C.030 and 1995 c 347 s 704 are each amended to read as follows:

(1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

(a) Judicial review of:

(i) Land use decisions made by bodies that are not part of a local jurisdiction;

(ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board, the environmental and land use hearings board, or the growth management hearings board;

(b) Judicial review of applications for a writ of mandamus or prohibition; or

(c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

Sec. 17. RCW 43.21B.005 and 1999 c 125 s 1 are each amended to read as follows:

(1) There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, the shorelines hearings board created in RCW 90.58.170, the environmental and land use hearings board created in chapter 43.-- RCW (sections 1 through 14 of this act), and the hydraulic appeals board created in RCW ((75.20.130)) 77.55.170. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

(2) The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

(3) The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the chief executive officer. Upon written request by the person so disciplined or terminated, the chief executive officer shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The chief executive officer may also contract for required services.

Sec. 18. RCW 43.21B.110 and 2001 c 220 s 2 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.-- RCW (sections 1 through 14 of this act).

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 19. RCW 76.09.220 and 1999 sp.s. c 4 s 902 are each amended to read as follows:

(1) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall be compensated in accordance with RCW 43.03.250. The director of the environmental hearings office shall make the determination, required under RCW 43.03.250, as to what statutorily prescribed duties, in addition to attendance at a hearing or meeting of the board, shall merit compensation. This compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with the provisions of RCW 43.03.050 and 43.03.060.

(2) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chair, and shall at least biennially thereafter meet and elect or reelect a chair.

(3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department, and the department of fish and wildlife, and the department of ecology with respect to management plans provided for under RCW 76.09.350.

(8)(a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 14 of this act), seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 20. RCW 77.55.170 and 2000 c 107 s 20 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 77.55.110 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 77.55.230 for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 77.55.110 may, except as otherwise provided in chapter 43-- RCW (sections 1 through 14 of this act), seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 21. RCW 90.58.180 and 1997 c 199 s 1 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may, except as otherwise provided in chapter 43-- RCW (sections 1 through 14 of this act), seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing as defined in RCW 90.58.140(6).

Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within twenty-one days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

- (a) Is clearly erroneous in light of the policy of this chapter; or
- (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or
- (c) Is arbitrary and capricious; or
- (d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or

- (e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within thirty days after the date of final decision by the shorelines hearings board.

NEW SECTION. Sec. 22. Sections 1 through 14 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Doumit, Mulliken and Kline to Substitute Senate Bill No. 5776.

The motion by Senator Mulliken carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Mulliken, the following title amendment was adopted:

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 34.05.518, 36.70C.030, 43.21B.005, 43.21B.110, 76.09.220, 77.55.170, and 90.58.180; adding a new chapter to Title 43 RCW; and declaring an emergency."

On motion of Senator Mulliken, the rules were suspended, Engrossed Substitute Senate Bill No. 5776 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5776.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5776 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senators Fairley, Fraser, Kohl-Welles and Thibaudeau - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5365, by Senators Benton, Prentice, Doumit, Keiser and Winsley (by request of Governor Locke)

Addressing violations connected with the offer, sale, or purchase of securities.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5365 was substituted for Senate Bill No. 5365 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5365 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5365.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5365 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5365, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5326, by Senators Winsley, B. Sheldon, Doumit and T. Sheldon

Creating regional fire protection service authorities.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5326 was substituted for Senate Bill No. 5326 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5326 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5326.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5579, by Senators Parlette, Jacobsen, Winsley, Brandland, Rasmussen, Esser, Reardon, Honeyford, T. Sheldon, Hargrove, Haugen, Doumit, Zarelli, Stevens, Deccio, Keiser, Mulliken and Shin

Preventing new boarding home rules.

MOTIONS

On motion of Senator Parlette, Substitute Senate Bill No. 5579 was substituted for Senate Bill No. 5579 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Parlette, the rules were suspended, Substitute Senate Bill No. 5579 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5579.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5579 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5893, by Senator Oke

Allowing the fish and wildlife commission to set a transaction fee on recreational documents issued through an automated licensing system.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5893 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5893.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5893 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5893, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5909, by Senators Reardon, Rossi, Roach, Poulsen, Hewitt, Shin, Doumit, Zarelli, Eide, Kline, Stevens, Keiser, McCaslin, West, Hale, McAuliffe, Parlette, Rasmussen, Sheahan and Schmidt

Assessing the efficiency and effectiveness of state government.

MOTION

On motion of Senator Rossi, Substitute Senate Bill No. 5909 was substituted for Senate Bill No. 5909 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Rossi, Fairley, Regala, Spanel, Brown, Winsley and Reardon be adopted:

On page 2, line 9, strike "Improve the quality and productivity of the state's workforce;" and insert "Improve the quality and productivity of, and respect for, the state's workforce, including consideration of competitive compensation, realistic workloads, and recruitment and retention;"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Rossi, Fairley, Regala, Spanel, Brown, Winsley and Reardon on page 2, line 9, to Substitute Senate Bill No. 5909.

The motion by Senator Fraser carried and the amendment was adopted.

MOTION

Senator Brown moved that the following amendment be adopted:

On page 6, after line 25, insert the following:

"NEW SECTION. Sec. A new section is added to chapter 43.136 RCW to read as follows:

(1) The department of revenue shall design a priorities of government process for evaluating the effectiveness and priorities of tax preferences. In designing the process, the department shall be guided by the highest priority functions of state government provided in section 2 of this act and the procedures used by the office of financial management in developing the governor's 2003-05 biennial budget proposal under chapter 43.88 RCW. This process shall be designed to develop criteria to evaluate the continued viability of each tax preference in the context of the objective for which it was originally enacted, consistent with the performance audits and activity assessments performed under sections 4 and 5 of this act.

(2) The department shall report its recommendations to the house finance committee and the senate ways and means committee by December 1, 2003.

(2) As used in this section, "tax preference" means an exemption, exclusion, or deduction from the base of a state tax; a credit against a state tax; a deferral of a state tax; or a preferential state tax rate."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Brown on page 6, after line 25, to Substitute Senate Bill No. 5909.

The motion by Senator Brow failed and the amendment was not adopted.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute Senate Bill No. 5909 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hargrove: "Senator Reardon, I have read the bill and also heard the comments of Senator Kastama and I would like to find out whether it is your intent that this committee set priorities for the state or whether they enforce the priorities set by the Legislature in legislation in the budget?"

Senator Reardon: "Thank you, Senator. The intent of the committee is to enforce the priorities established by the Legislature and, indeed, that will be something that we will work on with the respective language changes in the House, if necessary."

Senator Hargrove: "Thank you, very much."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5909.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5909 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Brown, Fairley, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5909, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5910, by Senators Roach, McCaslin, Rasmussen, T. Sheldon, Stevens, Mulliken, Oke and Schmidt

Protecting sport shooting ranges.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5910 was substituted for Senate Bill No. 5910 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5910 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5910.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5910 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Brown, Fairley, Fraser, Kline, Kohl-Welles, Regala, Spanel and Thibaudeau - 8.

SUBSTITUTE SENATE BILL NO. 5910, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Schmidt: "A point of personal privilege, Mr. President. As we get ready to break to go to caucus and lunch, I just wanted to remind the members again of the press conference today at 12:30. It will be in Senate Hearing Room 3 where the banner will be for all of you that want to sign on to that. If you can't make the conference, we will bring the banner back here afterwards, so you can sign it here this afternoon. Thank you."

MOTION

At 11:06 a.m. on motion of Senator Sheahan, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, Rule 20 was suspended for the remainder of the day.

EDITOR'S NOTE: Rule 20 states 'The Senate shall consider no more than one floor resolution per day in session.'

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9122, Paul Tanaka, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

APPOINTMENT OF PAUL TANAKA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 7; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Stevens, Swecker and Thibaudeau - 42.

Absent: Senators Hargrove, McCaslin, Sheldon, T., Spanel, West, Winsley and Zarelli - 7.

PERSONAL PRIVILEGE

Senator Schmidt: "A point of personal privilege, Mr. President. Just for the one last time for the members that didn't get to sign the banner. It is there on the back of the press table. It will be there until 4:30. Thank you very much."

MOTION

On motion of Senator Eide, Senators Brown and Hargrove were excused.

MOTION

On motion of Senator West was excused.

MOTION

On motion of Senator Esser, Gubernatorial Appointment No. 9129, Vijay Vashee, as a member of the Board of Trustees for Bellevue Community College District No. 8, was confirmed.

APPOINTMENT OF VIJAY VASHEE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senator McCaslin - 1.

Excused: Senators Brown, Hargrove and West - 3.

MOTION

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

MOTION

On motion of Senator Kastama, the following resolution was adopted:

SENATE RESOLUTION 8643

By Senators Kastama, Rasmussen, McAuliffe and Fraser

WHEREAS, Fred Oldfield was born in 1918 in Washington State and raised on the Yakama Indian reservation, where he experienced many of the stories he tells with his paints; and

WHEREAS, As one of the Granddaddies of Western Art, *The Fred Oldfield Western Heritage Center* has been built at the Puyallup fairgrounds in Puyallup, Washington; and

WHEREAS, The Center is dedicated to the preservation of his dream of sharing his love of life, his Western Art, and the history of the American West for all generations to come; and

WHEREAS, His artwork is in collections around the world; and

WHEREAS, Fred has won numerous awards for his work and at the age of eighty-five has just released a teaching video, *Paint Like a Cowboy*, where he shares his secrets of palette knife painting; and

WHEREAS, Fred is very active in his community and has raised thousands of dollars for community projects with his paintings; and

WHEREAS, His favorite recognition is the look in the eyes of children as he tells about his days on the range, time around the campfire, eating from the chuck wagon, and helping your neighbors with old time barn raisings; and

WHEREAS, Fred Oldfield has lived his entire life in the Northwest and has given back to his community on a daily basis; and

WHEREAS, The Governor has proclaimed March 18, 2003, as "Fred Oldfield Day";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate joins in celebrating Fred Oldfield Day to honor this remarkable man; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Fred Oldfield, the Puyallup Fairgrounds, the city of Puyallup, the Governor, and the Lieutenant Governor.

Senators Kastama, Rasmussen, Eide, Oke, Honeyford and Deccio spoke to Senate Resolution 8643.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced the children and grandchildren of Fred Oldfield, who were seated in the back of the chamber: Joella and Jerry Oldfield, Brett Morrison, Kerrie Nevin, Bryce Morrison and Sophie Nevin.

With permission of the Senate, business was suspended to permit Fred Oldfield to address the Senate.

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5266, by Senators Oke, T. Sheldon, Swecker, B. Sheldon, Doumit, Sheahan and Esser

Concerning the commercial harvest of geoduck clams.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5266 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5266.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5266 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Voting nay: Senator Fairley - 1.

Excused: Senator West - 1.

SENATE BILL NO. 5266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5829, by Senators Deccio, Thibaudeau and Winsley

Providing for the registration of nursing technicians.

MOTIONS

On motion of Senator Deccio, Substitute Senate Bill No. 5829 was substituted for Senate Bill No. 5829 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Deccio, the rules were suspended, Substitute Senate Bill No. 5829 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5829.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5829 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

SUBSTITUTE SENATE BILL NO. 5829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

SECOND READING

SENATE BILL NO. 5279, by Senators Prentice, Swecker, Horn, Haugen, Doumit, Finkbeiner, Benton, Esser, Morton, Johnson, T. Sheldon, Hargrove, Brandland, Honeyford, Jacobsen, Oke and Rasmussen

Extending the expiration date of the transportation permit efficiency and accountability committee.

The bill was read the second time.

MOTION

Senator Prentice moved that the following striking amendment by Senators Prentice, Swecker, Horn and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.06C.010 and 2001 1st sp.s. c 2 s 1 are each amended to read as follows:

The legislature finds that the public health and safety of its citizens, the natural resources, and the environment are vital interests of the state that need to be protected and preserved. The legislature further finds that the safety of the traveling public and the state's economic well-being are vital interests that depend upon the development of cost-effective and efficient transportation systems planned, designed, constructed, and maintained through expedited permit decision-making processes.

It is the intent of the legislature to achieve transportation permit reform that expedites the delivery of ~~((statewide-significant))~~ transportation projects through a streamlined approach to environmental permit decision making. To optimize the limited resources available for transportation system improvements and environmental protection, state regulatory and natural resource agencies, public and private sector interests, Indian tribes, ~~local and regional governments, applicable federal agencies,~~ and the department of transportation must work cooperatively to establish common goals, minimize project delays, develop consistency in the application of environmental standards, maximize environmental benefits through coordinated investment strategies, and eliminate duplicative processes through assigned responsibilities of selected permit drafting and compliance activities between state and federal agencies.

Therefore, the transportation permit efficiency and accountability committee is created. The committee shall integrate current environmental standards, but may not create new environmental standards. The committee shall conduct three environmental permit streamlining pilot projects and create a process to develop general permits. Additionally, the committee shall seek federal delegation to the state where appropriate to streamline transportation projects.

Sec. 2. RCW 47.06C.040 and 2001 1st sp.s. c 2 s 4 are each amended to read as follows:

(1)(a) The committee and its authorized technical subcommittees shall develop a one-stop permit decision-making process that uses interdisciplinary review of transportation projects of statewide significance to streamline and expedite permit decision making. The committee shall collaborate with appropriate agencies and parties to identify existing environmental standards, to assess the application of those standards, and develop an integrated permitting process based upon environmental standards and best management practices, which may use prescriptive or performance standards, for transportation projects of statewide significance that can be applied with certainty, consistency, and assurance of swift permit action, while taking into account the varying environmental conditions throughout the state.

~~(b) By June 30, 2003, the committee shall develop a detailed work plan of one-stop permitting activities for review by the legislature. The work plan must include both a schedule to use the one-stop permit process on all funded transportation projects of statewide significance and any additional resources needed to ensure that this occurs. This work plan must include a process that enables the department to propose permit terms and conditions for permitting agency review and approval.~~

~~(c) The committee shall provide a status report to the legislature by December 31, 2003, and shall also identify barriers and opportunities to achieve a concurrent public review process, concurrent public hearings, and a unified appeals process for one-stop permitting.~~

(2) The committee shall give notice to the legislative authority of each affected county and city of the projects that are designated as transportation projects of statewide significance.

(3) The committee shall create a technical subcommittee with representation at a minimum from the department of fish and wildlife, the department of ecology, and the department of transportation.

(a) Within six months from the first meeting of the committee, the subcommittee shall create a process to develop a programmatic approach for transportation projects. The committee shall review the department's construction project list to determine which projects or activities may be included in the programmatic approach and develop agreements ~~((to-eover))~~ with a goal of covering seventy percent of those projects or activities with programmatic agreements. At a minimum, this process must require that decisions on minor variations to the requirements of a programmatic approach must be provided by the permit decision-making agencies within twenty-one days of submittal.

~~(b) By June 30, 2003, the committee shall prioritize programmatic agreement opportunities identified in (a) of this subsection, develop a detailed work plan to achieve the goals set forth, and submit the report and plan to the legislature. The work plan must be reviewed and updated on a quarterly basis and submitted to the legislature twice yearly. This work plan must include the following elements:~~

~~(i) A schedule of activities and resources needed to achieve completion of the nine highest priority multiagency programmatic agreements by June 30, 2004;~~

~~(ii) A prioritized list of the remaining departmental activities eligible for programmatic, multiagency consideration by September 30, 2003;~~

~~(iii) A schedule of activities and resources to achieve completion of the prioritized list of programmatic agreements by December 31, 2005.~~

~~(c) The committee shall work with local governments to identify opportunities to integrate local government requirements in the agreements or permits identified in (b) of this subsection.~~

~~(d) The technical subcommittee's recommendations must be approved by a majority of the voting members of the committee.~~

~~(4) The committee shall explore the development of a consolidated local permit process.~~

~~(5) The committee shall conduct one or more pilot projects to implement the collaborative review process set forth in RCW 36.70A.430 to review and coordinate state and local permits for a transportation project funded in the transportation budget and that crosses more than one city or county boundary.~~

~~(6) The committee shall appoint a task force of representatives from cities and counties, the department of transportation, and other agencies as appropriate to identify one or more city or county permits for activities for which uniform standards can be developed for application by local governments. It is the goal of the task force to develop uniform standards and best practices for these identified permits that may be used by local governments in issuing their permits. The task force shall identify strategies for local governments to adapt these standards and best practices to local conditions. The committee shall encourage local governments to use these standards and best practices in local ordinances. The task force shall submit a progress report to the committee and the legislature by December 31, 2003, and shall conclude its work and report its final recommendations for review to the committee and the legislature no later than December 31, 2004.~~

~~(7) The committee shall develop and prioritize a list of permit streamlining opportunities, specifically identifying substantive and procedural duplications and recommendations for resolving those duplications. The committee shall evaluate current laws and regulations and develop recommendations on ways to minimize the lapsing of permits. The committee shall evaluate flexible approaches that maximize transportation and environmental interests and make recommendations regarding where those approaches should be implemented. ((The committee shall report its findings and recommendations to the legislature by January 15, 2002.~~

~~(6))~~ (8) The committee shall undertake the following activities to develop a watershed approach to environmental mitigation:

(a) Develop methodologies for analyzing environmental impacts and applying compensatory mitigation consistent with a watershed-based approach before final design, including least cost methodology and low-impact development methodology;

(b) Assess models to collate and access watershed data to support early agency involvement in transportation planning and reviews under the national Environmental Policy Act and the State Environmental Policy Act; ~~(and)~~

(c) Use existing best available information from watershed planning efforts, lead entities, regional fisheries enhancement groups, and other recognized entities as deemed appropriate by the committee, to determine potential mitigation requirements for projects within a watershed. Priority consideration should be given to the use of the state's alternative mitigation policy guidance to best link transportation mitigation needs with local watershed and lead entity project lists; and

(d) By June 30, 2003, develop a detailed work plan that covers watershed-based mitigation activities. This work plan must be submitted to the legislature and include the following elements:

(i) A schedule of activities and resources needed to complete a watershed-based mitigation policy by December 31, 2003, that covers elements of permitting deemed appropriate by the committee;

(ii) A schedule of activities and resources needed to develop watershed-based mitigation decision-making tools by June 30, 2004;

(iii) A schedule of activities and resources needed to complete a test of technical and policy methods of watershed-based mitigation decision making by December 31, 2004, for a funded project in an urbanized area of the state; and

(iv) A schedule to integrate watershed-based mitigation policies, technical tools, and procedures for projects by June 30, 2005.

~~((7))~~ (9)(a) The committee shall seek federal delegation to the state where appropriate to streamline permit processes for transportation projects of statewide significance including: Delegation of section 404 permit authority under the Clean Water Act; nonfederal lead agency status under the federal Endangered Species Act; section 106 cultural resource designation under the National Historic Preservation Act; and other appropriate authority that when delegated should result in permit streamlining.

~~((8))~~ (b) The department, the department of ecology, and the department of fish and wildlife shall jointly review relevant federal, state, and local environmental laws, regulations, policies, guidance, studies, and streamlining initiatives, and shall report to the committee and the legislature by September 30, 2003, on those instances where such might allow for delegation to the department or some other duly recognized entity as appropriate. The report must include recommendations on:

(i) How to delegate consistent with federal permit streamlining efforts contained in new federal transportation authorizations and under Presidential Executive Order number 13274, Environmental Stewardship and Transportation Infrastructure Project Reviews, September 18, 2002;

(ii) How to maximize possible use of programmatic approaches to simplify issuance of federally required permits and project approvals;

(iii) The scope, roles, and responsibilities associated with any such delegation, especially as relates to regulatory standard setting, permitting, and oversight; and

(iv) A work plan and schedule of activities and resources needed to implement the recommendations of the department, the department of ecology, and the department of fish and wildlife on this matter.

The committee shall take action on the report, and shall report to the legislature by December 31, 2003, and every six months thereafter on the status of such delegation efforts.

(10) The committee shall develop a dispute resolution process to resolve conflicts in interpretation of environmental standards and best management practices, mitigation requirements, permit requirements, assigned responsibilities, and other related issues by September 1, 2001. The dispute resolution process may not abrogate or supplant any appeal right of any party under existing statutes. The dispute resolution process must be designed to include federal agencies if they choose to participate.

~~((9))~~ (11) The committee shall develop preliminary models and strategies for agencies to test how best to maximize the environmental investment of transportation funds on a watershed basis. After agencies test the models and strategies developed by the committee, the committee shall evaluate the models and strategies and make recommendations to the legislature.

~~((10))~~ (12) The committee shall develop a consistent methodology for the timely and predictable submittal and evaluation of completed plans and specifications detailing project elements that impact environmental resources as well as proposed mitigation measures during the preliminary specifications and engineering phase of project development and submit information on the consistent methodology to the legislature.

~~((11))~~ (13) The committee shall provide a summary report to the legislature on ~~((September 15, 2001))~~ December 31, 2003, and every six months thereafter that details the committee's status and performance and its progress in implementing its master work plan.

Sec. 3. RCW 47.06C.901 and 2001 1st sp.s. c 2 s 13 are each amended to read as follows:

This act expires March 31, ~~((2003))~~ 2006.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Prentice, Swecker, Horn and Haugen to Senate Bill No. 5279.

The motion by Senator Prentice carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On line 2 of the title, after "committee;" strike the remainder of the title and insert "amending RCW 47.06C.010, 47.06C.040, and 47.06C.901; and declaring an emergency."

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5279 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5279.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5279 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Finkbeiner - 1.

Excused: Senators Deccio and Kline - 2.

ENGROSSED SENATE BILL NO. 5279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5770, by Senators Horn, Haugen, Swecker and Kline

Regulating motorized foot scooters.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5770 was substituted for Senate Bill No. 5770 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Jacobsen, the following amendments by Senators Jacobsen and Horn were considered simultaneously and were adopted:

On page 5, line 26, after "bicycles" strike "and motorized foot scooters"

On page 5, line 28, after "bicycles." strike "Electric-" and insert "Subject to subsection (6) of this section, electric-"

On page 5, line 34, after "(6)" insert "Subsections (1) and (4) of this section do not apply to motorized foot scooters. Subsection (2) of this section applies to motorized foot scooters when the bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds. Additionally, any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by persons operating motorized foot scooters only when appropriately signed."

(7)"

On page 6, line 4, before "The" strike "(7)" and insert "(((7))) (8)"

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 5770 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5770.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5770 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Mulliken, Oke, Parlette, Prentice, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 28.

Voting nay: Senators Brandland, Brown, Fairley, Franklin, Hargrove, Kohl-Welles, McAuliffe, McCaslin, Morton, Poulsen, Rasmussen, Reardon, Regala, Roach, Sheldon, B., Shin, Spanel, Thibaudeau and West - 19.

Excused: Senators Deccio and Kline - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5431, by Senators Oke, Prentice, Horn, Haugen and Rasmussen (by request of Department of Licensing)

Updating laws on drugs and alcohol use by commercial drivers.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5431 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5431.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5431 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SENATE BILL NO. 5431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5713, by Senators Honeyford, Prentice, Hewitt, Rasmussen, Mulliken, Sheahan and Oke

Modifying provisions concerning electricians.

MOTION

On motion of Senator Honeyford, Substitute Senate Bill No. 5713 was substituted for Senate Bill No. 5713 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser and Honeyford be adopted:

On page 5, after "equipment" on line 35, insert the following:

"if the person or entity has received a letter from a manufacturer of that category of equipment recognizing the person's or entity's qualifications to repair, maintain, or replace that type of equipment and the individual working on the equipment either (a) has a written verification issued by the employer that the individual has at least two thousand hours of experience repairing, maintaining or replacing equipment, or (b) is directly supervised by an individual with such a verification"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser and Honeyford on page 5, after line 35, to Substitute Senate Bill No. 5713.

The motion by Senator Keiser carried and the amendment was adopted.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5713 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5713.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5713 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 38.

Voting nay: Senators Doumit, Fairley, Fraser, Keiser, Kohl-Welles, McAuliffe, Regala, Sheldon, B., Spanel and Thibaudeau - 10.

Absent: Senator Kline - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

SECOND READING

SENATE BILL NO. 5374, by Senators Roach, Fairley, Horn, Stevens, McAuliffe and Winsley (by request of Secretary of State Reed)

Administering funds received under the Help America Vote Act.

The bill was read the second time.

MOTION

On motion of Senator Roach, the following striking amendment by Senators Roach and Kastama was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29.04 RCW to read as follows:

(1) The election account is created in the state treasury.

(2) The following receipts must be deposited into the account:

Amounts received from the federal government under Public Law 107-252 (October 29, 2002), known as the "Help America Vote Act of 2002," including any amounts received under subsequent amendments to the act;

amounts appropriated or otherwise made available by the state legislature for the purposes of carrying out activities for which federal funds are provided to the state under Public Law 107-252, including any amounts received under subsequent amendments to the act; and such other amounts as may be appropriated by the legislature to the account.

(3) Moneys in the account may be spent only after appropriation. Expenditures from the account may be made only to facilitate the implementation of Public Law 107-252.

Sec. 2. RCW 43.84.092 and 2002 c 242 s 2 and 2002 c 114 s 24 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 3 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTIONS

On motion of Senator Roach, the following title amendment was adopted:

On page 1, line 1 after "account;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092; adding a new section to Chapter 29.04 RCW; and declaring an emergency."

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5374 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5374.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5374 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Poulsen - 1.

Excused: Senator Kline - 1.

ENGROSSED SENATE BILL NO. 5374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5779, by Senators Stevens, Hargrove, Kohl-Welles, McAuliffe, Winsley and Oke

Preserving sibling relationships for dependent children.

MOTION

On motion of Senator Stevens, Substitute Senate Bill No. 5779 was substituted for Senate Bill No. 5779 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Stevens, the following striking amendment by Senators Stevens and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to recognize the importance of emotional ties formed by siblings with each other, especially in those circumstances which warrant court intervention into family relationships. It is the intent of the legislature to encourage the courts and public agencies which deal with families to acknowledge and give thoughtful consideration to the quality and nature of sibling relationships when intervening in family relationships. It is not the intent of the legislature to create legal obligations or responsibilities between siblings and other family members whether by blood or marriage, step families, foster families, or adopted families that do not already exist. Neither is it the intent of the legislature to mandate sibling placement, contact, or visitation if there is reasonable cause to believe that the health, safety, or welfare of a child or siblings would be jeopardized. Finally, it is not the intent of the legislature to manufacture or anticipate family relationships which do not exist at the time of the court intervention, or to disrupt already existing positive family relationships.

Sec. 2. RCW 13.34.030 and 2002 c 52 s 3 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(5) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(6) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(8) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(9) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(10) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(11) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(12) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

(13) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(14) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(15) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 3. RCW 13.34.130 and 2002 c 52 s 5 are each amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to chapter 74.15 RCW. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (i) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (ii) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in ~~((the))~~ a child's best interest to be placed with, have contact with, or have visits with siblings. ~~((The court must consider ordering that such contact or visits take place))~~

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

~~((a))~~ (i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

~~((b))~~ Contact or visitation is in the best interests of each child covered by the court's order; and

~~((c))~~ (ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(5) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 4. RCW 13.34.136 and 2002 c 52 s 6 are each amended to read as follows:

(1) Whenever a child is ordered removed from the child's home, the agency charged with his or her care shall provide the court with:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(~~((3))~~) (4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the agency will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The agency plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) The agency shall encourage the maximum ~~((parent-child))~~ parent and child and sibling contact possible, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The agency charged with supervising a child in placement shall provide all reasonable services that are available within the agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(~~((3))~~) (4), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the health, safety, or welfare of the child or siblings would be jeopardized.

(2) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(3) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

Sec. 5. RCW 13.34.138 and 2001 c 332 s 5 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(I) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(3) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 6. RCW 13.34.145 and 2000 c 135 s 4 and 2000 c 122 s 20 are each reenacted and amended to read as follows:

(1) A permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(a) Whenever a child is placed in out-of-home care pursuant to RCW 13.34.130, the agency that has custody of the child shall provide the court with a written permanency plan of care directed towards securing a safe, stable, and permanent home for the child as soon as possible. The plan shall identify one of the following outcomes as the primary goal and may also identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program; and independent living, if appropriate and if the child is age sixteen or older and the provisions of subsection (2) of this section are met.

(b) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(d) For purposes related to permanency planning:

(i) "Guardianship" means a dependency guardianship, a legal guardianship pursuant to chapter 11.88 RCW, or equivalent laws of another state or a federally recognized Indian tribe.

(ii) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(iii) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or of a federally recognized Indian tribe.

(2) Whenever a permanency plan identifies independent living as a goal, the plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living. Before the court approves independent living as a permanency plan of care, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs. The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(3) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(4) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in subsection (3) of this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(5) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(6) At the permanency planning hearing, the court shall enter findings as required by RCW 13.34.138 and shall review the permanency plan prepared by the agency. If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate. In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. In all cases, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody

proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(11) Except as provided in RCW 13.34.235, the status of all dependent children shall continue to be reviewed by the court at least once every six months, in accordance with RCW 13.34.138, until the dependency is dismissed. Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(12) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(13) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(14) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 7. RCW 13.34.200 and 2000 c 122 s 27 are each amended to read as follows:

(1) Upon the termination of parental rights pursuant to RCW 13.34.180, all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceedings concerning the child: PROVIDED, That any support obligation existing prior to the effective date of the order terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent and the order shall so state.

(2) An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this chapter be deemed to affect any rights and benefits that an Indian child derives from the child's descent from a member of a federally recognized Indian tribe.

(3) An order terminating the parent-child relationship shall include a statement addressing the status of the child's sibling relationships and the nature and extent of sibling placement, contact, or visits.

Sec. 8. RCW 13.34.210 and 2000 c 122 s 28 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department or to a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department or agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW. The supervising agency shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130(3) and shall report to the court the status and extent of such relationships."

MOTIONS

On motion of Senator Stevens, the following title amendment was adopted:

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 13.34.030, 13.34.130, 13.34.136, 13.34.138, 13.34.200, and 13.34.210; reenacting and amending RCW 13.34.145; and creating a new section."

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 5779 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5779.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5779 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Haugen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5779, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5235, by Senators Hargrove, Morton and Doumit

Concerning environmental impact statements on certain state trust lands.

MOTIONS

On motion of Senator Hargrove, Substitute Senate Bill No. 5235 was substituted for Senate Bill No. 5235 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5235 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5235.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5235 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Esser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 33.

Voting nay: Senators Brandland, Eide, Fairley, Finkbeiner, Franklin, Fraser, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Spanel, Thibaudeau and Winsley - 16.

SUBSTITUTE SENATE BILL NO. 5235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5785, by Senators Parlette, Doumit, Benton, Mulliken, Schmidt and Honeyford

Concerning the use of a nonhighway vehicle on certain nonhighway roads or trails that are restricted to pedestrian or animal travel.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5785 was substituted for Senate Bill No. 5785 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the following striking amendment by Senators Oke and Parlette was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.09.120 and 1979 ex.s. c 136 s 41 are each amended to read as follows:

- (1) It is a traffic infraction for any person to operate any nonhighway vehicle:
 - (a) In such a manner as to endanger the property of another;
 - (b) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;
 - (c) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;
 - (d) Without a spark arrester approved by the department of natural resources;
 - (e) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eighty-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:
 - (i) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;
 - (ii) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and
 - (iii) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle;
 - (f) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;
 - (g) On lands not owned by the operator or owner of the nonhighway vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;
 - (h) On lands not owned by the operator or owner of the nonhighway vehicle or on any nonhighway road or trail (~~which is~~), when these are restricted to pedestrian or animal travel; and
 - (i) On any public lands in violation of rules and regulations of the agency administering such lands.
- (2) It is a misdemeanor for any person to operate any nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance."

MOTIONS

On motion of Senator Oke, the following title amendment was adopted:

On page 1, line 2 of the title, after "trail;" strike the remainder of the title and insert "and amending RCW 46.09.120."

On motion of Senator Oke, the rules were suspended, Engrossed Substitute Senate Bill No. 5785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5785.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5785 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5600, by Senators Schmidt, Kohl-Welles, Esser, Finkbeiner, Rossi, Horn and Winsley

Regulating disposition of returned license plates.

MOTIONS

On motion of Senator Schmidt, Substitute Senate Bill No. 5600 was substituted for Senate Bill No. 5600 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Schmidt, the rules were suspended, Substitute Senate Bill No. 5600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5600.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5600 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5852, by Senators Honeyford, Prentice, Hewitt, Keiser, Oke and Parlette

Enacting procedural enhancements to the master settlement agreement.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5852 was substituted for Senate Bill No. 5852 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5852 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5852.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5852 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5345, by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove and Horn

Excluding certain drainage infrastructure from fishway provisions.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5345 was substituted for Senate Bill No. 5345 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5345 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5345.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5345 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Brown, Fairley, Franklin, Kohl-Welles and Thibaudeau - 5.

SUBSTITUTE SENATE BILL NO. 5345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5448, by Senators Carlson, Kohl-Welles, Mulliken, Horn, Brown and Schmidt (by request of Governor Locke)

Changing tuition provisions for institutions of higher education.

MOTIONS

On motion of Senator Carlson, Substitute Senate Bill No. 5448 was substituted for Senate Bill No. 5448 and the substitute bill was placed on second reading and read the second time.

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Wells, Fairley and Shin be adopted:

On page 6, line 16, after "act" insert "not to exceed annual increases in the consumer price index"

Debate ensued.

MOTION

On motion of Senator Kohl-Wells, and there being no objection, the amendment on page 6, line 16, to Substitute Senate Bill No. 5448 was withdrawn.

MOTION

Senator Carlson moved that the following amendment by Senators Carlson and Kohl-Welles be adopted:

On page 6, after line 26, insert the following:

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with the 2009-2010, other than summer term, shall be as charged during the 2008-09 academic year unless different rates are adopted by the legislature.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Carlson and Kohl-Wells on page 6, after line 26, to Substitute Senate Bill No. 5448.

The motion by Senator Carlson carried and the amendment was adopted.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Carlson, Fairley and Shin be adopted On page 6, after line 35, insert the following:

"(6) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles, Carlson, Fairley and Shin on page 6, line 35, to Substitute Senate Bill No. 5448.
The motion by Senator Kohl-Welles carried and the amendment was adopted.

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Substitute Senate Bill No. 5448 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

MOTION

On motion of Senator Finkbeiner, the three minute rule was suspend for the next five minutes.
Further debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5448.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5448 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Esser, Finkbeiner, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Rossi, Schmidt, Sheahan, Spanel, Stevens, Swecker, West and Zarelli - 34.

Voting nay: Senators Doumit, Eide, Fairley, Franklin, Haugen, Kastama, McAuliffe, Prentice, Regala, Roach, Sheldon, B., Sheldon, T., Shin, Thibaudeau and Winsley - 15.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5053, by Senators Hale, McCaslin, Schmidt, Honeyford, Parlette, T. Sheldon, Hewitt, Johnson and Oke

Prohibiting agencies from adopting rules that exceed federal standards without legislative authority.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5053 was substituted for Senate Bill No. 5053 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5053 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5053.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5053 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

SUBSTITUTE SENATE BILL NO. 5053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5787, by Senators Morton, Prentice, Hale, Jacobsen, Kohl-Welles, Hewitt, Doumit and Horn

Protecting water quality.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5787 was substituted for Senate Bill No. 5787 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Fraser moved that the following amendment by Senators Fraser and Keiser be adopted:

On page 2, line 5, after "(2)" insert "If fill material will be placed directly into waters of the state, the department shall require, in any water quality certification issued under section 401 of the federal clean water act, a baseline analysis of the quality of the waters of the state, both surface and ground, that may be affected by the placement of the fill material. If such an analysis concludes that water quality standards are not being met, the department shall not allow use of the leaching test specified in subsection (1) of this section to evaluate the suitability of potential fill material.

(3)"

Debate ensued. Morton, Jacobsen

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser and Keiser on page 2 line 5, to Substitute Senate Bill No. 5787.

The motion by Senator Fraser failed and the amendment was not adopted.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Poulsen and Eide be adopted:

On page 2, line 5, after "(2)" insert "If fill material will be placed directly into or affect waters of the state, the department shall require, in any water quality certification issued under section 401 of the federal clean water act, additional screening and sampling for contaminants of any potential fill material previously moved to and stockpiled for subsequent use at the project site. The stockpiled potential fill material must be determined not to contain concentrations of contaminants that exceed natural background levels in soils in the area. Any stockpiled potential fill material determined to contain concentrations of contaminants that exceed natural background levels in soils in the area must not be used as fill material and must be removed from the project site.

(3)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser, Poulsen and Eide on page 2, line 5, to Substitute Senate Bill No. 5787.

The motion by Senator Keiser failed and the amendment was not adopted.

MOTION

Senator Keiser moved that the following amendment by Senators Keiser, Poulsen and Eide be adopted:

On page 2, line 5, after "(2)" insert "If fill material will be placed directly into or affect waters of the state, the department shall require, in any water quality certification issued under section 401 of the federal clean water act, that levels of arsenic be determined, by means of appropriate screening and sampling, not to exceed seven milligrams per kilogram of any potential fill material.

(3)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Keiser, Poulsen and Eide on page 2, line 5, to Substitute Senate Bill No. 5787.

The motion by Senator Keiser failed and the amendment was not adopted.

MOTION

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Sheahan, McCaslin and Hale demanded the previous question and the demand was sustained..

The President declared the question before the Senate to shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5787.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5787 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Doumit, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Brown, Carlson, Eide, Fairley, Fraser, Keiser, Kline, McAuliffe, Poulsen, Rasmussen, Spanel and Thibaudeau - 12.

SUBSTITUTE SENATE BILL NO. 5787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 3:29 p.m., on motion of Senator Sheahan, the Senate recessed until 6:00 p.m.

The Senate was called to order at 6:00 p.m. by President Owen.

MOTION

On motion of Senator West, Senators McCaslin and Zarelli were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9131, Richard N. Wadley, as a member of the Board of Trustees for South Puget Sound Community College District No. 24, was confirmed.

APPOINTMENT OF RICHARD N. WADLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 9; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 38.

Absent: Senators Brown, Deccio, Fairley, Haugen, Kline, Oke, Parlette, Rossi and Schmidt - 9.

Excused: Senators McCaslin and Zarelli - 2.

MOTION

On motion of Senator Eide, Senators Brown, Fairley, Haugen and Kline were excused.

MOTION

On motion of Senator Hewitt, Senators Deccio, Rossi and Schmidt were excused.

SECOND READING

SENATE BILL NO. 5987, by Senators Swecker, Haugen, Horn, Jacobsen, Prentice, Esser, Oke and Rasmussen

Delineating the roles and responsibilities of transportation agencies.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5987 was substituted for Senate Bill No. 5987 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5987 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5987.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5987 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 40.

Excused: Senators Brown, Deccio, Fairley, Haugen, Kline, McCaslin, Rossi, Schmidt and Zarelli - 9.

SUBSTITUTE SENATE BILL NO. 5987, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5592, by Senators Mulliken, Eide, Johnson, Haugen, Sheahan and McCaslin

Allowing attorney issued garnishments and simplifying garnishment answer forms.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5592 was substituted for Senate Bill No. 5592 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5592.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5592 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 43.

Voting nay: Senators Brown, Keiser, Spanel and Thibaudeau - 4.

Excused: Senators McCaslin and Schmidt - 2.

SUBSTITUTE SENATE BILL NO. 5592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8015, by Senators Sheahan, Hale and Rasmussen

Petitioning Congress to adopt procedures for selling wheat reserves that preserve the integrity of the market.

The joint memorial was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Joint Memorial No. 8015 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8015.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8015 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Schmidt - 1.

SENATE JOINT MEMORIAL NO. 8015, having received the constitutional majority, was declared passed..

SECOND READING

SENATE BILL NO. 6026, by Senator West

Authorizing special assessments to fund convention and trade promotion.

MOTION

On motion of Senator West, Substitute Senate Bill No. 6026 was substituted for Senate Bill No. 6026 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator West, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.87A.010 and 2000 c 201 s 1 are each amended to read as follows:

To aid general economic development and neighborhood revitalization, and to facilitate the cooperation of merchants, businesses, and residential property owners which assists trade, economic viability, and liveability, the legislature hereby authorizes all counties and all incorporated cities and towns, including unclassified cities and towns operating under special charters:

(1) To establish, after a petition submitted by the operators responsible for sixty percent of the assessments by businesses and multifamily residential or mixed-use projects within the area, parking and business improvement areas, hereafter referred to as area or areas, for the following purposes:

- (a) The acquisition, construction or maintenance of parking facilities for the benefit of the area;
- (b) Decoration of any public place in the area;
- (c) Sponsorship or promotion of public events which are to take place on or in public places in the area;
- (d) Furnishing of music in any public place in the area;
- (e) Providing professional management, planning, and promotion for the area, including the management and promotion of retail trade and tourism activities in the area; ((e))

(f) Providing maintenance and security for common, public areas.

(2) To levy special assessments on all businesses and multifamily residential or mixed-use projects within the area and specially benefited by a parking and business improvement area to pay in whole or in part the damages or costs incurred therein as provided in this chapter.

(3) To impose a convention and tourism promotion charge in the parking and business improvement area as authorized under section 3 of this act, the proceeds of which shall be used for the purpose of funding convention and tourism promotion.

"**Sec. 2.** RCW 35.87A.020 and 1993 c 429 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Business" means all types of business, including professions.

(2) "Convention and tourism promotion" means (a) activities and expenditures designed to increase tourism and convention business, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to

expand tourism; and operating tourism destination marketing organizations; and (b) the activities under (a) of this subsection that are located in a county with a population greater than four hundred thousand, but less than one million.

(3) "Legislative authority" means the legislative authority of any city or town, including unclassified cities or towns operating under special charters, or the legislative authority of any county.

((3)) (4) "Multifamily residential or mixed-use project" means any building or buildings containing four or more residential units or a combination of residential and commercial units, whether title to the entire property is held in single or undivided ownership or title to individual units is held by owners who also, directly or indirectly through an association, own real property in common with the other unit owners.

((4)) (5) "Residential operator" means the owner or operator of a multifamily residential or mixed-use project if title is held in single or undivided ownership, or, if title is held in a form of common interest ownership, the association of unit owners, condominium association, homeowners' association, property owners' association, or residential cooperative corporation.

NEW SECTION. Sec. 3. A new section is added to chapter 35.87A RCW to read as follows:

(1) A legislative authority that has created a parking and business improvement area under this chapter may impose a convention and tourism promotion charge on the furnishing of lodging in the parking and business improvement area, as provided in this section. The charge shall be in addition to any other assessments, fees, or taxes authorized by law, including the special assessment already authorized under this chapter prior to the effective date of this act.

(2) The legislative authority may not provide for more than six classifications upon which the charge shall be imposed. Classifications can be based on the number of rooms, room revenue, or location within the area. Each classification may have its own rate, which shall be expressed in terms of nights of stay. In no case may the rate under this section be in excess of two dollars per night of stay. The legislative authority shall provide for exemptions from the charge that parallels any exemptions in regard to furnishing lodging under chapter 82.08 RCW.

(3)(a) For administrative ease the charge shall be administered by the department of revenue and shall be collected from those persons who are taxable by the state under chapter 82.08 RCW.

(b) Chapter 82.32 RCW applies to the charge imposed under this section.

(c) The legislative authority shall contract for, at least seventy- five days prior to the effective date of a resolution or ordinance imposing the charge, the administration and collection by the department of revenue. The remainder of any portion of any charge authorized by this chapter that is collected by the department of revenue shall be deposited by the department of revenue in the convention and tourism promotion account hereby created as an account in the custody of the state treasurer. The state treasurer shall distribute the moneys in the account on a monthly basis to the legislative authority on whose behalf the money was collected.

(4) Moneys received from any charge imposed under this section shall be used to fund convention and tourism promotion.

(5) The charge imposed under this section is not a tax on the "sale of lodging" as that term is defined in RCW 82.14.410.

Sec. 4. RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington

advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the convention and tourism promotion account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

MOTIONS

On motion of Senator West, the following title amendment was adopted

On page 1, line 2 of the title, after "promotion;" strike the remainder of the title and insert "amending RCW 35.87A.010 and 35.87A.020; reenacting and amending RCW 43.79A.040; and adding a new section to chapter 35.87A RCW."

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 6026 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6026.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6026 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 41.

Voting nay: Senators Benton, Esser, Finkbeiner, Fraser, Johnson, McCaslin, Roach and Zarelli - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5977, by Senators Esser, Schmidt, Eide, Finkbeiner, Poulsen, Reardon, Stevens, T. Sheldon and Shin

Personal wireless service facilities in state highway rights of way

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5977 was substituted for Senate Bill No. 5977 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, the following striking amendment by Senators Esser, Reardon, Finkbeiner, Poulsen, Eide, Schmidt and Stevens was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Personal wireless service is a critical part of the state's infrastructure. The rapid deployment of personal wireless service facilities is critical to ensure public safety, network access, quality of service, and rural economic development. The use of all state highway rights of way must be permitted for the deployment of personal wireless service facilities.

Sec. 2. RCW 47.04.010 and 1975 c 62 s 50 are each amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(12) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

~~((12))~~ (13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

~~((13))~~ (14) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

~~((14))~~ (15) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

~~((15))~~ (16) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

~~((16))~~ (17) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

~~((17))~~ (18) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

~~((18))~~ (19) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

~~((19))~~ (20) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

~~((20))~~ (21) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

~~((21))~~ (22) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

~~((22))~~ (23) "Pedestrian." Any person afoot;

~~((23))~~ (24) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

~~((24))~~ (25) "Personal wireless service." Any federally licensed personal wireless service;

(26) "Personal wireless service facilities." Unstaffed facilities that are used for the transmission or reception, or both, of personal wireless services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

(27) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

~~((25))~~ (28) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

~~((26))~~ "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

~~((27))~~ (29) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

~~((28))~~ (30) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

~~((29))~~ (31) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

~~((30))~~ (32) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

~~((31))~~ (33) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

~~((32))~~ (34) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

~~((33))~~ (35) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

~~((34))~~ (36) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

~~((35))~~ (37) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

~~((36))~~ (38) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;

~~((37))~~ (39) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

~~((38))~~ (40) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

~~((39))~~ (41) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

~~((40))~~ (42) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

NEW SECTION. Sec. 3. A new section is added to chapter 47.44 RCW to read as follows:

This chapter does not apply to leases issued for the deployment of personal wireless service facilities as provided in section 5 of this act.

Sec. 4. RCW 47.52.001 and 1961 c 13 s 47.52.001 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) Personal wireless service is a critical part of the state's infrastructure. The rapid deployment of personal wireless service facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities; except that the use of the rights of way of limited access facilities must be permitted for the deployment of personal wireless service facilities.

NEW SECTION. Sec. 5. A new section is added to chapter 47.04 RCW to read as follows:

(1) For the purposes of this section:

(a) "Right of way" means all state-owned land within a state highway corridor.

(b) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, or person that owns, operates, or manages any personal wireless service facility. "Service provider" includes a service provider's contractors, subcontractors, and legal successors.

(2) The department shall establish a process for issuing a lease for the use of the right of way by a service provider.

(a) The lease must include the right of direct ingress and egress from the highway to the personal wireless service facility during nonpeak hours if public safety is not adversely affected. However, direct ingress and egress shall be allowed at any time for the construction of the facility if public safety is not adversely affected. The lease may specify an indirect ingress and egress to the facility if it is reasonable and available for the particular location.

(b) The lease must require that personal wireless service facilities are installed and maintained within the right of way so as not to adversely affect public safety.

(3) The cost of the lease must be limited to the fair market value of the portion of the right of way being used by the service provider and the direct administrative expenses incurred by the department in processing the lease application.

If the department and the service provider are unable to agree on the cost of the lease, the service provider may submit the cost of the lease to binding arbitration by serving written notice on the department. Within thirty days of receiving the notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or panel shall determine the cost of the lease based on comparable siting agreements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(4) The department shall act on an application for a lease within sixty days of receiving a completed application, unless a service provider consents to a different time period.

(5) The reasons for a denial of a lease application must be supported by substantial evidence contained in a written record.

(6) The department may adopt rules to implement this section.

(7) All lease money paid to the department under this section shall be deposited in the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 6. The process for issuing leases required in section 5(2) of this act must be established by the effective date of this act.

NEW SECTION. Sec. 7. The department shall prepare a report on the implementation of the lease process. The report must be submitted to the house of representatives technology, telecommunications, and energy committee and the senate technology and communications committee by January 15, 2004.

NEW SECTION. Sec. 8. Applications for wireless site leases pending on the effective date of this act must be treated as applications under section 5 of this act with the consent of the applicant."

MOTIONS

On motion of Senator Esser, the following title amendment was adopted:

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.04.010 and 47.52.001; adding a new section to chapter 47.44 RCW; adding a new section to chapter 47.04 RCW; and creating new sections."

On motion of Senator Esser, the rules were suspended, Engrossed Substitute Senate Bill No. 5977 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Spanel: "Senator Esser, I notice in the explanation on the back, it says 'Use of highways rights-of-way--the funds that pay for this--must be deposited in the motor vehicle fund.' Where have they been going?"

Senator Esser: "I'm not certain, Senator, but I think it is appropriate that they go into the motor vehicle accounts, because this is along highways of the state. So, I think that is the appropriate fund for these monies to go to."

Senator Spanel: "I think the other place could have been the multi, multi--I can't say it--multi modal account."

Senator Esser: "That would have certainly have been a different option, but I think this is the best choice."

Senator Spanel: "Okay, but you don't know where they go now?"

Senator Esser: "I do not."

Senator Spanel: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5977.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5977 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Fairley, Haugen, McAuliffe, Spanel and Thibaudeau - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5977, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1063, by Representatives Morrell, Alexander, Dunshee, Lovick, Veloria, Upthegrove, Chase, McDermott, Morris, Schual-Berke, Kenney, Cody and Moeller

Concerning projects to be funded by loans from the public works assistance account.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Substitute House Bill No. 1062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1063.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1063 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Mulliken - 1.

SUBSTITUTE HOUSE BILL NO. 1063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5890, by Senators Swecker, Rasmussen and Parlette

Initiating a pilot project to determine the feasibility and benefits for medical monitoring of agricultural workers.

MOTIONS

On motion of Senator Swecker, Second Substitute Senate Bill No. 5890 was substituted for Senate Bill No. 5890 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Second Substitute Senate Bill No. 5890 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5890

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5890 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 32.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 17.

SECOND SUBSTITUTE SENATE BILL NO. 5890, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5150, by Senators Benton, Roach and Stevens

Providing for the election of library trustees.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5150 was substituted for Senate Bill No. 5150 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Benton and Kastama be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 27.12.190 and 1982 c 123 s 8 are each amended to read as follows:

(1) The management and control of a library shall be vested in a board of either five or seven trustees as hereinafter in this section provided. In cities and towns five trustees shall be appointed by the mayor with the consent of the legislative body. In counties, rural county library districts, and island library districts, five trustees shall be appointed by the board of county commissioners. In a regional library district a board of either five or seven trustees shall be appointed by the joint action of the legislative bodies concerned. In intercounty rural library districts a board of either five or seven trustees shall be appointed by the joint action of the boards of county commissioners of each of the counties included in a district. The first appointments for boards comprised of but five trustees shall be for terms of one, two, three, four, and five years respectively, and thereafter a trustee shall be appointed annually to serve for five years. The first appointments for boards comprised of seven trustees shall be for terms of one, two, three, four, five, six, and seven years respectively, and thereafter a trustee shall be appointed annually to serve for seven years. No person shall be appointed to any board of trustees for more than two consecutive terms. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen.

(2) A library trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library funds.

(3) A library trustee in the case of a city or town may be removed (~~only~~) by vote of the legislative body or by the process described in subsection (4). A trustee of a county library, a rural county library district library, or an island library district library may be removed for just cause by the county commissioners after a public hearing upon a written complaint stating the ground for removal, which complaint, with a notice of the time and place of hearing, shall have been served upon the trustee at least fifteen days before the hearing or by the process described in subsection (4). A trustee of an intercounty rural library district may be removed by the joint action of the board of county commissioners of the counties involved in the same manner as provided herein for the removal of a trustee of a county library or by the process described in subsection (4).

(4) The citizens may by petition provide for a ballot measure to determine whether a library trustee should be removed from his or her position as trustee.

(a) The ballot measure shall be submitted if a petition proposing the measure is submitted to the county auditor of the county in which the library district, city, town, or county is located or the most populous county in a multi-county library district that is signed by registered voters within the city, town, or county that made the appointment in question, numbering at least ten percent of the votes cast in the last primary election by registered voters within the district, city, town, or county.

(b) Upon receipt of a citizen petition under (a) of this subsection, the county auditor shall determine whether the petition is signed by a sufficient number of registered voters, using the registration records and returns of the preceding general election, and, no later than forty-five days after receipt of the petition, shall attach to the petition the auditor's certificate stating whether or not sufficient signatures have been obtained. If the signatures are found by the auditor to be insufficient, the petition shall be returned to the person filing it.

(c) The ballot proposition addressing the removal of a library trustee from his or her position as trustee shall appear on the ballot of the next general election or at the next special election date specified under RCW 29.13.020 occurring sixty or more days after the date the county auditor certifies that the petition proposing such election contains sufficient valid signatures."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove, Benton and Kastama to Substitute Senate Bill No. 5150.

The motion by Senator Hargrove carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Benton, the following title amendment was adopted:

On page 1, on line 1 of the title, delete "providing for the election of", delete everything after "trustees;" and insert "and amending RCW 27.12.190."

On motion of Senator Benton, the rules were suspended, Engrossed Substitute Senate Bill No. 5150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5150.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5150 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hargrove, Honeyford, Horn, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 27.

Voting nay: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Hewitt, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Regala, Sheldon, B., Spanel, Thibaudeau and Winsley - 22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5247, by Senators Horn, Haugen, Esser, Jacobsen, Kastama, Prentice, Oke, Swecker and Schmidt

Authorizing an alternative local option fuel tax.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5247 was substituted for Senate Bill No. 5247 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the following amendment by Senators Horn and Haugen was adopted:

On page 7, after line 29, insert the following:

"Sec. 5. RCW 82.36.440 and 1991 c 173 s 4 are each amended to read as follows:

The tax levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing motor vehicle fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of motor vehicle fuel, except as provided in chapter 82.80 RCW ((82.80.010)) and RCW 82.47.020.

Sec. 6. RCW 82.38.280 and 1991 c 173 s 5 are each amended to read as follows:

The tax levied in this chapter is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing special fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of special fuel, except as provided in chapter 82.80 RCW ((82.80.010)) and RCW 82.47.020."

MOTIONS

On motion of Senator Horn, the following title amendment was adopted:

On page 1, line 2 of the title, after "82.80.010" strike "and 36.120.050" and insert ", 36.120.050, 82.36.440, and 82.38.280"

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 5247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5247.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5247 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Benton, Hargrove and Stevens - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5462, by Senators Mulliken, Honeyford, Hale, Hewitt, T. Sheldon, Swecker and McCaslin

Adopting federal definitions for state wage and hour laws.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5462 was substituted for Senate Bill No. 5462 and the substitute bill was placed on second reading and read the second time.

Senator Keiser moved that the following striking amendment by Senators Keiser and Prentice be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that over five thousand state residents per year file cases and complaints with the department of labor and industries alleging they have been denied payment for work they performed. The department of labor and industries currently does not have an effective means of addressing these complaints in order to ensure workers are paid the wages they are owed.

The legislature further finds that the Washington state minimum wage law and wage claim laws do not authorize adequate penalties against violators. To improve compliance, the department of labor and industries should be allowed to assess interest on back wages and impose civil penalties against employers who are found to be not in compliance with chapters 49.46 and 49.48 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 49.48 RCW to read as follows:

(1) An employer shall pay each worker all wages due on an established payday for each pay period.

(2) An employer found to have violated a provision requiring payment of wages under chapter 49.12, 49.28, 49.30, 49.46, or 49.52 RCW or this chapter in a citation or notice of assessment issued by the director of labor and industries or the director's authorized representative: Must pay the wages to the employee, including interest of up to one percent per month on the unpaid wages, also to be paid to the worker; shall be assessed a civil penalty of not less than one hundred dollars and not more than one thousand dollars for each violation per employee; and may be assessed a civil penalty of not more than one thousand dollars for each subsequent violation found in the citation or notice of assessment. Each day a violation occurs may constitute a separate violation. The director or director's authorized representative may also claim the remedies in RCW 49.52.070.

(3) The director of labor and industries may waive collection of a portion or all of the penalties assessed under this chapter in favor of the full payment of wages owed to the employee.

(4) The director of labor and industries, or the director's authorized representative, may require payment of unpaid wages and may assess all civil penalties authorized by this section. When considering the amount of penalties for multiple violations found in a citation and notice of assessment, the director, or the director's authorized representative, may consider the appropriateness of the penalty with respect to the number of affected employees of the employer being charged for each violation, the gravity of the violations, the duration of the violations, the size of the employer's business, the good faith of the employer, the history of previous violations, and other relevant factors.

(5) Civil penalties imposed under this chapter shall be paid to the director of labor and industries for deposit in the supplemental pension fund established under RCW 51.44.033.

(6) The employer shall pay wages and the civil penalty amount assessed under this section within thirty days of receipt of the assessment or notify the director of his or her intent to appeal the citation or the assessment penalty as provided in section 9 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 49.46 RCW to read as follows:

(1) An employer found to have violated any of the provisions of this chapter may be assessed a civil penalty of not less than one hundred dollars and not more than one thousand dollars for each violation per employee, and may be assessed a civil penalty of not more than one thousand dollars for each subsequent violation found in the citation or notice of assessment. Each day a violation occurs may constitute a separate violation.

(2) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established under RCW 51.44.033.

(3) The employer shall pay the civil penalty amount assessed under this section within thirty days of receipt of the assessment or notify the director of his or her intent to appeal the citation or the assessment penalty as provided in section 10 of this act.

Sec. 4. RCW 49.46.100 and 1959 c 294 s 10 are each amended to read as follows:

(1) Any employer who hinders or delays the director or ~~((his))~~ the director's authorized representatives in the performance of ~~((his))~~ the director's duties in the enforcement of this chapter, or refuses to admit the director or ~~((his))~~ the director's authorized representatives to any place of employment, or fails to make, keep, and preserve any records as required under the provisions of this chapter, or falsifies any such record, or refuses to make any record accessible to the director or ~~((his))~~ the director's authorized representatives upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this chapter to the director or ~~((his))~~ the director's authorized representatives upon demand, or pays or agrees to pay wages at a rate less than the rate applicable under this chapter, or otherwise violates any provision of this chapter or of any regulation issued under this chapter shall be deemed in violation of this chapter and shall, upon conviction therefor, be guilty of a gross misdemeanor.

(2) Any employer who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his or her employer, to the director, or ~~((his))~~ the director's authorized representatives that he or she has not been paid wages in accordance with the provisions of this chapter, or that the employer has violated any provision of this chapter, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this chapter, or because such employee has testified or is about to testify in any such proceeding shall be deemed in violation of this chapter and shall, upon conviction therefor, be guilty of a gross misdemeanor.

Sec. 5. RCW 49.48.020 and 1971 ex.s. c 55 s 2 are each amended to read as follows:

Any person, firm, or corporation which violates any of the provisions of RCW 49.48.010 through 49.48.030 ~~((and))~~ 49.48.060, and section 2 of this act shall be guilty of a misdemeanor.

Sec. 6. RCW 49.48.040 and 1987 c 172 s 1 are each amended to read as follows:

(1) The department of labor and industries may:

(a) ~~Conduct investigations to enforce section 2 of this act and to ensure compliance with this chapter and chapters 39.12, 49.12, 49.28, 49.30, 49.46, and 49.52 RCW.~~ upon obtaining information indicating an employer may be committing a violation under these chapters ((39.12, 49.46, and 49.48 RCW, conduct investigations to ensure compliance with chapters 39.12, 49.46, and 49.48 RCW));

(b) ~~Order the payment of all wages owed the workers, including interest of up to one percent per month on the unpaid wages, also to be paid to the worker, and institute actions necessary for the collection of the sums determined owed either under section 2 of this act or in a civil action in the name of the department brought in superior court or other court of competent jurisdiction of the county where the violation is alleged to have occurred, or the department may use the procedures for collection of wages in a court action set forth in this chapter and chapter 49.52 RCW;~~ and

(c) ~~((Take assignments of wage claims and))~~ Prosecute actions for the collection of wages ~~((of))~~, including interest of up to one percent per month on the unpaid wages, also to be paid to the worker, for persons who are financially unable to employ counsel when in the judgment of the director of the department the claims are valid and enforceable ~~((in the courts))~~.

(2) The director of the department or any authorized representative may, for the purpose of carrying out RCW 49.48.040 through 49.48.080 and section 2 of this act: (a) Issue subpoenas to compel the attendance of witnesses or parties and the production of books, papers, or records; (b) administer oaths and examine witnesses under oath; (c) take the verification of proof of instruments of writing; and (d) take

depositions and affidavits. If assignments for wage claims are taken, court costs shall not be payable by the department for prosecuting such suits.

(3) The director shall have a seal inscribed "Department of Labor and Industries--State of Washington" and all courts shall take judicial notice of such seal. Obedience to subpoenas issued by the director or authorized representative shall be enforced by the courts in any county.

(4) The director or authorized representative shall have free access to all places and works of labor. Any employer or any agent or employee of such employer who refuses the director or authorized representative admission therein, or who, when requested by the director or authorized representative, willfully neglects or refuses to furnish the director or authorized representative any statistics or information pertaining to his or her lawful duties, which statistics or information may be in his or her possession or under the control of the employer or agent, shall be guilty of a misdemeanor.

(5) An action for relief under this section shall be commenced within three years after the cause of action accrues, unless a longer period of time applies under law.

Sec. 7. RCW 49.48.060 and 1971 ex.s. c 55 s 4 are each amended to read as follows:

(1) If upon investigation by the director, (~~after taking assignments of any wage claim under RCW 49.48.040,~~) it appears to the director that the employer is representing to his or her employees that he or she is able to pay wages for their services and that the employees are not being paid for their services, the director may require the employer to give a bond in such sum as the director deems reasonable and adequate in the circumstances, with sufficient surety, conditioned that the employer will for a definite future period not exceeding six months conduct his or her business and pay his or her employees in accordance with the laws of the state of Washington.

(2) If within ten days after demand for such bond the employer fails to provide the same, the director may commence a suit against the employer in the superior court of appropriate jurisdiction to compel him or her to furnish such bond or cease doing business until he or she has done so. The employer shall have the burden of proving the amount thereof to be excessive.

(3) If the court finds that there is just cause for requiring such bond and that the same is reasonable, necessary or appropriate to secure the prompt payment of the wages of the employees of such employer and his or her compliance with RCW 49.48.010 through 49.48.080, the court shall enjoin such employer from doing business in this state until the requirement is met, or shall make other, and may make further, orders appropriate to compel compliance with the requirement.

Upon being informed of a wage claim against an employer or former employer, the director shall, if such claim appears to be just, immediately notify the employer or former employer, of such claim by mail. If the employer or former employer fails to pay the claim or make satisfactory explanation to the director of his or her failure to do so, within thirty days thereafter, the employer or former employer shall be liable to a penalty of ten percent of that portion of the claim found to be justly due. The director shall have a cause of action against the employer or former employer for the recovery of such penalty, and the same may be included in any subsequent action by the director on said wage claim, or may be exercised separately after adjustment of such wage claim without court action.

Sec. 8. RCW 49.48.070 and 1935 c 96 s 4 are each amended to read as follows:

It shall be the duty of the director of labor and industries to inquire diligently for any violations of RCW 49.48.040 through 49.48.080 and section 2 of this act, and to institute the actions for penalties herein provided, and to enforce generally the provisions of RCW 49.48.040 through 49.48.080 and section 2 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 49.48 RCW to read as follows:

A person, firm, or corporation aggrieved by a citation or notice of assessment issued by the department of labor and industries under this chapter may appeal the action or decision to the director of labor and industries by filing notice of the appeal with the director within thirty days of the department's issuance of a citation or notice of assessment, otherwise the citation or notice of assessment is final and binding. A notice of appeal filed under this section shall stay the effectiveness of a citation or notice of the assessment of a penalty pending review of the appeal by the director. Upon receipt of an appeal, a hearing shall be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are subject to appeal in accordance with chapter 34.05 RCW, with the prevailing party entitled to recover reasonable costs and attorneys' fees. Orders that are not appealed within the time period specified in chapter 34.05 RCW are final and binding.

NEW SECTION. Sec. 10. A new section is added to chapter 49.46 RCW to read as follows:

A person, firm, or corporation aggrieved by a citation or notice of assessment issued by the department of labor and industries under this chapter may appeal the action or decision to the director of labor and industries by filing notice of the appeal with the director within thirty days of the department's issuance of a citation or notice of assessment, otherwise the citation or notice of assessment is final and binding. A notice of appeal filed under this section shall stay the effectiveness of a citation or notice of the assessment of a penalty pending review of the appeal by the director. Upon receipt of an appeal, a hearing shall be held in accordance with chapter 34.05 RCW. The director shall issue all final orders after the hearing. The final orders are subject to appeal in accordance with chapter 34.05 RCW, with the prevailing party entitled to recover reasonable costs and attorneys' fees. Orders that are not appealed within the time period specified in chapter 34.05 RCW are final and binding.

NEW SECTION. Sec. 11. A new section is added to chapter 49.48 RCW to read as follows:

Nothing in this chapter prohibits an employee from pursuing a private right of action against an employer for unpaid wages. The remedies provided for in this chapter are not exclusive and are concurrent with any other remedy provided by law.

NEW SECTION. Sec. 12. A new section is added to chapter 49.46 RCW to read as follows:

Nothing in this chapter prohibits an employee from pursuing a private right of action against an employer for unpaid wages. The remedies provided for in this chapter are not exclusive and are concurrent with any other remedy provided by law.

NEW SECTION. Sec. 13. A new section is added to chapter 49.48 RCW to read as follows:

(1) If an employer defaults in a payment, penalty, or fine due to the department of labor and industries after a final order is issued under this chapter the director of labor and industries or the director's designee may file with the clerk of any county within the state, a warrant in the amount of the notice of assessment, plus interest, penalties, and a filing fee of twenty dollars. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of payment, penalty, fine due on it, or filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of the clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be mailed to the employer within three days of filing with the clerk.

(2)(a) The director of labor and industries or the director's designee may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to an employer upon whom a notice of assessment has been served by the department of labor and industries for payments, penalties, or fines due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The

department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by an authorized representative of the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director or the director's authorized representative. The director shall hold the property in trust for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon an employer and the property subject to it is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner is entitled.

(3) In addition to the procedure for collection of a payment, penalty, or fine due to the department of labor and industries as set forth in this section, the department may recover civil penalties imposed under this chapter in a civil action in the name of the department brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(4) This section does not affect other collection remedies that are otherwise provided by law.

NEW SECTION. Sec. 14. A new section is added to chapter 49.46 RCW to read as follows:

(1) If an employer defaults in a payment, penalty, or fine due to the department of labor and industries after a final order is issued under this chapter the director of labor and industries or director's designee may file with the clerk of any county within the state, a warrant in the amount of the notice of assessment, plus interest, penalties, and a filing fee of twenty dollars. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the employer mentioned in the warrant, the amount of payment, penalty, fine due on it, or filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed becomes a lien upon the title to, and interest in, all real and personal property of the employer against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of the clerk. The sheriff shall proceed upon the warrant in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in a court of competent jurisdiction. The warrant so docketed is sufficient to support the issuance of writs of garnishment in favor of the state in a manner provided by law in case of judgment, wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee which will be added to the amount of the warrant. A copy of the warrant shall be mailed to the employer within three days of filing with the clerk.

(2)(a) The director of labor and industries or the director's designee may issue to any person, firm, corporation, other entity, municipal corporation, political subdivision of the state, a public corporation, or any agency of the state, a notice and order to withhold and deliver property of any kind when he or she has reason to believe that there is in the possession of the person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property that is or will become due, owing, or belonging to an employer upon whom a notice of assessment has been served by the department of labor and industries for payments, penalties, or fines due to the department. The effect of a notice and order is continuous from the date the notice and order is first made until the liability out of which the notice and order arose is satisfied or becomes unenforceable because of lapse of time. The department shall release the notice and order when the liability out of which the notice and order arose is satisfied or becomes unenforceable by reason of lapse of time and shall notify the person against whom the notice and order was made that the notice and order has been released.

(b) The notice and order to withhold and deliver must be served by the sheriff of the county or by the sheriff's deputy, by certified mail, return receipt requested, or by an authorized representative of the director. A person, firm, corporation, other entity, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order. Upon service of the notice and order, if the party served possesses any property that may be subject to the claim of the department, the party shall promptly deliver the property to the director or the director's authorized representative. The director shall hold the property in trust for application on the employer's indebtedness to the department, or for return without interest, in accordance with a final determination of a petition for review. In the alternative, the party shall furnish a good and sufficient surety bond satisfactory to the director conditioned upon final determination of liability. If a party served and named in the notice fails to answer the notice within the time prescribed in this section, the court may render judgment by default against the party for the full amount claimed by the director in the notice, together with costs. If a notice is served upon an employer and the property subject to it is wages, the employer may assert in the answer all exemptions provided for by chapter 6.27 RCW to which the wage earner is entitled.

(3) In addition to the procedure for collection of a payment, penalty, or fine due to the department of labor and industries as set forth in this section, the department may recover civil penalties imposed under this chapter in a civil action in the name of the department brought in a court of competent jurisdiction of the county where the violation is alleged to have occurred.

(4) This section does not affect other collection remedies that are otherwise provided by law.

NEW SECTION. Sec. 15. A new section is added to chapter 49.48 RCW to read as follows:

The director of labor and industries may adopt rules to carry out the purposes of this chapter.

NEW SECTION. Sec. 16. A new section is added to chapter 49.46 RCW to read as follows:

The director may adopt rules to carry out the purposes of this chapter."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Keiser and Prentice to Substitute Senate Bill No. 5462.

The motion by Senator Keiser failed and the striking amendment was not adopted.

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Brown: "Senator Mulliken, would this bill lower our current minimum wage for young people in our state who are working under the age of eighteen?"

Senator Mulliken: "No, this bill does not address that at all."

Senator Brown: "Isn't it true that there is a provision in this bill that we not exceed federal definitions?"

Senator Mulliken: "We are talking about where L & I has not adopted a rule on the wage and labor standards. The fall back position--now, if we already have a law or rule in place, our state law supersedes that. It is where the state law is silent that we would have to use a fall back position of the federal standards to give the employer some form of predictability as what is expected of them in wages and in labor positions."

Senator Brown: "Thank you, Senator."

Further debate ensued.

POINT OF INQUIRY

Senator Prentice: "Senator Mulliken, this bill provides that certain federal laws take precedence over state agency rules--29 United States Code, Section 216--provides that an employer who refuses in good faith to pay minimum wages won't have to pay penalties, but still has to pay the wages. This conflicts with Section 6 of this bill, which says that the employer doesn't even have to pay the wages owed. Which one prevails?"

Senator Mulliken: "With all due respect, I think I have answered the question once and Senator Honeyford has answered the question again and I think it is very clear when there is a state statute--Washington State has a statute on the books--on the law. We have an RCW that states what our minimum wage is in this state. This bill clearly states that it is only in the absence of a law or a rule that the fall back position is for Washington DC's federal standards. They are not going to be dictating how we handle our wage and labor in the state of Washington. But, when there is a silence in the Department of Labor and Industries as to wage and labor rules and laws, our business is in need of fall back of a certainty position and the federal standard allows that. I have answered it. I think that is--"

Senator Prentice: "Thank you. It seems to me that is not the kind of certainty we need, because Section 6 says that the employer does not to pay the wages. So, I believe that this is a very bad bill. Please vote 'no.'"

Senators Sheahan, McCaslin and Parlette demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the demand for the previous question.

ROLL CALL

The Secretary called the roll on the demand for the previous question and the demand was sustained by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5462.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5462 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

SUBSTITUTE SENATE BILL NO. 5462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5242, by Senators Swecker, Zarelli, Haugen, Oke, Stevens, Benton, Doumit, Roach, Hargrove, Schmidt, Mulliken and Rasmussen

Requiring libraries to offer filtering software for minor access to the internet.

MOTIONS

On motion of Senator Swecker, Senate Bill No. 5242 was substituted for Senate Bill No. 5242 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5242.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5242 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 36.

Voting nay: Senators Brown, Fairley, Franklin, Jacobsen, Kline, Kohl-Welles, McAuliffe, McCaslin, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 13.

SUBSTITUTE SENATE BILL NO. 5242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5841, by Senators Benton, Zarelli, Hewitt, Doumit, Swecker, Carlson, Rossi, Poulsen, Oke, Stevens, Honeyford, Prentice, Mulliken, Kohl-Welles, Morton, Schmidt, Roach, Parlette, B. Sheldon, West, Shin, Franklin, Rasmussen and McAuliffe

Authorizing counties to tax employees not living in Washington for the value of government services they receive.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5841 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5841.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Keiser, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Shin, Stevens, Swecker, West and Zarelli - 30.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Kline, McAuliffe, McCaslin, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Sheldon, T., Spanel, Thibaudeau and Winsley - 19.

SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege, Mr. President. Over the past couple of days, we have had some very spirited debates in these chambers. I would like to say that with those spirited debates that we have had in discussing some very, very, dynamic issues, to keep and to maintain the respect and the congeniality that vibrates in this chamber, makes one really proud to be able serve in this chamber--to serve our state. We have our disagreements on issues, but we are able to debate those issues and to do that with respect for each other and I say that it does make us very, very proud.

"I like to watch throughout the chambers, the body language, facial expressions and determine what is going to happen next. Believe it or not, I can interpret some of those body languages. It is really wonderful to be able to serve and to debate. We have our differences, but the congeniality is still with us. I would say that now that we are, I think, at the half-way mark, the heavy lifting is yet to come. We must debate and still maintain that congeniality--and there will be heated debate. I look forward to it. It is good to serve."

PERSONAL PRIVILEGE

Senator West: "Mr. President, a point of personal privilege. I would like to compliment the gentle woman from the Twenty-ninth District for her remarks and to say, 'Well Said!'"

SECOND READING

SENATE BILL NO. 5538, by Senators Esser, Prentice, Rossi, Benton, Finkbeiner, Johnson, T. Sheldon, Roach, Schmidt and Oke

Electing Sound Transit board members.

MOTION

On motion of Senator Horn, Substitute Senate Bill No. 5538 was substituted for Senate Bill No. 5538 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Kastama moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority is governed by an elected board consisting of nine members elected from nine numbered districts in nonpartisan primary and general elections commencing with the elections held in 2003. Commencing with such elections, a person seeking election or serving on the board may not hold other public office and must be a registered voter residing in the relevant electoral district during the term in office and for a period from at least thirty days before filing a petition for candidacy.

(2) A five-member districting commission appointed by the governor shall define the districts as soon as possible after the effective date of this act. Each commission member must reside in a different authority subarea. The districting commission has all reasonably necessary powers and shall determine a reasonable budget, which must be funded upon its request, by an authority. The districting commission shall promptly approve a plan for nine numbered electoral districts in a service area, and publicize and file the plan with the county clerks of the counties within a service area. The plan must be drawn to ensure that the electoral districts have nearly equal populations (in accord with the one-person-one-vote principle); do not divide a precinct; are compact, convenient, and contiguous; and minimize the number of districts that consist of portions of different counties or different authority subareas. An objection to the plan must commence within thirty days, and be heard within sixty days, of filing the plan.

(3) Upon certification of the 2003 general election, terms of office of an authority's board members expire, if any are existing on the effective date of this act, and the nine elected members shall take office. Each elected member shall serve the remainder of 2003 plus an additional period of two or four years. Lots must be drawn to determine which five of the nine elected members shall serve an additional four years, and which four of the nine elected members shall serve an additional two years. All successors elected in subsequent elections in odd-numbered years will have terms of office for four years, commencing January 1st after the election.

(4) An authority's board positions become vacant upon failure to maintain residence or other qualification, recall, death, resignation, or adjudication of permanent disability. The vacancy must be filled as provided in chapter 42.12 RCW. The appointed temporary member shall serve until a successor for the remainder of the vacated term is chosen in the next primary and general election.

(5) Every decade, after release of federal census information, the governor shall appoint a new districting commission in accord with subsection (2) of this section. The commission shall operate in accord with the standards provided in subsection (2) of this section, and shall prepare a timetable for transition to any new districts.

(6) Notwithstanding any other provision of law, to allow staggered terms after a redistricting, a board member who has an uncompleted four-year term and no longer resides in his or her prior district solely due to redistricting, shall serve the remainder of the four-year term.

(7) Major decisions of the authority require a favorable vote of two-thirds of the entire membership. "Major decisions" include at least the following: System plan adoption and amendment; system phasing decisions; annual budget adoption; authorization of annexations; modification of board composition; and executive director employment.

(8) Each member of the board is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation as provided in RCW 43.03.250. However, a board member may elect to be alternatively compensated upon the same terms and conditions as a member of any port district in the area served by such authority.

Sec. 2. RCW 81.112.010 and 1992 c 101 s 1 are each amended to read as follows:

The legislature recognizes that existing transportation facilities in the central Puget Sound area are inadequate to address mobility needs of the area. The geography of the region, travel demand growth, and public resistance to new roadways combine to further necessitate the rapid development of alternative modes of travel.

The legislature finds that local governments have been effective in cooperatively planning a multicounty, high capacity transportation system. However, a continued multijurisdictional approach to funding, construction, and operation of a multicounty high capacity transportation system may impair the successful implementation of such a system.

The legislature finds that a single agency will be more effective than several local jurisdictions working collectively at planning, developing, operating, and funding a high capacity transportation system. The single agency's services must be carefully integrated and coordinated with public transportation services currently provided. As the single agency's services are established, any public transportation services currently provided that are duplicative should be eliminated. Further, the single agency must coordinate its activities with other agencies providing local and state roadway services, implementing comprehensive planning, and implementing transportation demand management programs and assist in developing infrastructure to support high capacity systems including but not limited to feeder systems, park and ride facilities, intermodal centers, and related roadway and operational facilities. ~~Because the legislature finds an overriding need to ensure that the single agency is accountable to the people, coordination can be best achieved through (common governance, such as integrated governing boards))~~ election of board members by districts.

It is therefore the policy of the state of Washington to empower counties in the state's most populous region to create a local agency for planning and implementing a high capacity transportation system within that region. The authorization for such an agency, except as specifically provided in this chapter, is not intended to limit the powers of existing transit agencies.

Sec. 3. RCW 81.112.020 and 1999 c 20 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Authority" means a regional transit authority authorized under this chapter.

(2) "Board" means the board of a regional transit authority.

(3) "Service area" or "area" means the area included within the boundaries of a regional transit authority.

(4) "System" means a regional transit system authorized under this chapter and under the jurisdiction of a regional transit authority.

(5) "Facilities" means any lands, interest in land, air rights over lands, and improvements thereto including vessel terminals, and any equipment, vehicles, vessels, and other components necessary to support the system.

(6) "Proof of payment" means evidence of fare prepayment authorized by a regional transit authority for the use of trains, including but not limited to commuter trains and light rail trains.

(7) "Subarea" means one of the five areas within an authority's boundaries as identified in an authority's system plan adopted in May 1996.

Sec. 4. RCW 81.112.030 and 1994 c 44 s 1 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

(3) ~~((Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.~~

~~((4))~~ (4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the ~~((appointments))~~ names of the elected board members. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

~~((5))~~ (4) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

~~((6))~~ (5) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

~~((7))~~ (6) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

~~((8))~~ (7) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

(a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;

(b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and

(c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

~~((9))~~ (8) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board, subject to section 1 of this act. If the composition of the board is changed, the participating counties shall revise the membership of the board accordingly, subject to section 1 of this act. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. The authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

NEW SECTION. Sec. 5. A new section is added to chapter 81.112 RCW to read as follows:

(1) Subject to subsection (2) of this section, an authority board that was not elected as provided for in section 1 of this act may not make expenditures, incur any debt, issue any bonds, or enter into any agreement, for the purpose of implementing a light rail transit system in a county with a population over one million five hundred thousand persons.

(2) An authority may make expenditures under this section solely for the purpose of retiring debt or fulfilling contractual obligations, if any, relative to a light rail system, incurred or entered into before the effective date of this act.

NEW SECTION. Sec. 6. RCW 81.112.040 (Board appointments--Voting-- Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

NEW SECTION. Sec. 7. This act is remedial in nature and applies to all regional transit authorities established before or after the effective date of this act.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Kastama to Senate Bill No. 5538.

The motion by Senator Kastama carried and the striking amendment was adopted on a rising vote.

MOTIONS

On motion of Senator Kastama, the following title amendment was adopted:
On line 2 of the title, after "members;" strike the remainder of the title and insert "amending RCW 81.112.010, 81.112.020, and 81.112.030; adding new sections to chapter 81.112 RCW; creating a new section; repealing RCW 81.112.040; and declaring an emergency."

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 5538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5538.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5538 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kohl-Welles, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 40.

Voting nay: Senators Haugen, Jacobsen, Kline, McAuliffe, Oke, Regala, Spanel, Thibaudeau and Winsley - 9.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "A point of personal privilege, Mr. President. I was wondering if I could ask this young Page back here--his name is Daniel--I am wondering if I could ask Daniel to stand. I would like to draw the attention to this group to this young man. He is a handsome young fellow. He is very bright and he is very shy and I was stunned to find out that he was the son of Senator Hargrove. Then, I discovered that he takes after his mother. He is a very nice young man and it was a pleasure talking to you, Daniel, and we all sympathize."

SECOND READING

SENATE BILL NO. 5632, by Senators Esser, Fairley, Schmidt, Prentice, Horn and Rossi

Regarding utility relocation costs.

The bill was read the second time.

MOTION

Senator Eide moved that the following amendments be adopted:

On page 2, line 4, after "utility," insert "If an authority pays for the removal or relocation of a utility's facilities, the utility must provide a credit to the accounts of customers that are located within the authority's district. The credit must equal the prorated cost of removing or relocating the facilities."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 2, line 4, to Senate Bill No. 5632.

The motion by Senator Eide failed and the amendment was not adopted.

MOTION

Senator Eide moved that the following amendments be considered simultaneously and be adopted:

On page 2, line 10, after "(3)" insert "The relocation provisions in subsection (2) of this section apply to high-capacity transportation systems as defined in chapter 81.104 RCW."

(4)"

On page 2, at the beginning of line 15, strike "(4)" and insert "(5)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Eide on page 2, lines 10 and 15, to Senate Bill No. 5632.

The motion by Senator Eide failed and the amendments were not adopted on a rising vote.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 5632 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senator Sheahan demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5632.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5632 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Fairley, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 32.

Voting nay: Senators Brown, Doumit, Eide, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Rasmussen, Regala, Sheldon, B., Spanel and Thibaudeau - 17.

SENATE BILL NO. 5632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 8:36 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Wednesday, March 19, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-FIFTH DAY, MARCH 18, 2003

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

SIXTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 19, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present. The Sergeant at Arms Color Guard, consisting of Pages Joseph Grable and Matthew Baker, presented the Colors. Dr. Bill Robinson, President of Whitworth College, and a guest of Senator West, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 17, 2003

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,
ENGROSSED HOUSE BILL NO. 1427,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1803,
HOUSE BILL NO. 2018,
SUBSTITUTE HOUSE BILL NO. 2019,
SUBSTITUTE HOUSE BILL NO. 2033,
HOUSE BILL NO. 2065,
ENGROSSED HOUSE BILL NO. 2146,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 17, 2003

MR. PRESIDENT:

The House has passed the following bills:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 17, 2003

MR. PRESIDENT:

The House has passed the following bills:
SUBSTITUTE HOUSE BILL NO. 1204,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1638,
SUBSTITUTE HOUSE BILL NO. 1809,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827,
SUBSTITUTE HOUSE BILL NO. 1838,
SECOND SUBSTITUTE HOUSE BILL NO. 1841,
SUBSTITUTE HOUSE BILL NO. 1879,
SECOND SUBSTITUTE HOUSE BILL NO. 1896,
HOUSE BILL NO. 1905,
SUBSTITUTE HOUSE BILL NO. 1930,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1936,
HOUSE BILL NO. 2004,
SECOND SUBSTITUTE HOUSE BILL NO. 2012,
SUBSTITUTE HOUSE BILL NO. 2036,
SUBSTITUTE HOUSE BILL NO. 2040,
HOUSE BILL NO. 2041,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
HOUSE BILL NO. 2072,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2112,
ENGROSSED HOUSE BILL NO. 2140,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2147,
HOUSE BILL NO. 2150,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
SUBSTITUTE HOUSE BILL NO. 2184,
HOUSE JOINT MEMORIAL NO. 4014,
HOUSE JOINT RESOLUTION NO. 4204, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

March 18, 2003

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5403. The Speaker has appointed the following members as conferees: Representatives Sommers, Fromhold and Sehlin.

CINDY ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 8407 by Senators Jacobsen and Carlson

Creating a joint select committee to evaluate transfer of credit between four-year institutions of higher education.

Referred to Committee on Higher Education.

SCR 8408 by Senators Jacobsen and Carlson

Creating a joint select committee concerning Latino accessibility to higher education.

Referred to Committee on Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1204 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Delvin, Conway, Alexander, Pflug, Anderson, Cooper and Chase) (by request of Joint Committee on Pension Policy)

Creating the select committee on pension policy.

Referred to Committee on Ways and Means.

E2SHB 1418 by House Committee on Appropriations (originally sponsored by Representatives Quall, Schoesler, Blake, Sump, Morris, Grant, Hatfield, Sehlin, Bailey and Linville)

Regarding construction projects in state waters.

Referred to Committee on Agriculture.

EHB 1427 by Representatives Lantz, Delvin, O'Brien, Boldt, Blake, Hankins, Fromhold, Cody, Pearson, Mastin, Hunt, Roach, Moeller, Kagi, Benson, Rockefeller, McMahan and McDonald

Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement.

Referred to Committee on Judiciary.

E2SHB 1638 by House Committee on Appropriations (originally sponsored by Representatives Schual-Berke, Darneille, Conway, Hankins, McIntire, Pflug, Kenney, Kessler, Moeller, Edwards, Simpson, Morrell, Skinner, Upthegrove, Rockefeller and Wood)

Concerning hepatitis C.

Referred to Committee on Health and Long-Term Care.

ESHB 1754 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Sump, Hunt, Grant, Pettigrew, Haigh, McDermott, Blake, Quall, Rockefeller and Romero)

Concerning the slaughter, preparation, and sale of certain poultry.

Referred to Committee on Agriculture.

ESHB 1769 by House Committee on Local Government (originally sponsored by Representatives Romero, Cooper, Dunshee, Linville and Edwards) (by request of Governor Locke)

Establishing a schedule of time limits under which local governments must develop or amend shoreline master plans.

Referred to Committee on Land Use and Planning.

ESHB 1803 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville, Rockefeller, Anderson, Delvin, McDermott, McIntire, Woods and Simpson) (by request of Commissioner of Public Lands Sutherland)

Studying the creation of the legacy trust proposal.

Referred to Committee on Parks, Fish and Wildlife.

SHB 1809 by House Committee on State Government (originally sponsored by Representatives Murray, Hankins, Grant, Mastin, McDermott, Jarrett, Linville, Upthegrove, Quall, Moeller, Tom, Kessler, Lovick, Hunter, Schual-Berke, Ruderman, Dickerson, Santos, Hudgins, Haigh, Hunt, Pettigrew, Rockefeller, Simpson, Cody and Kenney) (by request of Governor Locke)

Expanding the jurisdiction of the human rights commission.

Referred to Committee on Judiciary.

ESHB 1827 by House Committee on Health Care (originally sponsored by Representatives Moeller, Skinner, Fromhold, Schoesler, Romero, Sullivan, Hankins, Hunt, Morrell, Delvin, Cox, Kenney, Hinkle, Linville, Wood, Cody, Dunshee, Schual-Berke, Sehlin and Simpson)

Requiring information on meningitis immunization for college students.

Referred to Committee on Health and Long-Term Care.

SHB 1838 by House Committee on Children and Family Services (originally sponsored by Representatives Dickerson, Romero, Kenney, Kagi, Moeller, Chase and Santos)

Providing access to a telephonic reading service for blind or visually handicapped persons in the state of Washington.

Referred to Committee on Government Operations and Elections.

2SHB 1841 by House Committee on Appropriations (originally sponsored by Representatives Kagi, Boldt, O'Brien, McIntire, Hunt, Schual-Berke, Shabro, Cooper, Linville, Pettigrew, Upthegrove, Moeller, Darneille, Miloscia, Dickerson, Clements, Armstrong, Orcutt, Fromhold, Delvin, Roach, Kenney, Haigh, Lovick, Chase, Santos and Hudgins)

Establishing funding criteria for prevention and early intervention services.

Referred to Committee on Children and Family Services and Corrections.

SHB 1879 by House Committee on Finance (originally sponsored by Representatives Gombosky and Cairnes)

Simplifying the concurrent taxing jurisdictions of the tribal municipalities and the state.

Referred to Committee on Ways and Means.

2SHB 1896 by House Committee on Appropriations (originally sponsored by Representatives Quall, Cox, Hunter and Anderson) (by request of Superintendent of Public Instruction Bergeson)

Adding powers and duties for the superintendent of public instruction.

Referred to Committee on Education.

HB 1905 by Representatives Gombosky, Buck, Lantz, Tom, Pettigrew, Rockefeller, Skinner, Fromhold, Benson, Kagi, Kessler, Clibborn, Nixon, Kenney, Moeller, Conway, Hudgins, Santos and McDermott

Providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations.

Referred to Committee on Ways and Means.

SHB 1930 by House Committee on Finance (originally sponsored by Representatives Morris, Cairnes, Gombosky and Ericksen)

Enacting procedural enhancements to the master settlement agreement.

Referred to Committee on Commerce and Trade.

ESHB 1933 by House Committee on Local Government (originally sponsored by Representatives Berkey, Kessler, Cairnes, Buck, Sullivan, Orcutt, Hatfield, Jarrett, Miloscia, Gombosky, Grant, DeBolt, Quall, Woods, Schoesler, Conway, Lovick, Clibborn, Edwards, Schindler, McCoy, Eickmeyer and Alexander)

Declaring shoreline management act legislative intent.

Referred to Committee on Land Use and Planning.

ESHB 1936 by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Carrell, McCoy, O'Brien and Lovick)

Providing for a study on tribal law enforcement.

Referred to Committee on Judiciary.

HB 2004 by Representatives Hudgins, Voloria and Upthegrove

Describing the route of SR 99.

Referred to Committee on Highways and Transportation.

2SHB 2012 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Cox, Kenney, Hunter, Quall, Moeller, Chase and Santos)

Creating a special services pilot program.

Referred to Committee on Education.

HB 2018 by Representatives Cody, Morrell, Santos, Darneille and Edwards

Concerning eligibility requirements for the Washington state health insurance pool.

Referred to Committee on Health and Long-Term Care.

SHB 2019 by House Committee on Health Care (originally sponsored by Representatives Cody, Morrell, Edwards, Santos and Dickerson)

Revising provisions for nonsubsidized basic health plan coverage.

Referred to Committee on Health and Long-Term Care.

SHB 2033 by House Committee on Transportation (originally sponsored by Representatives Shabro, Conway, Priest, McDonald, Tom, Darneille, McMahan, Flannigan, Carrell, Campbell, Lantz, Talcott, Roach, Bailey, Kirby and Kristiansen)

Requiring regional transportation investment district tax revenue to be allocated proportionally among member counties.

Referred to Committee on Highways and Transportation.

SHB 2036 by House Committee on Finance (originally sponsored by Representatives Buck, McCoy and Clements)

Authorizing additional tribes to enter into cigarette tax contracts with the governor.

Referred to Committee on Commerce and Trade.

SHB 2040 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Santos and Benson) (by request of Insurance Commissioner Kreidler)

Establishing liability for taxes on unlawful or delinquent insurers or taxpayers.

Referred to Committee on Financial Services, Insurance and Housing.

HB 2041 by Representatives Kenney, Boldt, Lantz, Clements, McCoy, Fromhold, Berkey, Morrell and Kagi

Clarifying the work study aspect of "work activity" under the TANF program.

Referred to Committee on Children and Family Services and Corrections.

ESHB 2056 by House Committee on State Government (originally sponsored by Representatives Haigh, Armstrong and Miloscia)

Modifying public works bidding provisions.

Referred to Committee on Government Operations and Elections.

HB 2065 by Representatives Simpson and Edwards

Facilitating license plate technology advances.

Referred to Committee on Highways and Transportation.

HB 2072 by Representatives Hankins, Murray, Woods, Grant, Schoesler, Clements and Newhouse

Creating the Produce Railcar Pool.

Referred to Committee on Highways and Transportation.

ESHB 2089 by House Committee on Higher Education (originally sponsored by Representatives McCoy, Wallace, Morrell, Kenney and Miloscia)

Changing veterans' tuition waiver provisions.

Referred to Committee on Higher Education.

ESHB 2112 by House Committee on State Government (originally sponsored by Representatives Haigh, Miloscia, Eickmeyer and Edwards)

Reviewing public works projects that use the general contractor/construction manager procedure authorized in chapter 39.10 RCW.

Referred to Committee on Government Operations and Elections.

EHB 2140 by Representatives Grant and Linville

Reaffirming the role of the state conservation commission.

Referred to Committee on Agriculture.

EHB 2146 by Representatives Tom, Sullivan and Eickmeyer

Providing tax incentives for wood biomass fuel production, distribution, and sale.

Referred to Committee on Natural Resources, Energy and Water.

ESHB 2147 by House Committee on Education (originally sponsored by Representatives McDermott, Upthegrove, Cox, Quall and Rockefeller)

Protecting preschool and elementary school students assisting in school kitchens.

Referred to Committee on Education.

HB 2150 by Representatives Lantz, Darneille and Sehlin

Modifying the administration of civil legal services.

Referred to Committee on Judiciary.

ESHB 2151 by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Dunshee, Sommers, Cox and Sehlin)

Prioritizing proposed higher education capital projects.

Referred to Committee on Ways and Means.

SHB 2184 by House Committee on Capital Budget (originally sponsored by Representatives McIntire, Cox, Dunshee, Kenney and Alexander)

Providing for uniform and comprehensive facility inventory and condition data.

Referred to Committee on Ways and Means.

ESHB 2195 by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)

Regarding state assessment standards.

Referred to Committee on Education.

HJM 4014 by Representatives Woods, Miloscia, Priest, Hankins, Shabro, Rockefeller, Sehlin, Lovick, Bailey, Holmquist, Ericksen, Tom, Schindler, Clements, Morris, Anderson, Sullivan, Dickerson, Wood, Murray, Ruderman, Kirby, Kenney, Haigh, Kagi, Schual-Berke, Linville, Moeller, Chase, Romero, Simpson, Quall, Conway, Santos, Upthegrove, Darneille, Voloria, Pearson, Alexander, Skinner and Talcott

Naming the "Maryann Mitchell Memorial Interchange."

Referred to Committee on Highways and Transportation.

HJR 4204 by Representatives Haigh, Armstrong, Hunter, Hunt, Tom, McDermott, Wallace, Rockefeller, Fromhold, Eickmeyer, Miloscia, Talcott, Lantz, Schual-Berke, Ruderman, Pettigrew, Wood, Upthegrove, Hudgins, Morrell, Simpson, Darneille and Chase

Amending the Constitution to provide for a simple majority of voters voting to authorize a school levy.

Referred to Committee on Education.

MOTIONS

On motion of Senator Sheahan, Engrossed Substitute House Bill No. 1803 was referred to the Committee on Parks, Fish and Wildlife.

On motion of Senator Sheahan, Substitute House Bill No. 1930 was referred to the Committee on Commerce and Trade.

MOTION

On motion of Senator Sheahan, Senate Rule 20 was suspended for the remainder of the day.

EDITOR'S NOTE: Senate Rule 20 states: 'The senate shall consider no more than one floor resolution per day in session.'

MOTION

On motion of Senator West, the following resolution was adopted:

SENATE RESOLUTION 8638

By Senators West and Brown

WHEREAS, The Senate adopted permanent rules for the 2003-05 biennium under Engrossed Senate Floor Resolution 8601;

WHEREAS, Pursuant to Senate Rule 35, the Senate has received one day's notice from Senator West of his intent to move adoption of amendments to Senate Rule 1 and Senate Rule 7 in the manner set forth below; and

WHEREAS, The Senate desires to preserve decorum and the integrity of the Senate, allowing consideration of issues and debate to take place in a respectful manner in which all members and the public can participate without interruption or distraction;

NOW, THEREFORE, BE IT RESOLVED, That Rule 1 as set forth in Engrossed Senate Floor Resolution 8601 is amended as follows:

"2. The president shall preserve order and decorum, and in case of any disturbance, or disorderly conduct within the chamber, legislative area, legislative offices or buildings, and legislative hearing and meeting rooms, shall order the sergeant at arms to suppress the same, and may order the arrest of any person creating any disturbance within the senate chamber. The use of cellular or digital telephones is prohibited within the Senate Chamber during floor session and within a hearing room during a committee hearing, and this prohibition shall be enforced in the same manner as any other breach of order and decorum."

NOW, THEREFORE, BE IT RESOLVED, That Rule 7 as set forth in Engrossed Senate Floor Resolution 8601 is amended as follows:

"Rule 7. 1. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time. The use of cellular or digital telephones is prohibited within the Senate Chamber during floor session and within a hearing room during a committee hearing."

Senators West and Brown spoke to Senate Resolution 8638.

MOTION

On motion of Senator Hargrove, the following resolution was adopted:

SENATE RESOLUTION 8646

By Senators Hargrove, Stevens, Roach, Carlson, Haugen, Mulliken, Franklin, Parlette, Regala, Kastama, Thibaudeau, McAuliffe, Fraser, Fairley, Spanel, Kohl-Welles and Rasmussen

WHEREAS, The state of Washington lost a tireless advocate for children and families with the death of Rosalyn "Rosie" Oreskovich on February 28, 2003; and

WHEREAS, Rosie earned degrees from the University of Montana and the University of Washington; and

WHEREAS, Rosie began her career with the Department of Social and Health Services in 1976 as an "after-hours" social worker and advanced through the ranks as a supervisor and area manager. Rosie served as a coordinator of the Children's Mental Health Service in King County and was responsible for implementing mental health reform, including the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) initiative and was a leader in the development of a publicly funded mental health system; and

WHEREAS, Rosie returned to DSHS in 1994 as the assistant secretary for the Children's Administration and subsequently established the "Kids Come First Action Agenda," was responsible for increasing the number of foster homes, the percentage of foster children placed with relatives, made it possible for more children to be safely reunited with their parents and doubled the number of former foster children ages 18 through 21 who received independent living services; and

WHEREAS, Her leadership and commitment to instilling best practice reforms enabled the Vancouver, WA DSHS Division of Children and Family Services office to become the first state child welfare agency in the West to achieve accreditation status by meeting rigorous and nationally recognized standards of social work; and

WHEREAS, Rosie was a respected national speaker on child welfare issues and served on the executive committee of the National Association of Public Child Welfare Administrators; and

WHEREAS, Thousands of children and their families are leading better lives because Rosie led a dedicated staff through the difficult and demanding tasks necessary to nurture children in need while working to heal and reunite families; and

WHEREAS, Rosie was held in the highest regard by staff and elected officials as well as colleagues in Washington state and nationally;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the lifetime contributions and the legacy of caring for children and families made to the great state of Washington by Rosie Oreskovich.

Senators Hargrove, Stevens and Thibaudeau spoke to Senate Resolution 8648.

MOTION

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

MOTION

On motion of Senator Hewitt, Senator West was excused.

SECOND READING

SENATE BILL NO. 5400, by Senator Swecker

Creating a geoduck aquaculture research project.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5400 was substituted for Senate Bill No. 5400 and the substitute bill was placed on second reading and read the second time.

Senator Morton moved that the following striking amendment by Senators Morton and Swecker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 79.96 RCW to read as follows:

(1) By January 1, 2004, the department and the department of fish and wildlife shall initiate an agreement to conduct joint research projects with the geoduck harvesters association, holders of aquatic farm registrations, and recognized treaty tribes of Washington, hereinafter referred to as cooperators, for an initial term of ten years, with the option of an additional term of ten years, to examine the subtidal geoduck aquaculture industry in the state of Washington.

(2) The geoduck aquaculture research project must use scientific methods to determine sustainability of geoduck aquaculture and assess potential impacts to the aquatic ecosystem.

(3) The department shall lease the use of state-owned aquatic lands for the geoduck aquaculture research project and shall determine the location of leases and project design jointly with the cooperators. Each cooperator leasing land shall provide geoduck clam seed produced in hatcheries located in Washington state, materials, and labor for their respective lease. The department will establish lease fees on a per acre basis, not to exceed one thousand dollars per acre.

(a) The department shall designate no fewer than five areas of aquatic lands owned by the state to lease on which to implement the geoduck aquaculture research project. The department and cooperators shall determine the size and location of the areas, which shall comprise approximately fifty acres, of approximately ten acres each.

(b) Identification of areas with density of geoduck clams below the level that constitutes a natural bed must be made in accordance with the tribes, pursuant to applicable federal court order. The treaty tribes retain the right, as provided under court order, to inspect study areas.

(4) At the end of the first year of the geoduck aquaculture research project and each year thereafter, the department shall provide a progress report on the project to the standing legislative committees with jurisdiction. The second report and all subsequent reports must include an assessment of geoduck aquaculture, its impact on the aquatic ecosystem, and recommendations regarding continuation or expansion of the research project. Each report must include the perspective of the association, the geoduck aquaculture industry, and the tribes."

POINT OF INQUIRY

Senators Betti Sheldon: "Senator Morton, are the counties going to have any opportunity to participate in the discussion of this study? As you know, we in Kitsap have a very active interest in the geoduck harvest."

Senator Morton: "There is no limit as to who can participate in discussions. Those that will be a part of signing the agreement will be harvesters. There are two groups of people. There is one that is an association that is incorporated now and then there is another that will have to organize further before they can sign a legal document. Then the other two entities are the Department of Fish and Wildlife and the Department of Natural Resources."

Senator Betti Sheldon: "So, that would exclude local government? Is that what you are saying?"

Senator Morton: "Local government is not specifically mentioned. The tribes are specifically mentioned as part of it. Local government is not. Yes, they could participate. I suppose they could ask to be a part of it, but in this bill, you are right, they are not specifically mentioned."

Senator Betti Sheldon: "Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Morton and Swecker to Substitute Senate Bill No. 5400.

The motion by Senator Morton carried and the striking amendment was adopted.

MOTIONS

On motion of Senator Morton, the following title amendment was adopted:

On page 1, beginning on line 1 of the title, after "geoducks;" strike the remainder of the title and insert "and adding a new section to chapter 79.96 RCW."

On motion of Senator Morton, the rules were suspended, Engrossed Substitute Senate Bill No. 5400 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5400.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5400 and the bill passed the Senate by the following vote Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 39.

Voting nay: Senators Brown, Fairley, Fraser, Kohl-Welles, Prentice, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Deccio and Rossi were excused.

SECOND READING

SENATE BILL NO. 5578, by Senators Winsley, T. Sheldon, Brandland, Reardon, Franklin, Esser, Haugen and Hargrove

Allowing for bed hold for boarding home residents.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5578 was substituted for Senate Bill No. 5578 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5578 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5578.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5578 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Rossi - 2.

SUBSTITUTE SENATE BILL NO. 5578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5969, by Senators Haugen, Swecker and Rasmussen

Providing natural resource protection in Skagit county.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5969 was substituted for Senate Bill No. 5969 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the following striking amendment by Senators Swecker and Haugen was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that counties have been given the authority to designate agricultural lands of long-term commercial significance and that such lands are protected as a matter of state law. The legislature finds that counties have also been given the authority to designate fish habitat and that these areas are to be protected as a matter of state law. In addition, the legislature finds that the department of fish and wildlife has been granted authority to protect fish habitat in streams.

The legislature finds that several fish habitat restoration processes have been established for the specific purpose of developing plans acceptable to the local communities to restore fish habitat and that several millions of dollars of public funds have been dedicated to projects supported by the local community, including many in Skagit county.

The legislature finds that instead of using fish habitat restoration processes, the department of fish and wildlife has attempted in Skagit county to use regulatory statutes that are limited to the protection of fish habitat. However, these regulatory statutes do not require the restoration or enhancement of habitat.

The legislature finds that historical interpretations by the agency have changed without a corresponding change in the underlying statute. Further, the term "protection" has been determined to be equivalent to a no net loss standard in the administrative code pertaining to hydraulic project approvals. Likewise, the legislature finds that the protection requirement for agricultural land designated as having long-term commercial significance has been interpreted by the state supreme court in a similar fashion of no reduction and no net loss.

The legislature further finds that for over fifty years that fishway statutes have been in effect, they have not been applied to tide gates on agricultural drainage facilities.

The legislature finds that a collaborative process to examine reasonable and feasible alternatives to enhance tidal fish habitat should be used to focus and expedite efforts where there is a gain in tidal fish habitat without harming designated agricultural lands. The legislature also finds that pilot projects may be needed to test creative solutions to achieve the dual goals of enhancing tidal fish habitat while protecting designated agricultural lands.

NEW SECTION. Sec. 2. The purposes of this act are:

(1) To protect lands designated by the county as agricultural land of long-term commercial significance from the effects of saltwater intrusion and diminishment of drainage capability for drainage infrastructure, including flood gates, pump stations, ditches, and tide gates;

(2) To require examination of opportunities to enhance tidal fish habitat on hundreds of acres of publicly owned land while maintaining habitat for migratory birds and that opportunities on publicly owned lands outside the dikes be considered first; and

(3) To allow tide gates located on bona fide streams to proceed through a fish habitat restoration planning process to find opportunities to use fish habitat while avoiding harm to existing land uses.

NEW SECTION. Sec. 3. A new section is added to chapter 77.55 RCW to read as follows:

(1) From funds appropriated to the department of fish and wildlife for salmon restoration activities, the fish and wildlife commission, in coordination with the Skagit county legislative authority and diking and drainage district commissioners, and local landowners, shall establish the Skagit tidal fish habitat pilot project to jointly develop a strategy and to propose projects to enhance tidal fish habitat and address the management, operation, and maintenance of tide gates on streams in Skagit county while assuring no net loss of agricultural lands or their productivity. The strategy and proposed projects must be submitted to the appropriate standing committees of the legislature by December 1, 2004. The strategy must consider the following elements:

(a) An inventory of existing tide gates located on bona fide streams in Skagit county. The inventory must include location, age, type, and maintenance history of the tide gate, and other factors as determined by the commission, the county, diking and drainage districts, and local landowners;

(b) An assessment of the role of tide gates located on bona fide streams in the Skagit county; the role of tidal fish habitat for various life stages of salmon; the quantity and characterization of tidal fish habitat currently accessible to fish; the quantity and characterization of the present tidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential tidal fish habitat on public lands and alternatives to enhance this habitat; the effects of salt water intrusion on agricultural land including the effects of backfeeding of salt water through the underground drainage system; the role of tide gates in drainage systems including relieving excess water from saturated soil and providing reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning tidal fish habitat; the description of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; the description and identification of natural water courses and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term proposal for fish habitat enhancement to meet the two goals of salmon recovery and no net loss of designated agricultural lands. The fish and wildlife commission, the Skagit county legislative authority, and diking and drainage district commissioners shall jointly convene a work group of interested parties, including local landowners, tribal councilmembers, local governments, federal fishery agencies, diking and drainage districts, and representatives of the local lead entity under RCW 77.85.050, to develop the strategy and proposed projects, based on the inventory and assessment under (a) and (b) of this subsection. Legislators shall be appointed to the work group, with an equal number from each of the four major caucuses in the house of representatives and the senate as determined by the speaker of the house of representatives and the president of the senate. The proposal shall include methods to increase fish passage and enhance tidal habitat on public lands, voluntary methods to increase fish passage on private lands, a priority list of fish passage projects on bona fide streams, and recommendations for funding of high priority projects.

(2) The strategy shall proceed in four phases as follows:

(a) Examining opportunities and proposing projects for tidal fish habitat improvements on public land outside the dike;

(b) Examining opportunities and proposing projects for tidal fish habitat improvements on public land inside the dike;

(c) Examining opportunities and proposing projects for tidal fish habitat improvements on areas that have bona fide streams; and

(d) Examining voluntary opportunities for tidal fish habitat improvements where there are no bona fide streams.

(3) The department of fish and wildlife may not require fish passage under RCW 77.55.060 or as a condition of hydraulic project approval for maintenance, improvement, or replacement of agricultural drainage systems under this chapter unless the condition is consistent with the strategy developed under this section and the strategy has been approved by the legislature.

(4) Any condition requiring fish passage in an existing hydraulic project approval issued for a tide gate in Skagit county under this chapter is stayed unless the condition is consistent with the strategy developed under this section and the strategy has been approved by the legislature.

(5) For the purpose of this section, "stream" or "bona fide stream" means the Skagit river, the Samish river, Carpenter creek, and Colony creek."

MOTIONS

On motion of Senator Swecker, the following title amendment was adopted:

On page 1, line 1 of the title, after "county;" strike the remainder of the title and insert "adding a new section to chapter 77.55 RCW; and creating new sections."

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 5969 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5969.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5969 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Rossi - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5969, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5340, by Senators Horn, Haugen and T. Sheldon (by request of Governor Locke)

Modifying the commute trip reduction program.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 5340 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5340.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5340 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

Voting nay: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

SENATE BILL NO. 5340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5120, by Senators Rossi, Kline, Oke, Roach, Esser, Swecker, Deccio, Stevens, Benton, Hale, Hewitt, Mulliken, Honeyford, Johnson, Schmidt, Sheahan and Horn

Changing provisions relating to ignition interlock devices.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5120 was substituted for Substitute Senate Bill No. 5120 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5120 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5120.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5120 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5497, by Senators Esser, Haugen and Oke (by request of Department of Transportation)

Modifying relocation assistance provisions.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5497 was substituted for Senate Bill No. 5497 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 5497 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5497.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5497 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5492, by Senators Mulliken, Keiser and Winsley

Revising provisions for sale of timeshares.

MOTIONS

On motion of Senator Mulliken, Substitute Senate Bill No. 5492 was substituted for Senate Bill No. 5492 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Mulliken, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.36 RCW to read as follows:

(1) An effective registration pursuant to this chapter is required for any party to offer to sell a timeshare interest. A promoter who offers to sell or sells revocable timeshare interests in incomplete projects or facilities is limited by and must comply with all of the requirements of RCW 64.36.025. If a promoter seeks to enter into irrevocable purchase agreements with purchasers for timeshare interests in incomplete projects or facilities, the promoter must meet the requirements in this section in addition to RCW 64.36.020 and the following limitations and conditions apply:

(a) The promoter is limited to offering or selling only fee simple deeded timeshare interests;

(b) Construction on the project must have begun and be at least twenty percent complete and must be completed no later than within two years of the date of the initial offer to sell the timeshare interest;

(c) The promoter must establish an escrow or trust account for the purpose of protecting the funds or other property paid, pledged, or deposited by purchasers;

(d) The promoter's solicitations, advertisements, and promotional materials must clearly and conspicuously disclose that "THE PROJECT IS NOT YET COMPLETED; IT IS STILL UNDER CONSTRUCTION"; and

(e) The promoter's solicitations, advertisements, and promotional materials and the timeshare interest purchase agreement must clearly and conspicuously provide for and disclose the last possible estimated date for completion of construction.

(2) The timeshare interest purchase agreement must contain the following language in fourteen point bold face type: "If the project is not completed by [estimated date of completion], the purchaser has the right to void the purchase agreement and is entitled to a full, unqualified refund of all moneys paid."

(3) One hundred percent of all funds or other property that is received from or on behalf of purchasers of timeshare interests prior to the occurrence of events required in this section must be deposited pursuant to an escrow or trust agreement approved by the director. Funds may be released from the escrow or trust account to the purchaser if the purchaser cancels within the cancellation period, or to the promoter only when all three of the following conditions occur:

(a) The purchaser's cancellation period has expired;

(b) Closing has occurred; and

(c) Construction is complete and the facility is ready to occupy.

(4) In lieu of depositing purchaser funds into an escrow or trust account, the promoter may post with the department a bond equal to the amount of Washington resident purchaser funds or other property. The amount of the bond must be adjusted upwards as the promoter makes additional sales and must at all times equal the amount of funds or other property that have been paid by Washington resident purchasers.

(5) Any purchaser has the right to void the timeshare purchase agreement and request a full, unqualified refund if construction of the timeshare project is not completed within two years from the date of the initial offer to sell the timeshare interest or by the last estimated date of construction contained in the timeshare purchase agreement, whichever is earlier.

(6) If the completed timeshare project is materially and adversely different from the project that was promised to purchasers at the time that the purchase agreements were signed, the director may declare any or all of the purchaser contracts void. Before declaring the contracts void, the director shall give the promoter the opportunity for a hearing in accordance with chapters 34.05 and 18.235 RCW.

(7) If the promoter intends to or does pledge or borrow against funds or properties, which are held in trust or escrow or protected by a bond, to help finance in whole or in part the construction of the timeshare project or to help pay for operating costs, this must be fully, plainly, and conspicuously disclosed in all advertising, in all written or oral solicitations for the sale of the timeshare interests, in the registration with the director, and in the purchase agreement or contract.

(8) A promoter who obtains an effective registration for a revocable timeshare interest reservation must meet the requirements of this section in order to complete an irrevocable purchase agreement."

MOTIONS

On motion of Senator Mulliken, the following title amendment was adopted:

On page 1, line 1 of the title, after "timeshares;" strike the remainder of the title and insert "and adding a new section to chapter 64.36 RCW."

On motion of Senator Mulliken, the rules were suspended, Engrossed Substitute Senate Bill No. 5492 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5492.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5492 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MOTION

On motion of Senator Hewitt, Senator Rossi was excused.

SECOND READING

SENATE BILL NO. 5251, by Senators Brandland, Thibaudeau, Shin and Kline

Modifying foreign judgment provisions.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5251 was substituted for Senate Bill No. 5251 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5251 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5251.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5251 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Mulliken - 1.

Excused: Senators Brown and Rossi - 2.

SUBSTITUTE SENATE BILL NO. 5251, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6011, by Senator Rossi

Providing a business and occupation tax for staffing services businesses.

MOTIONS

On motion of Senator West, Substitute Senate Bill No. 6011 was substituted for Senate Bill No. 6011 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Regala, the following striking amendment by Senators Rossi and Regala was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging in this state in the business of providing staffing services that would otherwise be subject to tax under RCW 82.04.290(2); as to such persons the amount of tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of .484 percent. If the staffing activities are conducted both within and without this state, the amount of tax on such person shall be equal to the apportioned gross income of the business multiplied by the rate of .484 percent.

(2) The apportioned gross income shall be calculated by multiplying the apportionable income by a fraction, the numerator of which is the sum of the property factor, if any, the payroll factor, if any, and the sales factor, if any, and the denominator of which is three reduced by the number of factors that have a denominator of zero. The apportionment factors shall be calculated according to rules adopted by the department consistent with the principles and concepts contained in chapter 82.56 RCW but are not required to be identical to those contained in chapter 82.56 RCW. If the provisions of this section do not fairly represent the extent of the taxpayer's business activity in this state, the taxpayer may petition for or the department may require the use of an alternative apportionment method, if reasonable, such as separate accounting, the exclusion of any one or more of the factors, or the inclusion of one or more additional factors.

(3) The definitions in this subsection apply to this section.

(a) "Apportionable income" means the gross income of the taxpayer, which includes but is not limited to all amounts received for providing the temporary workers, subject to tax under subsection (1) of this section, less the exemptions and deductions allowable under this chapter.

(b) "Staffing services" means an arrangement in which the taxpayer recruits and hires employees from the labor market and assigns them on a temporary basis to perform services for another to support or supplement the customer's work force, or to provide assistance in

special work situations such as employee absences, skill shortages, and seasonal workloads, or to perform special assignments or projects, all under the direction and supervision of the customer. "Staffing services" does not include employee leasing or employee placement services.

Sec. 2. RCW 82.04.290 and 2001 1st sp.s. c 9 s 6 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.298, 82.04.2905, 82.04.280, 82.04.2907, ((and)) 82.04.272, section 1 of this act, and subsection (1) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.5 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section."

MOTIONS

On motion of Senator West, the following title amendment was adopted:

On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert "amending RCW 82.04.290; and adding a new section to chapter 82.04 RCW."

On motion of Senator West, the rules were suspended, Engrossed Substitute Senate Bill No. 6011 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Regala: "Senator West, I understand that Engrossed Substitute Senate Bill No. 6011 deals with the issue of the business and occupation taxation of companies that provide temporary staffing services. I also understand that there is pending litigation between a staffing service company and the Department of Revenue regarding whether some staffing services are subject to the retail sales tax. Would this bill affect the outcome of that litigation?"

Senator West: "Senator Regala, Engrossed Substitute Senate Bill No. 6011 lowers the business and occupation tax rate on companies that provide temporary staffing services if the activities would otherwise be subject to the general 1.5 percent business and occupation tax rate on services. Activities taxable under the general 1.5 percent service rate are not subject to the retail sales tax. The issue in that litigation is whether or not temporary staffing services that are defined as retail sales would be taxable under the retailing classification of the business and occupation tax and consequently subject to the retail sales tax. This bill does not address any temporary staffing services that may be subject to tax under the retailing classification. Therefore, this bill does not affect, and is not intended to affect, the outcome of that pending litigation."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6011.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6011 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Fraser - 1.

Excused: Senators Brown and Rossi - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5742, by Senators Honeyford, Benton and Esser

Establishing procedures for rehiring retirees of the public employees' retirement system plan 1 and the teachers' retirement system plan

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5742 was substituted for Senate Bill No. 5742 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator McAuliffe moved that the following amendment by Senators McAuliffe, Honeyford and Carlson be adopted: On page 10, beginning on line 25, after "year." strike all material down to and including "and:" on line 28 and insert the following:

"(3) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state at least (i) forty-five days for certificated instructional staff, or (ii) sixty days for other staff, after his or her date of separation and:"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators McAuliffe, Honeyford and Carlson on page 10, beginning on line 25, to Substitute Senate Bill No. 5742.

The motion by Senator McAuliffe carried and the amendment was adopted.

MOTION

On motion of Senator Carlson, the following amendment by Senators Carlson, Winsley, Spanel, Honeyford, McAuliffe, Fraser, Jacobsen and Parlette was adopted:

On page 10, line 31, strike "qualified applicants" insert "well-qualified applicants"

MOTION

Senator McAuliffe moved that the following amendment be adopted:

On page 11, beginning on line 2, after "and" strike all material down to and including "retirement." on line 13 and insert the following:

"(d) The employee has not already rendered a cumulative total of more than (i) three thousand one hundred sixty-five hours of service for certificated instructional staff, or (ii) one thousand nine hundred hours of service for all other staff, while receiving pension payments, beyond an annual threshold of eight hundred sixty-seven hours; shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than one thousand five hundred hours in a school year. The cumulative total limitations under this subsection apply prospectively to those retiring after the effective date of this act and retroactively to those who retired prior to the effective date of this act, and shall be calculated from the date of retirement."

Debate ensued.

POINT OF INQUIRY

Senator Carlson: "Senator McAuliffe, I would like to know what the relationship of this amendment would be for the administrators and superintendents of school districts and how they would be affected by your amendment?"

Senator McAuliffe: "Thank you, for your question. This amendment is crafted just for certified staff, so that would only be the teachers. It would not include administrators or other staff, other than your ESA's."

The President declared the question to be the adoption of the amendment by Senator McAuliffe on page 11, line 2, to Substitute Senate Bill No. 5742.

The motion by Senator McAuliffe failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute Senate Bill No. 5742 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5742.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5742 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Rossi - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5742, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8012, by Senators Fraser, Morton and Kline

Asking the federal energy regulatory commission to withdraw a new pricing policy proposal.

The joint memorial was read the second time.

MOTION

On motion of Senator Fraser, the rules were suspended, Senate Joint Memorial No. 8012 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8012.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8012 and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Rossi - 2.

SENATE JOINT MEMORIAL NO. 8012, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5500, by Senators Johnson, Haugen, Esser, Thibaudeau, McCaslin and Horn

Facilitating interlocal agreements for court services among municipalities.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5500 was substituted for Senate Bill No. 5500 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5500 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5500.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5500 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Eide, Kline and Reardon - 3.

Excused: Senators Brown and Rossi - 2.

SUBSTITUTE SENATE BILL NO. 5500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5160, by Senators Morton, Mulliken, McCaslin, Benton, Honeyford, Stevens, Sheahan, Deccio, Swecker, Hale, Parlette and T. Sheldon

Authorizing certain counties to withdraw from the growth management act.

MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 5160 was substituted for Senate Bill No. 5160 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5160.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 13.

Excused: Senators Brown and Rossi - 2.

SUBSTITUTE SENATE BILL NO. 5160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5959, by Senators Esser, Poulsen, Schmidt, Eide, Stevens, T. Sheldon, Reardon and Finkbeiner

Providing access permits for the deployment of personal wireless facilities off limited access highways.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Senate Bill No. 5959 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5959.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5959 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Rossi - 2.

SENATE BILL NO. 5959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5379, by Senators Stevens, Hargrove, Carlson, Regala, Parlette, McAuliffe and Winsley

Revising rules for public access to dependency hearings.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following striking amendment by Senators Stevens and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.115 and 2000 c 122 s 12 are each amended to read as follows:

All hearings ~~(may)~~ shall be public, and conducted at any time or place within the limits of the county ~~(, and such cases may not be heard in conjunction with other business of any other division of the superior court. The public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster~~

parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court)).

If the court finds that there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized by conducting a public hearing, the court may exclude the public. In addition, both parents may request that the court exclude the public, subject to the court's discretion.

Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200."

MOTIONS

On motion of Senator Stevens, the following title amendment was adopted:

On page 1, line 1 of the title, after "hearings;" strike the remainder of the title and insert "and amending RCW 13.34.115."

On motion of Senator Stevens, the rules were suspended, Engrossed Senate Bill No. 5379 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5379.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5379 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

ENGROSSED SENATE BILL NO. 5379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5152, by Senators Benton, Honeyford, Mulliken, Stevens and Zarelli

Modifying the authority of the Columbia River Gorge Commission.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5152 was substituted for Senate Bill No. 5152 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5152 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5152.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5152 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 27.

Voting nay: Senators Brown, Carlson, Eide, Fairley, Franklin, Fraser, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 21.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 5152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5346, by Senators Haugen, Swecker, Doumit, Morton, Rasmussen, Hargrove, Horn and Spanel

Requiring compensation for damage by required changes to tide gate operation.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Bill No. 5346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5346.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5346 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 43.

Voting nay: Senators Fairley, Kline, Kohl-Welles, Regala, Sheldon, B. and Thibaudeau - 6,
SENATE BILL NO. 5346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:17 a.m., on motion of Senator Sheahan, the Senate recessed until 1:00 p.m.

The Senate was called to order at 1:00 p.m. by President Owen

MOTION

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

MOTION

On motion of Senator Oke, the following resolution was adopted:

SENATE RESOLUTION 8644

By Senators Oke, Swecker, Jacobsen, Doumit, Fraser, Honeyford, Spanel, Fairley, Johnson, Haugen, B. Sheldon, Kastama, Rasmussen, McAuliffe, Regala and Kohl-Welles

WHEREAS, The Washington State Parks Commission, as one of the state's major stewards of special state resources has, for over nine decades, protected and preserved significant natural, historical, and cultural public assets for citizens; and

WHEREAS, On March 19, 1913, Governor Ernest Lister signed into law the Washington Parks Board, which created the state parks system; and

WHEREAS, The provision of recreational and educational opportunities on these special resource lands has, through tourism, been an economic catalyst to areas of the state that benefit from this evolving economy; and

WHEREAS, The Washington State Parks Commission has partnered with thousands of volunteers, whose work has resulted in over 200,000 hours per year of volunteer time dedicated to the state parks system; and

WHEREAS, The Washington State Parks Commission employees, who work diligently in park management, operations, construction, and maintenance, are major contributors to public service and the State Parks' success story;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington celebrate March 19, 2003, as the state park system's ninetieth birthday; and

BE IT FURTHER RESOLVED, That the Senate of the state of Washington encourage the executive and legislative branches of government to join with the Parks and Recreation Commission in preparing the parks system during the coming ten years for its Centennial in 2013. This will be an appropriate legacy gift to the generations of citizens who will benefit from the parks in the system's second century of service to the state of Washington.

Senators Oke, Doumit and Jacobsen spoke to Senate Resolution 8644.

MOTION

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

MOTION

On motion of Senator Eide, Senators Kline and Kohl-Welles were excused.

MOTION

On motion of Senator Hewitt, Senators Horn, McCaslin and West were excused.

SECOND READING

SENATE BILL NO. 5274, by Senators Roach, Hale, Horn, Stevens and Haugen (by request of Secretary of State Reed)

Revising funding of the archives division.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 5274 was substituted for Senate Bill No. 5274 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 5274 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5274.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5274 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Horn, Kline, Kohl-Welles, McCaslin and West - 5.

SUBSTITUTE SENATE BILL NO. 5274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5801, by Senators Winsley, Benton, Kastama, Reardon and Schmidt

Regulating job order contracting for public works.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Senate Bill No. 5801 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5801.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5801 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Horn and West - 2.

SENATE BILL NO. 5801, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5380, by Senators Stevens, Honeyford and Schmidt

Clarifying the definition of ordinary high water mark.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Senate Bill No. 5380 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5380.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5380 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Franklin, Hale, Hargrove, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 28.

Voting nay: Senators Brown, Eide, Fairley, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 19.

Excused: Senators Horn and West - 2.

SENATE BILL NO. 5380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rossi: "A point of personal privilege, Mr. President. You know how we have heated debates on the floor here on various issues. We go back and forth and back and forth. I walked over here and there was this box--and we heard about a box being outside--so I was a little nervous. It was sitting here on my chair. I looked at it and I put my ear down to it and it wasn't ticking. It says it is from Senator Brown to Senator Rossi. I want to show you what is inside. It is a mug and this goes back to a bill we had on somewhat a contentious debate. It says, 'College, the best seven years of my life.' Thank you, very much."

SECOND READING

SENATE BILL NO. 5790, by Senators Franklin, Deccio, Winsley and Kline

Changing the time period in which beds can be converted back to nursing facilities.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 5790 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5790.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5790 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Horn - 1.

SENATE BILL NO. 5790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8402, by Senators Shin, Swecker, T. Sheldon, Reardon, Fairley, West, Benton, Kohl-Welles, Rasmussen and Winsley

Encouraging legislator trade mission participation.

MOTIONS

On motion of Senator Shin, Substitute Senate Concurrent Resolution No. 8402 was substituted for Senate Concurrent Resolution No. 8402 and the substitute concurrent resolution was placed on second reading and read the second time.

On motion of Senator Shin, the rules were suspended, Substitute Concurrent Resolution No. 8402 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8402 and the concurrent resolution passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Horn - 1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 5889, by Senators Swecker and Rasmussen

Concerning a livestock nutrient management program.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5889 was substituted for Senate Bill No. 5889 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the following amendment by Senators Honeyford and Swecker was adopted:

On page 3, after "desirable." line 35, insert the following:

"The committee shall consult with representatives of the statewide association of conservation districts regarding any functions or activities that are proposed to be provided through local conservation districts."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 5889 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Oke: "Senator Swecker, I just want to know if this is recycled fertilizer or just plain poopoo doo?"

Senator Swecker: "I would like to clarify the language in this bill and let you know that it is nutrients."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5889.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Spanel and Thibaudeau - 11.

Excused: Senator Horn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5515, by Senators Johnson, Kline and Sheahan

Allowing judicial members on the Board of Industrial Insurance Appeals.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 5515 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5515.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5515 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5515, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5965, by Senator McCaslin

Revising the makeup of public facilities district boards of directors.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the following amendment by Senators McCaslin and West was adopted:

On page 2, after line 36, insert the following:

"NEW SECTION. Sec. 2. This act takes effect January 1, 2004."

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

On page 1, line 4 of the title, after "population;" strike "and amending RCW 36.100.020" and insert "amending RCW 36.100.020; and providing an effective date"

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5965 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5965.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5965 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Kline - 1.

ENGROSSED SENATE BILL NO. 5965, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5537, by Senators Benton, Prentice, Esser, Rossi, Finkbeiner, Johnson, T. Sheldon, Roach and Stevens

Requiring a revote on light rail and redirection of resources.

MOTIONS

On motion of Senator Benton, Senate Bill No. 5537 was substituted for Senate Bill No. 5537 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5537 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Sheahan: "A point of order, Mr. President. I think the good gentleman from Seattle was impugning the motives of the gentleman from Clark County."

REPLY BY THE PRESIDENT

President Owen: "As a matter of fact, the rules clearly--clearly--state that your remarks are to be made to the issue and not to the people in the chamber. So, please make sure that your remarks are relative to the issue at hand and not to the personalities of the people in the Senate or the House."

Further debate ensued.

Senators Sheahan, McCaslin, and Horn demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Benton closed debate.

POINT OF ORDER

Senator Kline: "A point of order, Mr. President. This is not a point of parliamentary inquiry, because I don't believe there is a question here, but rather a heartfelt complaint to the good Senator from the Ninth District."

REPLY BY THE PRESIDENT

President Owen: "Senator Kline, what is your point of order?"

Senator Kline: "That a call for the previous question at a very early place--"

President Owen: "Senator Kline, that is not a point of order. That is out of order."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5537.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5537 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Parlette, Prentice, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

SUBSTITUTE SENATE BILL NO. 5537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5584, by Senators Swecker, Jacobsen, T. Sheldon, Morton, Deccio, Rossi and Sheahan

Providing for dissolution of regional transit authorities.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5584 was substituted for Senate Bill No. 5584 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5584 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5584.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5584 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

SUBSTITUTE SENATE BILL NO. 5584, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Jacobsen, Senator Eide was excused.

MOTION

On motion of Senator Honeyford, Senator Rossi was excused.

SECOND READING

SENATE BILL NO. 5903, by Senators Hargrove, Stevens and Carlson

Providing additional sentencing alternatives for juvenile offenders.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5903 was substituted for Senate Bill No. 5903 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

juvenile
disposition
offense
category

DESCRIPTION (RCW CITATION)

juvenile disposition
category for
attempt, bailjump,
conspiracy, or
solicitation

Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C

C	<i>Malicious Mischief 2 (9A.48.080)</i>	D
D	<i>Malicious Mischief 3 (<\$50 is E class) (9A.48.090)</i>	E
E	<i>Tampering with Fire Alarm Apparatus (9.40.100)</i>	E
A	<i>Possession of Incendiary Device (9.40.120)</i>	B +
	<i>Assault and Other Crimes Involving Physical Harm</i>	
A	<i>Assault 1 (9A.36.011)</i>	B +
B +	<i>Assault 2 (9A.36.021)</i>	C +
C +	<i>Assault 3 (9A.36.031)</i>	D +
D +	<i>Assault 4 (9A.36.041)</i>	E
B +	<i>Drive-By Shooting (9A.36.045)</i>	C +
D +	<i>Reckless Endangerment (9A.36.050)</i>	E
C +	<i>Promoting Suicide Attempt (9A.36.060)</i>	D +
D +	<i>Coercion (9A.36.070)</i>	E
C +	<i>Custodial Assault (9A.36.100)</i>	D +
	<i>Burglary and Trespass</i>	
B +	<i>Burglary 1 (9A.52.020)</i>	C +

B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D +
E	Possession of Legend Drug (69.41.030)	E
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (I) or (ii))	B +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C

C +	<i>Sale of Controlled Substance for Profit (69.50.410)</i>	C +
E	<i>Unlawful Inhalation (9.47A.020)</i>	E
B	<i>Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))</i>	B
C	<i>Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))</i>	C
C	<i>Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))</i>	C
C	<i>Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))</i>	C
	<i>Firearms and Weapons</i>	
B	<i>Theft of Firearm (9A.56.300)</i>	C
B	<i>Possession of Stolen Firearm (9A.56.310)</i>	C
E	<i>Carrying Loaded Pistol Without Permit (9.41.050)</i>	E
C	<i>Possession of Firearms by Minor (<18) (9.41.040(1)(b)(iii))</i>	C
D +	<i>Possession of Dangerous Weapon (9.41.250)</i>	E
D	<i>Intimidating Another Person by use of Weapon (9.41.270)</i>	E
	<i>Homicide</i>	
A +	<i>Murder 1 (9A.32.030)</i>	A
A +	<i>Murder 2 (9A.32.050)</i>	B +

B +	<i>Manslaughter 1 (9A.32.060)</i>	C +
C +	<i>Manslaughter 2 (9A.32.070)</i>	D +
B +	<i>Vehicular Homicide (46.61.520)</i>	C +
	<i>Kidnapping</i>	
A	<i>Kidnap 1 (9A.40.020)</i>	B +
B +	<i>Kidnap 2 (9A.40.030)</i>	C +
C +	<i>Unlawful Imprisonment (9A.40.040)</i>	D +
	<i>Obstructing Governmental Operation</i>	
D	<i>Obstructing a Law Enforcement Officer (9A.76.020)</i>	E
E	<i>Resisting Arrest (9A.76.040)</i>	E
B	<i>Introducing Contraband 1 (9A.76.140)</i>	C
C	<i>Introducing Contraband 2 (9A.76.150)</i>	D
E	<i>Introducing Contraband 3 (9A.76.160)</i>	E
B +	<i>Intimidating a Public Servant (9A.76.180)</i>	C +
B +	<i>Intimidating a Witness (9A.72.110)</i>	C +

Public Disturbance

	Riot with Weapon (9A.84.010)	D +
C +		
	Riot Without Weapon (9A.84.010)	E
D +		
	Failure to Disperse (9A.84.020)	E
E		
	Disorderly Conduct (9A.84.030)	E
E		

Sex Crimes

	Rape 1 (9A.44.040)	B +
A		
	Rape 2 (9A.44.050)	B +
A -		
	Rape 3 (9A.44.060)	D +
C +		
	Rape of a Child 1 (9A.44.073)	B +
A -		
	Rape of a Child 2 (9A.44.076)	C +
B +		
	Incest 1 (9A.64.020(1))	C
B		
	Incest 2 (9A.64.020(2))	D
C		
	Indecent Exposure (Victim <14) (9A.88.010)	E
D +		
	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
E		
	Promoting Prostitution 1 (9A.88.070)	C +
B +		

C +	<i>Promoting Prostitution 2 (9A.88.080)</i>	D +
E	<i>O & A (Prostitution) (9A.88.030)</i>	E
B +	<i>Indecent Liberties (9A.44.100)</i>	C +
A -	<i>Child Molestation 1 (9A.44.083)</i>	B +
B	<i>Child Molestation 2 (9A.44.086)</i>	C +
	<i>Theft, Robbery, Extortion, and Forgery</i>	
B	<i>Theft 1 (9A.56.030)</i>	C
C	<i>Theft 2 (9A.56.040)</i>	D
D	<i>Theft 3 (9A.56.050)</i>	E
B	<i>Theft of Livestock (9A.56.080)</i>	C
C	<i>Forgery (9A.60.020)</i>	D
A	<i>Robbery 1 (9A.56.200)</i>	B +
B +	<i>Robbery 2 (9A.56.210)</i>	C +
B +	<i>Extortion 1 (9A.56.120)</i>	C +
C +	<i>Extortion 2 (9A.56.130)</i>	D +
C	<i>Identity Theft 1 (9.35.020(2)(a))</i>	D

D	<i>Identity Theft 2 (9.35.020(2)(b))</i>	E
D	<i>Improperly Obtaining Financial Information (9.35.010)</i>	E
B	<i>Possession of Stolen Property 1 (9A.56.150)</i>	C
C	<i>Possession of Stolen Property 2 (9A.56.160)</i>	D
D	<i>Possession of Stolen Property 3 (9A.56.170)</i>	E
C	<i>Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2))</i>	D
	<i>Motor Vehicle Related Crimes</i>	
E	<i>Driving Without a License (46.20.005)</i>	E
B +	<i>Hit and Run - Death (46.52.020(4)(a))</i>	C +
C	<i>Hit and Run - Injury (46.52.020(4)(b))</i>	D
D	<i>Hit and Run-Attended (46.52.020(5))</i>	E
E	<i>Hit and Run-Unattended (46.52.010)</i>	E
C	<i>Vehicular Assault (46.61.522)</i>	D
C	<i>Attempting to Elude Pursuing Police Vehicle (46.61.024)</i>	D
E	<i>Reckless Driving (46.61.500)</i>	E
D	<i>Driving While Under the Influence (46.61.502 and 46.61.504)</i>	D

	Other	
	Bomb Threat (9.61.160)	C
B		
	Escape 1 (9A.76.110)	C
C		
	Escape 2 ¹ (9A.76.120)	C
C		
	Escape 3 (9A.76.130)	E
D		
	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
E		
	Other Offense Equivalent to an Adult Class A Felony	B+
A		
	Other Offense Equivalent to an Adult Class B Felony	C
B		
	Other Offense Equivalent to an Adult Class C Felony	D
C		
	Other Offense Equivalent to an Adult Gross Misdemeanor	E
D		
	Other Offense Equivalent to an Adult Misdemeanor	E
E		
	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V
V		

Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:
 1st escape or attempted escape during 12-month period - 4 weeks confinement
 2nd escape or attempted escape during 12-month period - 8 weeks confinement
 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, ~~(C)~~ C, or D.

**OPTION A
 JUVENILE OFFENDER SENTENCING GRID
 STANDARD RANGE**

180 WEEKS TO AGE 21 YEARS

A +

103 WEEKS TO 129 WEEKS

A

15-36

52-65

80-100

103-129

A-

WEEKS

WEEKS

WEEKS

WEEKS

EXCEPT

30-40

WEEKS FOR

15-17

YEAR OLDS

B +

15-36

52-65

80-100

103-129

Current

Offense

WEEKS

WEEKS

WEEKS

WEEKS

Category

LOCAL

52-65

B

15-36 WEEKS

WEEKS

SANCTIONS (LS)

LS

C +

15-36 WEEKS

LS

15-36 WEEKS

C

Local Sanctions:

0 to 30 Days

D+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Restitution

D LS \$0 to \$500 Fine

LS

E

1

2

3

4
or more

0

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

- (a) Adjudicated of an A+ offense;
- (b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:
 - (i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;
 - (ii) Manslaughter in the first degree (RCW 9A.32.060); or
 - (iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW 46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401(a)(1) (I) or (ii)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;
- (c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or
- (d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

OR

OPTION C

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION ((e)) D

MANIFEST INJUSTICE

If the court determines that a disposition under option A ((~~or~~)), B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 2. RCW 13.40.160 and 2002 c 175 s 22 are each amended to read as follows:

- (1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.
 - (a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (3), ((~~and~~)) (4), (5), and (6) of this section. The disposition may be comprised of one or more local sanctions.
 - (b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (3), ((~~and~~)) (4), (5), and (6) of this section.
- (2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ((e)) D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.
- (3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

 - (i) Frequency and type of contact between the offender and therapist;
 - (ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;
 - (iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
 - (iv) Anticipated length of treatment; and
 - (v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option ((e)) D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

- (b)(I) Devote time to a specific education, employment, or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;
- (iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;
- (iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;
- (v) Report as directed to the court and a probation counselor;
- (vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (c) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under section 3 of this act.

(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court may impose the disposition alternative under section 4 of this act.

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

~~((6))~~ (8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((7))~~ (9) Except as provided under subsection (3) ~~((or))~~, (4), (5), or (6) of this section or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

~~((8))~~ (10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION. Sec. 3. A new section is added to chapter 13.40 RCW to read as follows:

(1) When an offender is subject to a standard range commitment of 15 to 65 weeks, the court may:

(a) Impose the standard range; or

(b) Suspend the standard range disposition on condition that the offender complies with the terms of this mental health disposition alternative.

(2) The court may impose this disposition alternative when the court finds the following:

(a) The offender has a current diagnosis, consistent with the American psychiatry association diagnostic and statistical manual of mental disorders, of axis I psychiatric disorder, excluding youth that are diagnosed as solely having a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia;

(b) An appropriate treatment option is available in the local community;

(c) The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program including: Incentives and graduated sanctions designed specifically for amenable youth, including the use of detention, detoxication, and in-patient or outpatient substance abuse treatment and psychiatric hospitalization, and structured community support consisting of mental health providers, probation, educational and vocational advocates, child welfare services, and family and community support. For any mental health treatment ordered for an offender under this section, the treatment option selected shall be chosen from among programs which have been successful in addressing mental health needs of juveniles and successful in mental health treatment of juveniles. A list of programs which meet these criteria shall be agreed upon by: The Washington association of juvenile court administrators, the juvenile rehabilitation administration of the department of social and health services, a representative of the division of public behavioral health and justice policy at the University of Washington, and the Washington institute for public policy. The list of programs shall be created not later than July 1, 2003. The group shall provide the list to all superior courts, its own membership, the legislature, and the governor. The group shall meet annually and revise the list as appropriate; and

(d) The offender, offender's family, and community will benefit from use of the mental health disposition alternative.

(3) The court on its own motion may order, or on motion by either party, shall order a comprehensive mental health evaluation to determine if the offender has a designated mental disorder. The court may also order a chemical dependency evaluation to determine if the offender also has a co-occurring chemical dependency disorder. The evaluation shall include at a minimum the following: The offender's version of the facts and the official version of the facts, the offender's offense, an assessment of the offender's mental health and drug-alcohol problems and previous treatment attempts, and the offender's social, criminal, educational, and employment history and living situation.

(4) The evaluator shall determine if the offender is amenable to research-based treatment. A proposed case management and treatment plan shall include at a minimum:

(a) The availability of treatment;

(b) Anticipated length of treatment;

(c) Whether one or more treatment interventions are proposed and the anticipated sequence of those treatment interventions;

(d) The education plan;

(e) The residential plan; and

(f) The monitoring plan.

(5) The court on its own motion may order, or on motion by either party, shall order a second mental health or chemical dependency evaluation. The party making the motion shall select the evaluator. The requesting party shall pay the cost of any examination ordered under this subsection and subsection (3) of this section unless the court finds the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(6) Upon receipt of the assessments, evaluations, and reports the court shall consider whether the offender and the community will benefit from use of the mental health disposition alternative. The court shall consider the victim's opinion whether the offender should receive the option.

(7) If the court determines that the mental health disposition alternative is appropriate, the court shall impose a standard range disposition of not more than 65 weeks, suspend execution of the disposition, and place the offender on community supervision up to one year and impose one or more other local sanctions. Confinement in a secure county detention facility, other than county group homes, inpatient psychiatric treatment facilities, and substance abuse programs, shall be limited to thirty days. As a condition of a suspended disposition, the court shall require the offender to participate in the recommended treatment interventions.

(8) The treatment providers shall submit monthly reports to the court and parties on the offender's progress in treatment. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, medication management, the offender's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(9) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(10) An offender is ineligible for the mental health disposition option under this section if the offender is adjudicated of a sex or violent offense as defined in RCW 9.94A.030.

NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW to read as follows:

(1) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court may impose a community commitment disposition alternative and:

(a) Retain juvenile court jurisdiction over the youth;

(b) Confine the youth in a county detention facility:

(i) For the standard range; or

(ii) After finding a manifest injustice, a determinate disposition up to 52 weeks; and

(c) Impose a term of postrelease community supervision for up to one year.

If the youth receives a standard range disposition, the court shall set the release date within the standard range. The court shall determine the release date prior to expiration of sixty percent of the juvenile's minimum term of confinement.

(2) The court may impose this community commitment disposition alternative if the court finds the following:

(a) Placement in a local detention facility in close proximity to the youth's family or local support systems will facilitate a smoother reintegration to the youth's family and community;

(b) Placement in the local detention facility will allow the youth to benefit from locally provided family intervention programs and other research-based treatment programs, school, employment, and drug and alcohol or mental health counseling; or

(c) Confinement in a facility operated by the department would result in a negative disruption to local services, school, or employment or impede or delay developing those services and support systems in the community.

(3) The court shall consider the youth's offense, prior criminal history, security classification, risk level, and treatment needs and history when determining whether the youth is appropriate for the community commitment disposition alternative. If the court finds that a community commitment disposition alternative is appropriate, the court shall order the youth into secure detention while the details of the reintegration program are developed.

(4) Upon approval of the treatment and community reintegration plan, the court may order the youth to serve the term of confinement in one or more of the following placements or combination of placements: Secure detention, an alternative to secure detention such as electronic home monitoring, county group care, day or evening reporting, or home detention. The court may order the youth to serve time in detention on weekends or intermittently. The court shall set periodic reviews to review the youth's progress in the program. At least fifty percent of the term of confinement shall be served in secure detention.

(5) If the youth violates the conditions of the community commitment program, the court may impose sanctions under RCW 13.40.200 or modify the terms of the reintegration plan and order the youth to serve all or a portion of the remaining confinement term in secure detention.

(6) A county may enter into interlocal agreements with other counties to develop joint community commitment programs or to allow one county to send a youth appropriate for this alternative to another county that has a community commitment program.

(7) Implementation of this alternative is subject to available state funding for the costs of the community commitment program, including costs of detention and community supervision.

Sec. 5. RCW 13.40.165 and 2002 c 175 s 23 and 2002 c 42 s 1 are each reenacted and amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 70.96A.520. The court must consider eligibility for the chemical dependency disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent or substance abusing, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent or substance abusing. The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a) Whether inpatient and/or outpatient treatment is recommended;

(b) Availability of appropriate treatment;

(c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(d) Anticipated length of treatment; and

(e) Recommended crime-related prohibitions.

(4) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender and the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option (€) D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

NEW SECTION. Sec. 6. Because model adherence and competent delivery of research-based intervention programs is critical for reducing recidivism, the Washington state institute for public policy shall develop adherence and outcome standards for measuring effectiveness of treatment programs referred to in this act. The standards shall be developed and presented to the governor and legislature no later than January 1, 2004. The standards shall include methods for measuring competent delivery of interventions as well as success factors following treatment. The standards shall include, but not be limited to hiring, training and retaining qualified providers, managing and overseeing the delivery of treatment services, and developing quality assurance measures. The department shall utilize these standards to assess program effectiveness. The courts shall also utilize these standards in determining their continued use of these alternatives. The courts shall not continue to use programs that do not comply with these standards.

NEW SECTION. Sec. 7. (1) A task force is created for the purpose of examining the coordination of information, education services, and matters of public safety when juvenile offenders are placed into public schools, following their conviction.

(2) The task force shall be chaired by the superintendent of public instruction and include a representative from the juvenile rehabilitation administration of the department of social and health services, the state board of education, associations which represent school teachers, administrators, and school boards, superior court judges, the Washington association of juvenile court administrators, prosecuting attorneys, the governor, attorneys whose practice includes criminal defense work for juvenile defendants, three groups whose primary purpose is the delivery of services to families and children, and law enforcement. The three groups who deliver services shall be selected by the superintendent of public instruction.

(3) The task force shall identify specific policies and statutory, administrative, and practice processes and barriers that may operate to impede: (a) The identification and delivery of appropriate and coordinated services to juvenile offenders who are placed in, or returned to public schools following conviction of an offense; and (b) transmittal of information regarding juvenile offenders who are returned to, or placed in, public schools following conviction of an offense. The task force shall recommend specific statutory and administrative changes as it finds appropriate to eliminate or reduce the barriers identified as a result of this subsection (3).

(4) The task force shall report its findings and recommendations to the governor, the legislature, and the agencies represented on the task force not later than December 1, 2003.

NEW SECTION. Sec. 8. Sections 6 and 7 of this act expire December 31, 2003."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute Senate Bill No. 5903.

The motion by Senator Hargrove carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "sentences;" strike the remainder of the title and insert "amending RCW 13.40.160; reenacting and amending RCW 13.40.0357 and 13.40.165; adding new sections to chapter 13.40 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 5903 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Thibaudeau: "Senator Hargrove, I understand that the Superior Court Judges or rather the Juvenile Court Administrators are supporting this bill. Are there others equally knowledgeable of working with general offenders?"

Senator Hargrove: "Yes, myself. The Juvenile Court Administrators and the Judges brought us the bill. They are the ones that work with these offenders in the community and the programs that they are going to be using are the ones that the Public Policy Institute have validated as being research based and working. So, that group also has looked at the type of

programs. Again, remember, this is not eliminating JRA; this is not for every kid that is an offender. This is for a certain select group of offenders that can be better served in the community.”

Senator Thibaudeau: “Thank you, Senator Hargrove.”

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5903.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5903 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 0; Excused, 2.

Voting yeas: Senators Brandland, Brown, Carlson, Deccio, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 36.

Voting nays: Senators Benton, Doumit, Esser, Fraser, Haugen, Johnson, Kline, Kohl-Welles, Reardon, Roach and Sheldon, T. - 11.

Excused: Senators Eide and Rossi - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5903, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5949, by Senators Deccio and Thibaudeau

Establishing emergency service requirements for hospitals.

The bill was read the second time.

MOTION

Senator Deccio moved that the following striking amendment by Senators Deccio, Winsley, West, Franklin, Hale, Brandland, Parlette, Keiser and Thibaudeau be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.41 RCW to read as follows:

(1) A hospital shall provide emergency services twenty-four hours per day, seven days per week in a designated area of the hospital. A hospital shall meet all the requirements for emergency facilities that are established by the department and shall provide emergency services in a manner that meets the requirements established by federal law for the medical screening and stabilization of patients, including women in active labor, who present to the hospital for emergency services.

(2) A hospital providing emergency services under this section shall have, at a minimum, the following:

(a) A physician who is qualified to provide emergency services immediately available in the hospital;

(b) A roster of on-call medical staff members; and

(c) Procedures to stabilize a patient until the patient is transported or transferred to another hospital if emergency services cannot be provided at the hospital to meet the needs of the patient in an emergency. A specialty hospital providing emergency services under this section shall maintain a transfer agreement with a general hospital that establishes the process for patient transfers in a situation in which the specialty hospital cannot provide continuing care for a patient because of the specialty hospital's scope of services.

(3) This section does not apply to:

(a) A specialty hospital that provides only psychiatric, pediatric, long-term acute care, or rehabilitative services;

(b) A hospital that was licensed under chapter 70.41 RCW prior to January 1, 2003; or

(c) A hospital designated as a critical access hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395i-4.

(4) For the purposes of this section:

(a) "Emergency services" means health care services medically necessary to evaluate and treat a medical condition that manifests itself by the acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, and that the absence of immediate medical attention could reasonably be expected to result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health (or in the case of a pregnant woman, the health of the woman or her unborn child) in serious jeopardy;

(b) "General hospital" means a hospital that provides general acute care services, including emergency services;

(c) "Specialty hospital" means a subclass of hospital that either provides hospital services within a specific branch of medicine or limits admission according to age, sex, type of disease, or medical condition;

(d) "Transfer agreement" means a written agreement providing an effective process for the transfer of a patient requiring emergency services to a general hospital providing emergency services and for continuity of care for that patient.

(5) This section expires July 1, 2004.

NEW SECTION. Sec. 2. (1) The department of health, in consultation with affected stakeholders such as hospitals, physicians, and nurses, shall study the establishment of specialty hospitals, the requirements of this act, and the impact that specialty hospitals have on the delivery of health care. At a minimum the study shall include but not be limited to evaluating the following issues as they pertain to specialty hospitals:

(a) The availability and delivery of health care services;

(b) Patient safety;

(c) Continuity of patient care;

(d) The provision of emergency services, including the effect of the presence or absence of an emergency department in specialty hospitals;

(e) Staffing of any existing hospitals in the community served by a specialty hospital, including the effect of specialty hospitals on health care professional shortages, nursing staffing, and the availability of specialty physicians to provide on-call emergency services; and

(f) The provision of charity care, medicare and medicaid services, services for medically indigent patients, uncompensated care, community service, and access to health care services by medically underserved populations.

(2) The study also shall include an evaluation of whether requirements for establishing specialty hospitals should be addressed through certificate of need or hospital licensing requirements.

(3) For the purposes of the study, "specialty hospitals" does not include specialty hospitals that provide only psychiatric, pediatric, long-term acute care, or rehabilitative services.

(4) The department of health shall prepare and present a report to the legislature regarding the study no later than December 1, 2003. The legislature shall reevaluate the requirements of this act based upon the study."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Deccio, Winsley, West, Franklin, Hale, Brandland, Parlette, Keiser and Thibaudeau to Substitute Senate Bill No. 5949.

The motion by Senator Deccio carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "adding a new section to chapter 70.41 RCW; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Senate Bill No. 5949 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5949.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5949 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5949, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SPECIAL ORDER OF BUSINESS

On motion of Senator Sheahan, Senate Bill No. 6012 was made a special order of business at 4:55 p.m. and Senate Bill No. 5658 was made a special order of business at 4:59 p.m. today.

SECOND READING

SENATE BILL NO. 5375, by Senators Doumit, Oke, Haugen, Swecker, Prentice, Hale, Reardon and Rasmussen

Improving the efficiency and predictability of the hydraulic project approval program.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5375 was substituted for Senate Bill No. 5375 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the following striking amendment by Senators Oke and Doumit was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that one of the state's primary fish habitat protection statutes is the hydraulic project approval program. This program is one of the state's oldest environmental regulatory programs, and as a consequence it has been developed in an incremental manner over many decades.

The legislature further finds that federal review of proposed in-water projects under provisions of the endangered species act are in most conditions the equivalent of requirements under the state's hydraulic project approval process, and that requiring projects to receive dual approvals causes project delays, is redundant, and may lead to conflicting project conditions.

The legislature further finds that it would benefit the department of fish and wildlife, the regulated community, and the fisheries resources of the state if this important regulatory program were improved with measures to improve its efficiency and predictability, as well as its coordination with the many local, state, and federal fish and habitat protection statutes and regulatory programs that have been created since the inception of the hydraulic project approval program.

The legislature therefore intends to improve the process of regulating construction in state waters with policy measures that improve predictability for entities that work in state waters, and make the best use of limited state resources by ensuring that regulatory reviews of in-water construction are made in an efficient manner.

NEW SECTION. Sec. 2. A new section is added to chapter 77.55 RCW to read as follows:

(1)(a) The department must develop general permits for common or routine activities to improve the predictability and efficiency of the hydraulic project approval program. At a minimum, the department must, by December 2004, develop general permits for the following activities:

- (I) Routine repair and maintenance of existing over-water serviceable structures, including replacement of up to sixty pilings;
- (ii) Minor dredging of up to ten yards of sediment from an existing channel, berthing area, or boat ramp;
- (iii) Routine repair and maintenance of tide gates;

- (iv) Construction of mooring dolphins and fender pilings;
- (v) Routine repair, maintenance, or replacement of road and highway structures such as culverts and ditches;
- (vi) Routine repair and maintenance of bridges; and
- (vii) Geotechnical or exploratory work conducted as part of project planning or development.

(2) The department may develop additional general permits for in- water construction activities as available resources allow.

(2) General permits must contain conditions necessary to protect fish life, and must clearly delineate predictable conditions and restrictions that project applicants may incorporate into project design and construction. The department must develop, in consultation with an advisory committee, common technical provisions that must be incorporated into general conditions for each general permit.

(3) The department shall post electronically and otherwise make generally available the following information for each general permit:

- (a) A description of activities covered;
- (b) The conditions and practices a project applicant must follow to receive coverage under the permit; and
- (c) A notice of intent form for use by applicants to include information on project location and habitat types affected.

(4) To receive coverage under a general permit, a project applicant must:

(a) Send a notice of intent to follow the conditions of a general permit to the department twenty-one days before construction is to begin; and

(b) Post the general permit prominently at the worksite.

(5) Within ten days of receipt of a notice of intent from a project applicant, the department must notify the applicant of the status of general permit coverage.

NEW SECTION. Sec. 3. A new section is added to chapter 77.55 RCW to read as follows:

(1) Certain federal, state, and local regulatory review processes may provide review and protection of fish life that is equivalent to the review provided by the department under this chapter. This may include, among other permits, federal review of a project under the endangered species act (16 U.S.C. Sec. 1531 et seq.), a federal permit under section 404 of the federal water pollution control act (33 U.S.C. Sec. 1251 et seq.), state review of a project under section 401 of the federal water pollution control act (33 U.S.C. Sec. 1251 et seq.), or local government review of a project to protect critical areas under RCW 36.70A.060 or shorelines under chapter 90.58 RCW.

(2) At any point in project development or permitting, an applicant may submit to the department a notice of intent to proceed under an equivalent regulatory review. The notice must include a description of the project, the habitat impacted, and the equivalent permits required for the project. The department's regional manager of the hydraulic project approval program shall make a determination regarding the equivalency of other regulatory permits within fifteen days of receiving the notice. If the notice of equivalency is approved, the project is exempt from the requirement to receive hydraulic project approval under this chapter. If the notice of equivalency is denied, the department must provide the applicant, in writing, specific reasons why the other regulatory reviews will not adequately protect fish life. (3) Upon request by a county or city, the department shall certify that a county or city, through its implementation of critical areas protections, including fish and wildlife habitat conservation areas, under RCW 36.70A.060, or development regulations implementing an adopted and approved shoreline master program under chapter 90.58 RCW, provides equivalent review and protection for fish life to that otherwise provided by the department through issuance of a hydraulic project approval. A city or county may request certification for all hydraulic projects or certain hydraulic project types. If certification is approved, project types specified in the certification and within the jurisdiction of the city or county are exempt from the requirement to receive hydraulic project approval under this chapter. If the department rejects the request for certification, it shall provide in writing a statement of how and why the regulations do not provide equivalent protection for fish life, and provide recommendations that would result in equivalency.

(4) Any person aggrieved by a decision under subsection (2) or (3) of this section may appeal the decision according to the provisions of chapter 34.05 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 77.55 RCW to read as follows:

The department must develop procedures to ensure consistency of application of hydraulic project approval conditions, to include the following:

(1) Common technical conditions for saltwater and freshwater projects. These common technical conditions must, at a minimum, address allowable in-water work periods, and must recognize the need to maintain an economically competitive waterfront business and port community, and must meet the needs of infrastructure development as defined in RCW 90.74.010;

(2) Internal departmental permit review procedures that promote consistency within and between regions; and

(3) Habitat protection guidance for regional staff that result in predictable permit conditions for project applicants.

NEW SECTION. Sec. 5. A new section is added to chapter 77.55 RCW to read as follows:

(1) An expedited dispute resolution process is created to resolve disputes regarding hydraulic project approvals issued under this chapter. The expedited dispute resolution process may be initiated by a project applicant at any point prior to issuance of the final hydraulic project approval. When a project applicant requests review under the expedited dispute resolution process, the forty-five day period for permit issuance is suspended until the review process is complete.

(2) When a project applicant requests the expedited dispute resolution process, the department must convene an expedited dispute resolution process committee within fourteen days. The expedited dispute resolution process committee consists of four members:

(a) The project contractor or engineer;

(b) A department engineer;

(c) The department's regional program manager; and

(d) An engineer or public works official designated by the local government with jurisdiction over the project.

(3) The expedited dispute resolution process committee must conduct a project review to determine whether the conditions in the proposed hydraulic project approval are reasonable and necessary to protect fish life. By majority vote, the committee may accept the permit conditions, reject the permit conditions and return the permit to the department for subsequent review, or determine alternative conditions to be included in the final hydraulic project approval permit. Decisions of the committee are binding on the department.

(4) The department must provide to each project applicant notice of the applicant's right to an expedited dispute resolution conference, and the procedures for informal and formal appeal. This information must also include:

(a) Contact information for the department employee who will be reviewing the project;

(b) Contact information for the department's regional program manager responsible for overseeing the regional hydraulic project activities at any point prior to the approval or denial of a hydraulic project approval;

(c) The proper address to which requests for expedited dispute resolution must be sent; and

(d) The proper address to which informal or formal appeals must be sent.

Sec. 6. RCW 77.55.100 and 2002 c 368 s 2 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work within the bed of any state waters that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld or unreasonably conditioned.

(2)(a) The department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner

prescribed in this section. The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 77.55.110, "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6)(a) The department shall, at the request of a county, develop renewable five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(b) The department shall, at the request of any person or government agency, develop a renewable five-year maintenance approval agreement or a hydraulic project approval mitigation agreement to allow for work on public and private property for bank stabilization, bridge repair, removal of sandbars and debris, channel maintenance, and other flood damage repair and reduction activity under reasonable agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 77.55.110.

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 77.55.110, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

(10) For the purposes of this section, "sandbars" includes, but is not limited to, sand, gravel, rock, silt, and sediments."

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

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 77.55.100; adding new sections to chapter 77.55 RCW; and creating a new section."

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed Substitute Senate Bill No. 5375 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5375.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5375 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5375, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5451, by Senators Benton, Prentice, Winsley, Keiser and Reardon (by request of Department of Financial Institutions)

Regulating escrow agents and officers.

MOTIONS

On motion of Senator Benton, Substitute Senate Bill No. 5451 was substituted for Senate Bill No. 5451 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5451 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5451.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5451 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5427, Senators Rossi, Benton, Hewitt, Zarelli, Johnson, Stevens, McCaslin, Morton, Hale, Mulliken, Parlette, Roach, Schmidt, Brandland, Sheahan, Esser and Oke

Controlling State Expenditures.

MOTION

On motion of Senator Rossi, Substitute Senate Bill No. 5427 was substituted for Senate Bill No. 5427 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Betti Sheldon, Winsley, Fairley and Brown be adopted:

On page 2, beginning on line 29, strike "of the sum of inflation and population change" and insert "~~((of the sum of inflation and population))~~ change in personal income"

Debate ensued.

The President declared the question before the Senate to be the adoption the amendment by Senators Kohl-Welles, Betti Sheldon, Winsley, Fairley and Brown on page 2, beginning on line 29, to Substitute Senate Bill No. 5427.

The motion by Senator Kohl-Welles carried and the amendment was adopted on a rising vote.

MOTION

On motion of Senator Sheahan, further consideration of Substitute Senate Bill No. 5427 was deferred.

SECOND READING

SENATE BILL NO. 5522, by Senators T. Sheldon, Brandland, Carlson and Hale

Privatizing the sale of liquor.

MOTION

On motion of Senator Rossi, Substitute Senate Bill No. 5522 was substituted for Senate Bill No. 5522 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Tim Sheldon moved that the following amendments by Senators Tim Sheldon and Honeyford be considered simultaneously and be adopted:

On page 3, line 9, strike "at least"

On page 3, beginning on line 19, strike all of subsection (1) and insert the following:

"(1) The board may locate one contract liquor store within the area served by a closing state retail liquor store. The total inventory granted to a contract liquor store when it opens must not exceed the total volume that would have been granted to the closing state liquor store if it was still in operation at that time. The board may increase or decrease the amount of the combined inventory at contract liquor stores if demand for products changes, provided that the guidelines for the change of inventory are the same as those for inventory changes at state retail liquor stores."

On page 6, beginning on line 7, strike all of subsection (1) and insert the following:

"(1) The fee for purchasing a contract liquor store agreement when, immediately prior to the agreement's execution date, a state retail liquor store was in operation in the area served by the contract liquor store, is two percent of the average gross annual sales for the last five years at the state retail liquor store serving that area. This fee is to be paid to the board upon the execution of a contract liquor store agreement."

POINT OF INQUIRY

Senator Keiser: "Senator Sheldon, my question is, as I read these amendments, there is still a question of how much inventory would be used or sold in this one store. It says in these amendments that the board may increase or decrease the amount of the combined inventory at contract liquor stores if demand for the product changes. I am also wondering if these contract stores, then, have any restrictions on advertising to increase demand?"

Senator Tim Sheldon: "Thank you for your question, Senator Keiser. To answer the first part of your question, the inventory for the store can be no more than what the inventory has been carried in the past by the state liquor store. In the future, if the population increases, the board, then, has an opportunity to increase inventory to meet the demand. But, the demand cannot be stimulated by advertising. The demand cannot be stimulated by in-store displays. The demand cannot be stimulated by loss leaders. All the prices have to remain as the other stores in the state and all the restrictions on advertising and promotions are exactly the same as in the state stores."

The President declared the question before the Senate to be the adoption of the amendments by Senators Tim Sheldon and Honeyford on page 3, lines 9 and 19, and page 6, line 7, to Substitute Senate Bill No. 5522.

The motion by Senator Tim Sheldon carried and the amendments were adopted.

MOTION

Senator Kohl-Welles moved that the following amendment be adopted:

On page 5, after "carrier" on line 27, insert the following:

"; (I) the applicant's agreement to hire the employees from the state liquor store closed under section 4 of this act at wages, salaries and benefits comparable to the wages, salaries and benefits the employees were paid at the state liquor store".

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Wells on page 5, after line 27, to Substitute Senate Bill No. 5522.

The motion by Senator Kohl-Welles failed and the amendment was not adopted.

MOTION

Senator Kohl-Welles moved that the following amendment be adopted:

On page 6, after "section." on line 28, insert the following:

"(4) The fee for purchasing a contract liquor store agreement shall be one-half of that required under subsection (1) of this section, if the manager of the contract liquor store is a former employee of the state liquor store closed under section 4 of this act in the area served by the contract liquor store. For a fee paid under this subsection, the fee shall be paid within one year after execution of the contract liquor store agreement."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Wells on page 6, after line 28, to Substitute Senate Bill No. 5522.

The motion by Senator Kohl-Welles failed and the amendment was not adopted.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5522.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Eide, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Kastama, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 29.

Voting nay: Senators Brown, Doumit, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Keiser, Kline, Kohl-Welles, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Shin, Spanel and Thibaudeau - 20.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5726, by Senators Morton, Rasmussen, Brandland, Parlette, Swecker and Jacobsen

Revising eligibility requirements for directors of cooperative associations.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Senate Bill No. 5726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Morton, can you explain to me what we are changing in the eligibility requirements for directors of cooperative associations?"

Senator Morton: "The board is now composed only of members of the coop. This would allow a non-member to become a member of the board, who has expertise in a certain area that would be requested by the board for that membership, so that person would also have voting rights--such as an accountant or a lawyer to give them speciality advise."

Senator Benton: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5726.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5726 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5891, by Senators Swecker and Rasmussen

Identifying livestock.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 5891 was substituted for Senate Bill No. 5891 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Swecker, the rules were suspended, Substitute Senate Bill No. 5891 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5891.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5891 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5891, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5422, by Senators Benton, Prentice and Keiser (by request of Insurance Commissioner Kreidler)

Selling single premium credit insurance.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5422 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5422.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5422 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5422, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 5696, by Senators Honeyford, Prentice, Mulliken, Rasmussen, Deccio, Doumit and Parlette

Concerning sheepherder housing.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5696 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5696.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5696 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Brown, Eide, Fairley, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 14.

Excused: Senator Prentice - 1.

SENATE BILL NO. 5696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5596, by Senators Stevens, Hargrove, McAuliffe, Parlette and Winsley

Requiring that policies be developed on the reporting of custodial assaults at juvenile rehabilitation facilities and institutions.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5596 was substituted for Senate Bill No. 5596 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Stevens, the rules were suspended, Substitute Senate Bill No. 5596 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5596.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5596 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5733, by Senators Winsley, Thibaudeau and Kohl-Welles

Improving fairness and protection in boarding homes and adult family homes.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5733 was substituted for Senate Bill No. 5733 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Substitute Senate Bill No. 5733 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5733.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5733 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5733, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. Ladies and gentlemen of the Senate, nearly sixty years ago, I participated in the Invasion of Normandy in World War II. My unit was the Fifty-second Troop Carrier Wing and our mission was to carry infantry paratroopers with the Eighty-second and the One Hundred First Air Borne Division. Our task was to parachute them from C 47 Cargo planes and troop carrier gliders, as they jumped to the ground at Omaha Beach and St. Mary's Church in the vicinity of the Cherberg Peninsula. As you know, we entered World War II late, even though we were urged by Britain and France and the other allies. It took the attack on Pearl Harbor for President Roosevelt to declare war.

"Ladies and gentlemen of the Senate, we have had our Pearl Harbor. It happened on September 11. During our prayer, every day, a minister prays for our guidance that we make the right decisions and have the courage to do the public good. Because, the war may begin at any time and because we will not be in session, I would ask that we do the same and ask for your prayers for the President, his advisors and most of all, the troops in the Persian Gulf, who will be engaged in conflict. The troops also include the two thousand three version of the Eighty-second of the One Hundred First Air Borne Division.

"Mr. President, if it is in order, I would like to ask Senator Morton to lead us in prayer for our president, our Country and our Troops."

PRAYER BY SENATOR BOB MORTON

"Thank you, Mr. President and ladies and gentlemen. Let us pray.

"Our God and our Heavenly Father, we pause in the presence of our deliberation. We ask for your guidance and strength along with the leaders of the Free World. As together, many of them join in attacking the terrible Missile of Terrorism. We sincerely thank you God for the guidance that you have given this nation in years past—in wars past—in conflicts past. We pray for peace, but we also recognize that we must be protective of the principles and standards that have made this nation great and we must be protective of our very lives and those of our fellow citizens. So, we seek your guidance; we thank you for your blessings and we pray in grace. Amen."

SECOND READING

SENATE BILL NO. 5212, by Senators Honeyford, Rasmussen, Roach, Mulliken, T. Sheldon and Parlette

Exempting certain work form the licensing requirements of chapter 19.28 RCW.

MOTIONS

On motion of Senator Honeyford, Substitute Senate Bill No. 5212 was substituted for Senate Bill No. 5212 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 5212 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5212.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5212 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 31.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 18.

SUBSTITUTE SENATE BILL NO. 5212, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5355, by Senators Brandland, Jacobsen, Esser, Rasmussen, Parlette, Swecker, Sheahan, McCaslin and Mulliken

Prohibiting the use of intoxication as a defense.

MOTIONS

On motion of Senator McCaslin, Substitute Senate Bill No. 5355 was substituted for Senate Bill No. 5355 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McCaslin, the rules were suspended, Substitute Senate Bill No. 5355 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Stevens: "Senator Brandland, I am a little bit confused about this. This is a new subject for me. Can you explain the difference between the substitute bill and the original bill?"

Senator Brandland: "Actually, I don't believe I can. I am not sure that I knew that that was going to occur."

Senator Stevens: "Sorry, I didn't mean to catch you off guard."

Senator Brandland: "Well, you did and I feel duly humbled."

Senator Stevens: "I didn't mean to humble you. I am sorry."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5355.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5355 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Kline and Prentice - 2.

SUBSTITUTE SENATE BILL NO. 5355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION TO RECONSIDER SUBSTITUTE SENATE BILL NO. 5355

Having voted on the prevailing side, Senator Benton served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 5355 passed the Senate.

SECOND READING

SENATE BILL NO. 5369, by Senators Winsley, Haugen, Hale, Oke and McCaslin

Regulating automated traffic safety cameras.

MOTION

On motion of Senator Winsley, Second Substitute Senate Bill No. 5369 was substituted for Senate Bill No. 5369 and the second substitute bill be placed on the second reading and read the second time.

MOTION

Senator Betti Sheldon moved that all the amendments proposed for Second Substitute Senate Bill No. 5369 be laid upon the table.

PARLIAMENTARY INQUIRY

Senator Zarelli: "A parliamentary inquiry, Mr. President. I would ask the President if it would be appropriate to ask that the question be divided and each amendment be voted on separately--to lay upon the table?"

REPLY BY THE PRESIDENT

President Owen: "Senator Zarelli, the answer to your inquiry is 'yes.' You can request that each or however many can be voted on independently--separately."

PARLIAMENTARY INQUIRY

Senator Betti Sheldon: "A point of parliamentary inquiry, Mr. President. My motion was that all of the amendments be laid upon the table and that is an entire bulk of amendments as one motion."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheldon, that is correct. However, the rules provide that if any member so desires to divide the question, that they may do so."

Senator Betti Sheldon: "Thank you, Mr. President."

MOTION

Senator Zarelli moved that the question be divided and requested a roll call on each question.

REMARKS BY PRESIDENT OWEN

President Owen: "Senator Zarelli, the question to divide is not one that needs to be voted on, but you are asking for a roll call vote on the laying of the table of the amendment. Is that correct?"

REPLY BY SENATOR ZARELLI

Senator Zarelli: "Mr, President, maybe my request for a roll call is premature. I would ask that if the motion to lay upon the table is approved by the body, then I would request a roll call on each amendment to be laid upon the table individually with that question."

The demand for the roll call was sustained.

The President declared the question before the Senate to be a roll call vote on the first amendments by Senators Benton and Hewitt on page 1, line 13, and page 2, lines, 32, 36 (2), to Second Substitute Senate Bill No. 5369.

The President declared the question before the Senate to be the roll call on whether the amendments be laid upon the table.

ROLL

The Secretary called the roll and the motion to lay the amendments on page 1, line 13, and page 2, lines 32, 36 (2) carried by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 38.

Voting nay: Senators Benton, Esser, Finkbeiner, Hale, Honeyford, Johnson, Morton, Mulliken, Roach, Sheldon, T. and Zarelli - 11.

POINT OF ORDER

Senator Sheahan: "Mr. President, a point of order. What time is it?"

REPLY BY THE PRESIDENT

President Owen: "It is 4:55 p.m. and time to go to the Special Order of Business on Senate Bill No. 6012."

MOTION

Senator Betti Sheldon moved that Second Substitute Senate Bill No. 5369 be a Special Order of Business at 4:58 p.m.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon to make Second Substitute Senate Bill No. 5369 a Special Order of Business at 4:58 p.m. today.

Debate ensued.

The motion by Senator Betti Sheldon to make Second Substitute Senate Bill No. 5369 a special order of business failed.

SPECIAL ORDER OF BUSINESS - SENATE BILL NO. 6012

SECOND READING

SENATE BILL NO. 6012, by Senators Mulliken, T. Sheldon and Morton

Codifying shoreline rules.

MOTION

On motion of Senator Mulliken, Substitute Senate Bill No. 6012 was substituted for Senate Bill No. 6012 and the substitute bill was placed on the second reading calendar and read the second time.

SPECIAL ORDER OF BUSINESS - SENATE BILL NO. 5658

The President announced that it was now 4:59 p.m. and time for the special order of business on Senate Bill No. 5658.

SECOND READING

SENATE BILL NO. 5658, by Senators Mulliken, Haugen, T. Sheldon, Morton and Rasmussen

Concerning use of the best available science under the growth management act.

MOTION

On motion of Senator Mulliken, Substitute Senate Bill No. 5658 was substituted for Senate Bill No. 5658 and the substitute bill was placed on the second reading calendar and read the second time.

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 5658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5658.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5658 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 14.

Absent: Senator Schmidt - 1

SUBSTITUTE SENATE BILL NO. 5658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6012, deferred earlier today to consider the Special Order of Business on Senate Bill No. 5658.

MOTION

Senator Fraser moved that the following striking amendment by Senators Fraser, Kline and Winsley be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.58.060 and 1995 c 347 s 304 are each amended to read as follows:

(1) The department shall periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of statewide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from the date the proposal has been published in the register.

(b) The department shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

(3) The department may (~~propose~~) adopt amendments to the guidelines not more than once each year. ((At least once every five years)) Such amendments shall be limited to: (a) Addressing technical or procedural issues that result from the review and adoption of master programs under the guidelines; or (b) issues of guideline compliance with statutory provisions. Beginning July 1, 2015, and every

seven years thereafter, the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section.

Sec. 2. RCW 90.58.080 and 1995 c 347 s 305 are each amended to read as follows:

(1) Local governments shall develop or amend ~~(within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060,)~~ a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(ii) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(iii) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(iv) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Any jurisdiction that has a new or substantially amended master program approved by the department on or after March 1, 2002, but before the effective date of this section, shall not be required to complete master program amendments until seven years after the applicable date provided by subsection (2)(a)(i) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(i) through (iv) of this section and shall not be required to complete master program amendments until seven years after the applicable dates established by subsection (2)(a)(i) through (iv) of this section.

(4) Local governments shall conduct a comprehensive review of their master programs at least once every seven years after the applicable dates established by subsection (2)(a)(i) through (iv) of this section. Following the review required by this subsection (4), local governments shall, as necessary, revise their master programs. The purpose of the review and revision is:

(a) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(b) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(5) Local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to available funding. The deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. However, for local governments choosing to begin such process prior to December 1, 2009, the deadline for completion of the new or amended master program shall be mutually determined by the local government and the department as a condition of the grant agreement, but such deadline shall not be later than the applicable dates established by subsection (2)(a)(i) through (iv) of this section. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6)(a) Grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (2) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (2) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (2) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority for funding in subsequent biennia, and the development or amendment compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) Notwithstanding the provisions of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

Sec. 3. RCW 90.58.250 and 1971 ex. s. c 286 s 25 are each amended to read as follows:

(1) The legislature intends to eliminate the limits on state funding of shoreline master program development and amendment costs. The legislature further intends that the state will provide funding to local governments that is reasonable and adequate to accomplish the costs of developing and amending shoreline master programs consistent with the schedule established by RCW 90.58.080. Except as specifically described herein, nothing in this act is intended to alter the existing obligation, duties, and benefits provided by this act to local governments and the department.

(2) The department is directed to cooperate fully with local governments in discharging their responsibilities under this chapter. Funds shall be available for distribution to local governments on the basis of applications for preparation of master programs and the provisions of RCW 90.58.080(7). Such applications shall be submitted in accordance with regulations developed by the department. The department is authorized to make and administer grants within appropriations authorized by the legislature to any local government within the state for the purpose of developing a master shorelines program.

~~((No grant shall be made in an amount in excess of the recipient's contribution to the estimated cost of such program.))"~~

POINT OF ORDER

Senator Mulliken: "A point of order, Mr. President. I have been looking at the proposed striking amendment and I would ask for a ruling on scope and object. This striker, from my observation, is that this is about implementing some timelines and some unlimited staff funding. Let's see it just says, 'The Legislature intends to limit eliminate any limits of state funding' and talks about timelines. The underlying bill is actually about codifying the Shorelines Guidelines, prior to the ninety-five direction of the Legislature. So, it is not-the striker has nothing to do with the bill."

REMARKS BY SENATOR FRASER

Senator Fraser: "Thank you, Mr. President. Both deal with the Shoreline Guidelines and urge you to so rule."

PERSONAL PRIVILEGE

Senator Hargrove: "A point of personal privilege, Mr. President. This has been a very frustrating session. We have a big budget crisis. We have a lot of stress. Now, we are having a lot of controversy. I would like to ask a little friend of mine (a toy) to kind of state exactly how I feel about the whole thing. You broke it, Senator Shin."

MOTION

At 5:12 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 5:33 p.m. by President Owen.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6012 and the pending striking amendment by Senators Fraser, Kline and Winsley, deferred before going at ease.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Mulliken as to the scope and object of the striking amendment by Senators Fraser, Kline and Winsley to Substitute Senate Bill 6012, the President finds and rules as follows:

"Substitute Senate Bill No. 6012 is a measure related to shoreline master programs which establishes, in statute, guidelines. The amendment also relates to shoreline master program guidelines and provides timelines for updating those guidelines. The fact that the underlying bill and the proposed amendment set forth different guidelines is simply a matter of policy for the body to decide.

"The President, therefore, finds that Senator Mulliken's point is not well taken and the striking amendment is ruled to be in order."

The striking amendment by Senators Fraser, Kline and Winsley, to Substitute Senate Bill No. 6012 was ruled to be in order.

Debate on the striking amendment continued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Fraser, Kline and Winsley to Substitute Senate Bill No. 6012.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Deccio, Doumit, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute Senate Bill No. 6012 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6012.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6012 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 31.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 18.

SUBSTITUTE SENATE BILL NO. 6012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

March 19, 2003

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4005.

MOTION

At 5:46 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, March 20, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SIXTH DAY, MARCH 19, 2003

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

SIXTY-SEVENTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 20, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

EHB 1090 Prime Sponsor, Representative Veloria: Extending the task force against trafficking of persons. Reported by
Committee on Judiciary March 20, 2003

MAJORITY Recommendation: That the bill be referred to Committee on Children and Family Services and Corrections without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Thibaudeau.

Referred to Committee on Children and Family Services and Corrections.

ESHB 1151 Prime Sponsor, House Committee on Judiciary: Regulating the keeping of dangerous wild animals. Reported by
Committee on Judiciary March 20, 2003

MAJORITY Recommendation: That the bill be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Kline and Thibaudeau.

Referred to Committee on Health and Long-Term Care.

March 20, 2003

SHB 1175 Prime Sponsor, House Committee on Criminal Justice and Corrections: Making it a crime to traffic in persons. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Children and Family Services and Corrections without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Thibaudeau.

Referred to Committee on Children and Family Services and Corrections.

March 20, 2003

SHB 1195 Prime Sponsor, House Committee on Judiciary: Limiting the liability of landowners for unintentional injuries incurred while rock climbing. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

March 20, 2003

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

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen and Kline.

Passed to Committee on Rules for second reading.

March 20, 2003

SHB 1605 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Creating a statewide justice information network. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Technology and Communications without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Thibaudeau.

Referred to Committee on Technology and Communications.

March 20, 2003

SHB 1826 Prime Sponsor, House Committee on Criminal Justice and Corrections: Including trafficking in persons in the criminal profiteering law. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Children and Family Services and Corrections without recommendation. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Thibaudeau.

Referred to Committee on Children and Family Services and Corrections.

March 20, 2003

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

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen and Kline.

Passed to Committee on Rules for second reading.

REPORT FROM STATE AGENCY

WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY
110 Fifth Avenue SE
Suite 214
PO Box 40999
Olympia, WA 98504-0999

March 18, 2003

Milton H. Doumit, Jr., Secretary of the Senate
Washington State Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Mr. Doumit:

In 2002, the Washington Legislature directed the Washington State Institute for Public Policy to evaluate adult drug courts in Washington. Developed during the 1990s, drug courts use intensive courtroom and drug treatment resources in an attempt to modify the criminal and substance abusing behavior of certain drug-involved defendants.

The central questions for this evaluation are whether drug courts--when compared with regular criminal courts--reduce recidivism and produce more benefits than costs. The enclosed report details our findings.

FINDINGS

- * We reviewed other drug court evaluations from around the United States and found that drug courts have been shown to reduce recidivism by about 13 percent.
- * We evaluated six of Washington's drug courts. We found that five of these courts also reduce recidivism by about 13 percent. One of the six courts we evaluated failed to reduce recidivism significantly.
- * Drug courts cost about \$3,900 more per participant than regular criminal court; the extra money pays for more frequent use of court resources and drug treatment.
- * We found that the five successful drug courts produce more benefits than costs--the reduced recidivism helps to generate about \$1.75 in benefits per dollar of cost.

If you have any questions about this report, please contact Steve Aos at (360) 586-2740.

Sincerely,
ROXANNE LIEB, Director

The Washington State Institute for Public Policy Report on an evaluation of adult drug courts is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

March 18, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED HOUSE BILL NO. 1037,
SUBSTITUTE HOUSE BILL NO. 1085,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299,
SUBSTITUTE HOUSE BILL NO. 1642,
SUBSTITUTE HOUSE BILL NO. 1695,
SUBSTITUTE HOUSE BILL NO. 1737,
SECOND SUBSTITUTE HOUSE BILL NO. 1796,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844,
HOUSE BILL NO. 1878,
HOUSE BILL NO. 1929,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2119,
SUBSTITUTE HOUSE BILL NO. 2197, **and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk
March 18, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009,
HOUSE BILL NO. 1210,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337,
ENGROSSED HOUSE BILL NO. 1568,
ENGROSSED HOUSE BILL NO. 1691,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904,
ENGROSSED HOUSE BILL NO. 1926,
ENGROSSED HOUSE BILL NO. 1927, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 18, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6049 by Senator Zarelli

AN ACT Relating to the stewardship and preservation of state college and university facilities; amending RCW 43.88.032; adding a new chapter to Title 28B RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6050 by Senators Horn and Swecker

AN ACT Relating to restricting the use of certain marine facilities constructed by the department of transportation and funded in the omnibus transportation budget act; and adding a new section to chapter 47.20 RCW.

Referred to Committee on Highways and Transportation.

SB 6051 by Senators Kohl-Welles, Winsley, Fairley, Poulsen and Kline

AN ACT Relating to the payment of excise taxes; amending RCW 82.32.045, 82.18.040, 82.23B.020, and 82.27.060; and providing an effective date.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1009 by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Dickerson, Delvin, Skinner, Kagi, Chase, Wood, Sommers, Miloscia, Conway, Cody, O'Brien, Kenney, Schual-Berke, McDermott and Lovick)

Prohibiting sale of violent computer and video games to minors.

Referred to Committee on Children and Family Services and Corrections.

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

Exempting retail sales of food and beverages from the litter tax that are consumed indoors on the seller's premises.

Referred to Committee on Ways and Means.

SHB 1085 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson and Simpson) (by request of Insurance Commissioner Kreidler)

Providing confidentiality to certain insurance commissioner examinations.

Referred to Committee on Financial Services, Insurance and Housing.

2SHB 1095 by House Committee on Appropriations (originally sponsored by Representatives Rockefeller, Sump, Linville, Orcutt, Schoesler, Pearson, Holmquist, Haigh and Kristiansen) (by request of Commissioner of Public Lands Sutherland))

Limiting the impact on small forest landowners caused by forest road maintenance and abandonment requirements.

Referred to Committee on Natural Resources, Energy and Water.

HB 1210 by Representatives O'Brien, Buck, Haigh, Mielke, Conway and Campbell (by request of Governor Locke and Attorney General Gregoire)

Enacting the Washington Antiterrorism Act of 2003.

Referred to Committee on Judiciary.

ESHB 1299 by House Committee on Health Care (originally sponsored by Representatives Cody, Sommers, Morrell, Schual-Berke and Dickerson)

Providing for evidence-based health services purchasing by state purchased health care programs.

Referred to Committee on Health and Long-Term Care.

ESHB 1317 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville, Kirby, Grant, Quall, Shabro, Jarrett, Rockefeller, Hunt, Delvin, Morris and Conway (by request of Governor Locke)

Creating a trust water rights program.

Referred to Committee on Natural Resources, Energy and Water.

E2SHB 1336 by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway) (by request of Governor Locke)

Concerning watershed planning.

Referred to Committee on Natural Resources, Energy and Water.

ESHB 1337 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Rockefeller, Schoesler, Lantz, Linville, Shabro, Jarrett, Kirby, Grant, Quall, Hunt, Delvin, Woods, Chandler, Morris, Conway, Bush, Anderson and Pflug) (by request of Governor Locke)

Concerning additional or replacement wells.

Referred to Committee on Natural Resources, Energy and Water.

E2SHB 1338 by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Grant, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway) (by request of Governor Locke)

Providing additional certainty for municipal water rights.

Referred to Committee on Natural Resources, Energy and Water.

EHB 1568 by Representatives Darneille, Pflug, Cody, Campbell, Schual-Berke, Alexander and Skinner

Modifying physician assistant provisions.

Referred to Committee on Commerce and Trade.

SHB 1642 by House Committee on Judiciary (originally sponsored by Representatives Morrell, Pflug, Cody, Benson, Schual-Berke, Alexander, Clibborn, Edwards, Moeller and Kenney)

Modifying medical information exchange and disclosure provisions.

Referred to Committee on Health and Long-Term Care.

EHB 1691 by Representatives Grant, Conway, Campbell, Wood, Kenney, Morrell, Crouse, Rockefeller, Holmquist, McCoy and Pflug

Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance.

Referred to Committee on Commerce and Trade.

SHB 1695 by House Committee on Local Government (originally sponsored by Representatives Quall, Morris and Edwards)

Providing tax incentives for certain multiple-unit dwellings in urban centers.

Referred to Committee on Land Use and Planning.

SHB 1737 by House Committee on Finance (originally sponsored by Representatives McIntire, Morris, Conway and Simpson)

Repealing outdated and unused tax preferences.

Referred to Committee on Ways and Means.

2SHB 1796 by House Committee on Appropriations (originally sponsored by Representatives Murray, Hankins, Dunshee, Anderson, Lantz, Eickmeyer, McIntire, Kagi, Conway, Kenney, Schual-Berke, Wood, Lovick, Santos and Edwards)

Funding driver's education for low-income students.

Referred to Committee on Highways and Transportation.

ESHB 1844 by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson, Simpson, Morrell, McIntire, Mielke, Hudgins, Rockefeller and Bush)

Criminalizing possession of instruments or equipment of financial fraud.

Referred to Committee on Financial Services, Insurance and Housing.

ESHB 1869 by House Committee on Finance (originally sponsored by Representatives McIntire, Gombosky, Morris, Conway, Santos, Haigh, Kagi, Hunt, Linville, Dunshee, Chase, Simpson, Moeller, Lovick, Cody, Murray, Upthegrove, Veloria and Wood)

Requiring performance audits for tax preferences.

Referred to Committee on Ways and Means.

HB 1878 by Representatives Dickerson and Pettigrew

Providing the courts access to information in third-party custody petitions.

Referred to Committee on Children and Family Services and Corrections.

ESHB 1904 by House Committee on Children and Family Services (originally sponsored by Representatives O'Brien, Boldt, Kagi, Roach and Miloscia)

Revising standards for reporting incidents involving harm to vulnerable adults.

Referred to Committee on Health and Long-Term Care.

EHB 1926 by Representatives Lantz, Clibborn, Moeller, Schual-Berke, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh

Limiting the use of expert witnesses.

Referred to Committee on Judiciary.

EHB 1927 by Representatives Lantz, Schual-Berke, Clibborn, Campbell, Moeller, Cody, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh

Concerning mandatory mediation and arbitration of health care claims.

Referred to Committee on Health and Long-Term Care.

HB 1929 by Representatives Lantz, Carrell, Cody, McMahan, Schual-Berke, Clibborn, Kessler, Newhouse, Campbell, Moeller, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Veloria, Conway, Simpson, Sommers and Haigh

Reenacting the eight-year statute of repose.

Referred to Committee on Health and Long-Term Care.

E2SHB 2119 by House Committee on Appropriations (originally sponsored by Representatives Linville, Morris, Romero, Kagi, Kirby, Edwards, Wallace, Chase, Cooper, Hunt and Upthegrove)

Establishing the Washington climate action registry.

Referred to Committee on Natural Resources, Energy and Water.

SHB 2197 by House Committee on Appropriations (originally sponsored by Representatives Conway, Benson, Grant, McDonald, Dunshee, Cox, Ruderman, Buck, Miloscia, Delvin, Cooper, Hinkle, Gombosky, Campbell, Simpson, Linville, Hunt, Berkey and Bush)

Implementing Initiative Measure No. 790.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Sheahan, Substitute House Bill No. 1695 was referred to the Committee on Land Use and Planning.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8645

By Senators Kohl-Welles, Deccio, West, Thibaudeau and Fairley

WHEREAS, Colorectal cancer is second to lung cancer in the number of deaths it causes in the United States; and
WHEREAS, In 2003 across the United States, an estimated 147,500 new cases of colorectal cancer will be diagnosed, and 57,100 Americans are expected to die of colorectal cancer; and

WHEREAS, In Washington state, it is estimated that 2,700 new cases of colorectal cancer will be found, and 1,000 people will die in 2003; and

WHEREAS, Colorectal cancer can affect anyone of any age, race, or sex. Nine out of ten diagnoses will occur in people aged fifty years and older. Men are slightly more likely to develop colorectal cancer and die of the disease than women. Also, African-Americans are ten percent more likely to be diagnosed with colorectal cancer than Caucasians and thirty percent more likely to die of the disease; and

WHEREAS, Despite its high incidence, colorectal cancer is one of the most detectable and, if found early, most treatable forms of cancer. Ninety percent of those diagnosed early while the cancer is still localized survive more than five years. Sadly, only thirty-seven percent of all colorectal cancers are detected early enough for survival to occur. When the cancer is diagnosed at a more advanced stage, having spread to the surrounding region, the five-year survival rate drops from ninety percent to sixty-five percent. When diagnosed at an advanced stage, having spread to distant organs, the five-year survival rate is only nine percent and

WHEREAS, Early detection is still our best defense against this devastating disease, regular screening can prevent over half of all colon cancer deaths in the United States. Yet, a majority of Americans are not being screened on a regular basis in enough time to catch the cancer while it is still localized. In a recent survey, the Centers for Disease Control found that only forty percent of all Americans reported that they had ever used the most inferior of screening methods and just forty-two percent had ever had a more advanced screening. This compares to eighty-five percent of all women who had been screened for breast cancer; and

WHEREAS, Low screening rates for colorectal cancer are due to many factors, including a lack of public awareness about colorectal cancer and of the benefits of regular screening, negative attitudes towards the screening procedures, the complete lack of symptoms in most cases, and the absence of social support for openly discussing and doing something about this particular disease; and

WHEREAS, On November 19, 1999, the United States Senate designated March as National Colorectal Cancer Awareness Month and on October 3, 2000, the United States House of Representatives passed House Concurrent Resolution 133, legislation that recognizes the impact of colorectal cancer and urges action be taken;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize both the victims of cancer and those fighting for a cure. During Colorectal Cancer Awareness Month, Washingtonians are urged to become more aware of the risks facing them regarding this disease and actively fight it by getting regular screenings for colorectal cancer; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the American Cancer Society.

MOTION

At 12:05 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Friday, March 21, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-SEVENTH DAY, MARCH 20, 2003

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

SIXTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Friday, March 21, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SHB 1059 Prime Sponsor, Committee on Trade and Economic Development: Creating a joint committee on trade policy. Reported by Committee on Commerce and Trade
March 20, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules for second reading.

HB 1108 Prime Sponsor, Representative Chase: Establishing penalties for harming a police horse. Reported by Committee on Judiciary
March 20, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

ESHB 1218 Prime Sponsor, House Committee on State Government: Creating a building mapping information system. Reported by Committee on Judiciary
March 21, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 20, 2003

SHB 1445 Prime Sponsor, House Committee on Commerce and Labor: Regulating motor vehicle manufacturer and dealer relationships. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules for second reading.

March 20, 2003

SHB 1494 Prime Sponsor, House Committee on Local Government: Allowing state and local governments to sell and lease personal property to foreign entities. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules for second reading.

March 20, 2003

SHB 1848 Prime Sponsor, House Committee on Commerce and Labor: Exempting the installation, maintenance, and repair of certain medical devices from electrician licensing requirements. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules for second reading.

March 20, 2003

HB 1858 Prime Sponsor, Representative Morris: Regarding taxation of persons providing chemical dependency services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That the bill be referred to the Committee on Ways and Means without recommendation. Signed by Senators Deccio, Chair; Brandland, Franklin, Keiser and Parlette.

Referred to Committee on Ways and Means.

March 20, 2003

SHB 1930 Prime Sponsor, House Committee on Finance: Enacting procedural enhancements to the master settlement agreement. Reported by Committee on Commerce and Trade

MAJORITY recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 20, 2003

GA 9043 W. ELIZABETH HUANG, reappointed October 8, 2002, for a term ending October 1, 2006, as a member of the Small Business Export Finance Assistance Center Board of Directors.
Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules.

March 20, 2003

GA 9054 DAVID E. LAMB, reappointed October 8, 2002, for a term ending October 1, 2006, as a member of the Small Business Export Finance Assistance Center Board of Directors.
Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules.

March 20, 2003

GA 9145 JOHN PERRYMAN, reappointed October 8, 2002, for a term ending October 1, 2006, as a member of the Small Business Export Finance Assistance Center Board of Directors.
Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Keiser.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 19, 2003

MR. PRESIDENT:

The House has passed:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1928,
ENGROSSED HOUSE BILL NO. 2030,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 19, 2003

MR. PRESIDENT:

The House has passed:

**SECOND SUBSTITUTE HOUSE BILL NO. 1065,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,
SUBSTITUTE HOUSE BILL NO. 1517,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1865,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6052 by Senators Johnson and Rossi (by request of Office of Financial Management)

AN ACT Relating to alternative route teacher certification; and amending RCW 28A.660.020, 28A.660.030, and 28A.660.050.
Referred to Committee on Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1065 by House Committee on Capital Budget (originally sponsored by Representatives Conway, Kenney, Wood, Hudgins, McCoy, Sullivan and Simpson)

Establishing apprenticeship utilization requirements for public works projects.

Referred to Committee on Commerce and Trade.

ESHB 1462 by House Committee on Finance (originally sponsored by Representatives Morris, Cairnes, Gombosky, Ruderman, Nixon, Ericksen, Miloscia, Anderson, Wallace, Benson, Newhouse, Tom, Chandler, Orcutt, Woods, McMahan, Talcott and Campbell)

Prohibiting local governments from imposing business and occupation tax on intellectual property.

Referred to Committee on Ways and Means.

SHB 1517 by House Committee on Commerce and Labor (originally sponsored by Representatives Cooper, Simpson, Conway, Sullivan and Wallace)

Establishing objectives for certain fire department services.

Referred to Committee on Commerce and Trade.

ESHB 1530 by House Committee on Judiciary (originally sponsored by Representatives Grant, Holmquist, Armstrong, Blake, Shabro, Talcott, Ruderman, Schual-Berke, Schoesler, Hinkle, Condotta, Newhouse, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander)

Changing rules for venue for declaratory judgments under the administrative procedure act.

Referred to Committee on Judiciary.

ESHB 1557 by House Committee on Transportation (originally sponsored by Representatives McDermott, Ericksen, Simpson, Armstrong, Lovick, Campbell, Sullivan, Dickerson, Cody and Santos)

Collecting voter-approved taxes by a city transportation authority.

Referred to Committee on Highways and Transportation.

ESHB 1640 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville, Hinkle, Grant, Chandler, Eickmeyer and Hankins)

Authorizing water banking within the trust water program.

Referred to Committee on Natural Resources, Energy and Water.

ESHB 1689 by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville, Schoesler, Cooper, Chandler, Holmquist and Hatfield)

Implementing the federal permit requirements for municipal separate storm sewer system permits.

Referred to Committee on Natural Resources, Energy and Water.

E2SHB 1865 by House Committee on Appropriations (originally sponsored by Representatives Cody, Campbell, Morrell, Schual-Berke, Kenney, Haigh, Conway and Santos)

Improving patient safety practices.

Referred to Committee on Health and Long-Term Care.

ESHB 1928 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Carrell, McMahan, Clibborn, Campbell, Moeller, Schual-Berke, Cody, Newhouse, Morrell, Rockefeller, Kirby, Lovick, Kenney, Linville, Voloria, Conway, Simpson, Sommers and Haigh)

Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW.

Referred to Committee on Health and Long-Term Care.

ESHB 1960 by House Committee on Transportation (originally sponsored by Representatives Murray, Jarrett, Cooper, Dickerson and Hudgins)

Studying regional transportation governance.)

Referred to Committee on Highways and Transportation.

EHB 2030 by Representatives Kessler, Cairnes, Talcott, McDonald, Schindler, Shabro, Pearson and Holmquist (by request of Governor Locke)

Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Parlette, the following resolution was adopted:

SENATE RESOLUTION 8630

By Senator Haugen

WHEREAS, Washington State is recognized throughout the nation for its eminent resources in biomedical science; and

WHEREAS, Medical specialists in this state have been credited with singular discoveries in diverse health conditions, contributing to worldwide knowledge about symptoms and treatment; and

WHEREAS, Although citizen awareness about these major illnesses has become widespread, there are still a number of lesser threats to health about which very little is known; and

WHEREAS, Myositis, a rare, chronic, and progressive condition for which there is no known cure, is one of these latter "orphan diseases" which is still little recognized, with only one hundred and thirty-five patients identified in twenty-seven of Washington's thirty nine counties and approximately 50,000 active cases nationwide; and

WHEREAS, The puzzling symptoms of Myositis, in its four related forms, include difficulty in swallowing or breathing, excessive fatigue after standing or walking, increasing inability to lift or raise one's arms overhead, and general weakness of skeletal muscles; and

WHEREAS, Patients have banded together in The Myositis Association with the help of their doctors and health researchers to serve as a resource promoting research into the causes and treatments of Myositis, as well as providing patient support and otherwise enhancing the quality of life for those afflicted; and

WHEREAS, The Washington Myositis Group is committed to a concerted effort by The Myositis Association to recognize a national Myositis Awareness Day; and

WHEREAS, The Myositis Association has designated September 21, 2003, as Myositis Awareness Day, as part of a coordinated effort to help educate the public and to identify other patients of the disease;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize both the victims of Myositis and those fighting for a cure on September 21, 2003, Myositis Awareness Day.

MOTION

At 12:04 p.m., on motion of Senator Parlette, the Senate adjourned until 12:00 noon, Monday, March 24, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTY-EIGHTH DAY, MARCH 21, 2003

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SEVENTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 24, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

March 21, 2003

ESHB 1076 Prime Sponsor, House Committee on Criminal Justice and Corrections: Revising provisions relating to attempting to elude a pursuing police vehicle. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 21, 2003

ESHB 1242 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Establishing requirements for the use of biodiesel by state agencies. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove and Regala.

Passed to Committee on Rules for second reading.

March 21, 2003

ESHB 1243 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Establishing a biodiesel pilot project for school transportation. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove and Regala.

Passed to Committee on Rules for second reading.

March 21, 2003

HB 1246 Prime Sponsor, Representative Linville: Authorizing the department of natural resources to accept gifts of aquatic land. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove and Regala.

Passed to Committee on Rules for second reading.

March 21, 2003

SHB 1249 Prime Sponsor, House Committee on Agriculture and Natural Resources: Authorizing the department of natural resources to enter contracts that indemnify another party against loss or damage. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove and Regala.

Passed to Committee on Rules for second reading.

March 21, 2003

EHB 1252 Prime Sponsor, Representative Linville: Making technical, nonsubstantive, corrections to and recodifying various department of natural resources' public land statutes. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove and Regala.

Passed to Committee on Rules for second reading.

March 21, 2003

HJM 4007 Prime Sponsor, Representative Hinkle: Requesting the issuance of an American coalminers stamp. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hargrove and Regala.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8635

By Senator Zarelli

WHEREAS, Holly Edwards, an esteemed resident of Vancouver and a student at Columbia River High School, has achieved national recognition for exemplary volunteer service by receiving a 2003 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Holly earned this award by giving generously of her time and energy by organizing the "Morning Star Café," an event designed to provide adolescents with a fun and safe atmosphere for meeting new friends; and

WHEREAS, The success of the state of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Holly Edwards, who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate congratulate and honor Holly Edwards as a recipient of a Prudential Spirit of Community Award, recognizing her outstanding record of volunteer service and peer leadership. They extend best wishes for her continued success and happiness; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Holly Edwards and the principal of Columbia River High School.

MOTION

At 12:05 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Tuesday, March 25, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIRST DAY, MARCH 24, 2003

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SEVENTY-SECOND DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, March 25, 2003

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

MOTION

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

REPORTS OF STANDING COMMITTEES

SHB 1271 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Enhancing interoperability of emergency communications. Reported by Committee on Technology and Communications March 24, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

HB 1287 Prime Sponsor, Representative Lovick: Clarifying district court jurisdiction over actions involving commercial electronic mail. Reported by Committee on Technology and Communications March 24, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

SHB 1624 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Modifying provisions of the Washington telephone assistance program. Reported by Committee on Technology and Communications March 24, 2003

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

Referred to Committee on Ways and Means.

SHB 1722 Prime Sponsor, House Committee on Finance: Limiting the taxability of certain internet transactions. Reported by Committee on Technology and Communications March 24, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

SHB 2132 Prime Sponsor, House Committee on Financial Institutions and Insurance: Securing public building or construction contracts. Reported by Committee on Government Operations and Elections March 24, 2003

MAJORITY Recommendation: That the bill be referred to Committee on Financial Services, Insurance and Housing without recommendation. Signed by Senators Roach, Chair; Fairley, Horn and Kastama.

Referred to Committee on Financial Services, Insurance and Housing.

**REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS**

March 24, 2003

GA 9107 STANLEY RUMBAUGH, reappointed March 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Bates Technical College District No. 28.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and B. Sheldon.

Passed to Committee on Rules.

March 24, 2003

GA 9115 RHONA HOSS, appointed December 11, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Clark Community College District No. 14.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and B. Sheldon.

Passed to Committee on Rules.

March 24, 2003

GA 9134 ELSA WELCH, appointed January 10, 2002, for a term ending September 30, 2005, as a member of the Board of Trustees for Shoreline Community College District No. 7.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and B. Sheldon.

Passed to Committee on Rules.

March 24, 2003

GA 9136 FREDERICK WHANG, appointed July 1, 2002, for a term ending September 30, 2003, as a member of the Board of Trustees for Tacoma Community College District No. 22.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and B. Sheldon.

Passed to Committee on Rules.

March 24, 2003

GA 9167 PEGGY ZORO, appointed January 1, 2002, for a term ending September 30, 2008, as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken and B. Sheldon.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

March 24, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 24, 2003, Governor Locke approved the following Senate Bill entitled:

Substitute Senate Bill No. 5044

Relating to giving notice of the termination of a tenancy.

Sincerely,

MESSAGE FROM STATE OFFICE

WASHINGTON STATE AUDITOR'S OFFICE
ACCOUNTABILITY AUDIT REPORT

AUDIT REPORT

Washington State Fryer Commission
January 1, 1999 through December 31, 2001

ABOUT THE AUDIT

This report contains the results of our audit of the Washington State Fryer Commission for the period January 1, 1999, through December 31, 2001.

We performed audit procedures to determine whether the Commission complied with state laws and regulations. In keeping with general auditing practices, we did not examine every portion of the Commission's financial activities during the audit. The areas examined represented the highest risk of noncompliance, misappropriation or misuse. We reviewed the Commission's contracts for compliance with the Office of Financial Management (OFM) filing requirements. We also reviewed the Commission's compliance with OFM travel regulations, open public meetings laws, state ethics laws and the overall legality of the Commission's expenditures. We also evaluated the Commission's internal controls over revenue collections, travel reimbursements, vendor payments, payroll expenditures, cash and investments.

ABOUT THE COMMISSION

The Commission was formed to enable producers to establish orderly, fair, sound, efficient and unhampered marketing, grading and standardization of the commodities they produce and to promote and increase the sale of such commodities.

The Commission became a Washington State Agricultural Commission on March 4, 1957, and operates under *Washington Administrative Code* 16-512-005 and Chapter 15.65 of the *Revised Code of Washington*.

The Commission is funded by assessments that are levied upon fryers, roasters and boilers sold in the state of Washington. The Commission does not receive an appropriation of state funds. The Commission is governed by six producers elected at large and two members appointed by the elected Commissioners. The annual operating budget typically exceeds \$700,000.

We audit the Commission every three years. Past audits have not revealed instances of significant noncompliance.

RESULTS

We determined that the Commission substantially complied with state laws and regulations. In addition, the Commission's internal controls generally allowed officials to effectively operate the Commission and safeguard its resources. The Commission has one full time employee who performs all of the Commission's accounting functions.

INTRODUCTION AND FIRST READING

SB 6053 by Senator Morton

AN ACT Relating to the costs of processing forest practices applications; amending RCW 76.09.065; creating a new section; providing an effective date; and declaring an emergency.
Referred to Committee on Natural Resources, Energy and Water.

SB 6054 by Senators Rossi and Fairley (by request of Office of Financial Management)

AN ACT Relating to clarifying the application of the industrial welfare act to public employers; amending RCW 49.12.005; creating a new section; and declaring an emergency.
Referred to Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 8649

By Senator Shin

WHEREAS, Powerful Partners is an innovative coalition of six elementary schools in the Edmonds School District: Beverly Elementary, Edmonds Elementary, Meadowdale Elementary, Maplewood Parent Co-op, Lynndale Elementary, and Seaview Elementary; and

WHEREAS, The coalition's mission is to create schools as centers of learning, providing education and enrichment opportunities to students, families, and community members; and
WHEREAS, Educators, parents, and community members working together create the best learning environment for students; and
WHEREAS, The programs develop the assets children need to succeed in school and life; and
WHEREAS, Powerful Partners' tutors work one-to-one with students who are performing below standard in reading and math; and
WHEREAS, Powerful Partners' mentors meet weekly with students and provide them with personal social and academic support; and
WHEREAS, Powerful Partners' after-school program offers students opportunities to develop skills and explore interests and talents beyond the traditional school day; and
WHEREAS, The annual Science Expo has brought more than one thousand students and their family members together with scientists, inventors, and community volunteers in an interactive science learning event; and
WHEREAS, The board and staff of Powerful Partners believe that all children can be successful in school, given the right environment, opportunities, and adult support;
NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize Powerful Partners, its member schools, staff, board of directors, donors, and volunteers for their important contribution to the Edmonds School District, the lives of children, and the community at large; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Board of Directors of Powerful Partners.

MOTION

At 12:04 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Wednesday, March 26, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-SECOND DAY, MARCH 25, 2003

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

SEVENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 26, 2003

The Senate was called to order at 10:00 a.m. by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Nyquist Kristofor and Jacob Schroeder, presented the Colors. Bishop William Skylstad of the Catholic Diocese of Spokane, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 25, 2003

HB 1101 Prime Sponsor, Representative Schoesler: Forwarding grain when an emergency storage situation exists. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen and Rasmussen.

Passed to Committee on Rules for second reading.

March 25, 2003

HB 1117 Prime Sponsor, Representative Linville: Moving a web site address from statute to rule. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen and Rasmussen.

Passed to Committee on Rules for second reading.

March 25, 2003

HB 1126 Prime Sponsor, Representative Schoesler: Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen and Rasmussen.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

November 26, 2002

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

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

Daniel E. Gosser, reappointed November 26, 2002, for a term ending December 5, 2006, as a member of the Eastern State Hospital Advisory Board.

GARY LOCKE, Governor

Referred to Committee on Children and Family Services and Corrections.

March 18, 2003

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

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

Craig W. Cole, to be appointed March 20, 2003, for a term ending September 30, 2007, as a member of the Board of Regents for the University of Washington.

GARY LOCKE, Governor

Referred to Committee on Higher Education.

INTRODUCTION OF SPECIAL GUEST

The President Pro Tempore welcomed and introduced Chelsea Durfey, a Senate Page, and the great niece of former Senator Irv Newhouse.

- INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Representative Marty Stephens from the state of Utah. Representative Stephens is also the Vice President of the National Conference of State Legislators and will become the President at the next meeting of the NCSL.

With permission of the Senate, business was suspended to permit Representative Stephens to address the Senate. Representative Stephens introduced Mr. Bill Pound, Executive Director of the National Conference of State Legislators, and Mr. Jack Tweaty, the local representative of the NCSL in our area.

MOTION

On motion of Senator Kastama, the following resolution was adopted:

SENATE RESOLUTION 8650

By Senators Kastama, Fairley, Fraser, Kohl-Welles, McCaslin, Roach, Spanel and Thibaudeau

WHEREAS, The Hepatitis C virus (HCV) infection is the most common chronic bloodborne viral infection and the leading cause of known liver disease in the United States; and

WHEREAS, Often the virus does not cause any symptoms or signs when first transmitted, a person can be symptom free for ten to twenty years, and because of this, many individuals are not aware of their infection; and

WHEREAS, Of those infected, eighty-five to ninety percent develop a chronic infection; and

WHEREAS, The Center for Disease Control recognizes 1.8 percent of the noninstitutionalized population to be infected. Based on this percentage Washington state has 106,000 citizens infected; and

WHEREAS, The virus is transmitted primarily through exposure to infected blood, such as blood transfusion, injection drug use, solid organ transplantation from infected donors, unsafe medical practices, occupational exposure to infected blood, birth to an infected mother, multiple heterosexual partners, high-risk sexual practices, tattooing, and body piercing; and

WHEREAS, Populations assumed to have high rates of infection are people who were transfused or used blood products, veterans, prison population, those who used or are using I.V. drugs, the foreign born population, and those whose occupations put them in contact with blood or bodily fluids; and

WHEREAS, There is no vaccine and no cure; and

WHEREAS, Through education we can find those infected, teach them how to slow the progression of the virus through lifestyle changes, slowing the need for liver transplant in those who will progress to that level, and teach those infected how not to spread the virus; and

WHEREAS, Education is the most cost-effective form of prevention; and

WHEREAS, The Governor has proclaimed March 24, 2003, as Hepatitis C Awareness Day;

NOW, THEREFORE, BE IT RESOLVED, That the Senate join in honoring both the victims of the diseases and those fighting for a cure on March 24, Hepatitis C Awareness Day; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Governor and to the University of Washington, the Hepatitis Education Project, the American Liver Foundation, and the Washington State Health Department.

Senators Kastama, Thibaudeau, Carlson and Rasmussen spoke to Senate Resolution 8650.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Kitty Candelaria from the National Hepatitis C Institute, who was seated in the back of the chamber.

PERSONAL PRIVILEGE

Senator Kastama: "A point of personal privilege, Madam President. Kitty Candelaria is a constituent of mine who came forward with this particular issue. Her husband actually passed away due to having Hepatitis C. The interesting thing about it, to show you how personal these things get, Kitty was my neighbor when I was a young boy. She grew up right next to me. I saw her as a young child and she has seen me, certainly as a young child. It is amazing when you get into situations such as this, how personal things come to--sometimes how personal they are--and how they are based on relationships that you had when you were young. So, I am very proud to bring this forward, because I feel that it is a big issue nationally. It is a big issue in the state of Washington, but also personally, it is nice to see someone who cares so much about this issue--whom I am very close to and grew up with. It is good to help her out along the way, too."

MOTION

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

MOTION

On motion of Senator Sheahan, the following bills, which were on the second reading calendar, were referred to the Committee on Rules:

SECOND READING

SB 5043 Public land statutes

SB 5046 Election officials/crimes

SB 5048 State mammal

SB 5055 Costs of incarceration

SB 5078 Metropolitan municipal corps

SB 5108 f Criminal trespass

SB 5121 f HOV lanes

SB 5140 County conservation futures levy

SB 5149 f Business employee tax credit

SB 5157 Veterinary board

SB 5162 f Special needs transportation

SB 5194 f Ethics investigations

SB 5196 f Agricultural products

SB 5201 Amateur radio emergency act

SB 5206 f Crimes related to mail

SB 5216 f Criminally insane examinations

SB 5217 Secure community transition facilities

SB 5219 f Voting systems certification

SB 5222 Election crimes and penalties

SB 5227 f Structural pest inspectors

SB 5234 Skate parks

SB 5259 f Vehicles boarding ferries

SB 5263 Alcoholic beverages

SB 5275 Confidential public records

SB 5276 Archive and library funding

SB 5281 Jail booking fees

SB 5303 State university research

SB 5306 Out-of-state political comm

SB 5320 Water trail recreation program

SB 5354 Growth management planning

2SSB 5369 Automated traffic cameras

SB 5381 Hydrology

SB 5388 Employment information

SB 5411 Nonpartisan sheriffs

SB 5412 f Identity theft

SB 5432 Water-sewer district property

SB 5433 Water-sewer district bidding

SB 5441 Initiative and referendum paper size

SB 5447 Water-sewer districts

SB 5459 Vehicle manufacturer/dealer

SB 5461 Mental health client information

SB 5478 Historical documents

SB 5496 School appeals

SB 5506 Growth management boards

SB 5518 State land purchase

SB 5528 Commission appointments

SB 5532 International matchmaking

SB 5533 f Hiring of school employees

SB 5539 Wrecker reports

SB 5541 Retail installment payments

SB 5549 Trade policy joint committee

SB 5562 f Direct care component rate

SB 5567 f Medicaid personal care plans

SB 5571 Human cloning

SB 5582 Growth management act

SB 5585 Transportation benefit district

SB 5613 Compulsive gambling information

SB 5629 f Employer's indebtedness

SB 5643 f Digital license plates

SB 5652 Adoption-related advertising

SB 5659 f Local government funding

SB 5660 Education assistance grant program

SB 5664 f Collective bargaining

SB 5666 Defining veteran

SB 5667 Open public meetings

SB 5672 Residential mortgage loans

SB 5677 Education policy boards

SB 5686 Workers' compensation inmate benefit

SB 5701 Voter registration

SB 5706 Death security registration

SB 5707 Replevin

SB 5723 Postconviction DNA testing

SB 5738 Mobil home landlord-tenant

SB 5740 f Gray wolf management

SB 5744 Required ignition interlocks

SB 5767 f State salary overpayment

SB 5792 Insurance rate increases

SB 5798 Mold in residential units

SB 5810 Domestic mutual insurers

SB 5815 f Mosquito abatement

SB 5821 Cosmetology

SB 5823 Kinship caregivers

SB 5827 International tourism center

SB 5833 Hospitals

SB 5834 Higher education veteran fee exemption

SB 5835 Judicial candidates

SB 5838 Delinquent insurer/taxpayer

SB 5872 Commercial fishing

SB 5873 Developmentally disabled

SB 5880 Shoreline and growth management

SB 5886 Voter abstention

SB 5900 f Municipal b & o tax

SB 5905 Diseased animals

SB 5915 Community economic revitalization boards

SB 5916 Construction liability
SB 5924 Laboratory records
SB 5926 Cigarettes
SB 5929 Genetic information
SB 5934 Water-sewer districts
SB 5940 f Escrow agents
SB 5946 Mental health ombudsman
SB 5947 Medical use of marijuana
SB 5961 f Aircraft registration
SB 5972 Prepaid legal service plans
SB 5978 Vehicle rental
SB 5980 Legislative attorneys
SB 5986 Vehicles driven side by side
SB 6001 Lawful vehicle combinations
SB 6005 Microbrew beer
SJM 8010 Child protection
SJM 8011 International matchmaking
SJM 8014 Resource justification model
SJR 8210 Blanket primaries
SCR 8404 Committee on judicial conduct

MOTION

At 10:23 a.m., on motion of Senator Sheahan, the Senate recessed until 10:45 a.m.

The Senate was called to order at 11:06 a.m. by President Pro Tempore Winsley.

MOTION

On motion of Senator Sheahan, the Senate will immediately consider Senate Bill No. 5990.

SECOND READING

WINSLEY SENATE BILL NO. 5990, by Senators Hargrove, Stevens, McAuliffe, Carlson, Regala, Parlette, Rasmussen and

Changing times and supervision standards for release of offenders.

MOTIONS

On motion of Senator Stevens, Substitute Senate Bill No. 5990 was substituted for Senate Bill No. 5990 and the substitute bill was placed on second reading and read the second time.

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.728 and 2002 c 290 s 21 and 2002 c 50 s 2 are each reenacted and amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1)(a) Except as otherwise provided for in subsection ~~((2))~~ (4) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b) In the case of an offender who qualifies under subsection (2) of this section, the aggregate earned release time may not exceed fifty percent of the sentence.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2) An offender may earn up to fifty percent earned release time if he or she is not confined pursuant to a sentence for an offense that is a violent offense; a sex offense; a violation or attempt, solicitation, or conspiracy to violate RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; a violation or attempt, solicitation, or conspiracy to violate RCW 69.50.406 (delivery of a controlled substance to a minor); or a crime against a person as defined in RCW 9.94A.411 and he or she:

(a) Has no prior conviction for a sex offense; a serious violent offense; a violation or attempt, solicitation, or conspiracy to violate RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or a violation or attempt, solicitation, or conspiracy to violate RCW 69.50.406 (delivery of a controlled substance to a minor);

(b) Is not subject to court-ordered chemical dependency treatment under RCW 9.94A.660 or the provisions of chapter 290, Laws of 2002; and

(c) Has an offender score of less than seven.

(3)(a) The department shall recalculate the earned release time and reschedule the expected release dates for each eligible offender under subsections (1) and (2) of this section.

(b) Subsection (2) of this section applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of the effective date of this section.

(c) Subsections (1)(b) and (2) of this section do not apply to offenders convicted after July 1, 2010.

(4)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

~~((3))~~ (5) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

~~((4))~~ (6)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

~~((5))~~ (7) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

~~((6))~~ (8) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

~~((7))~~ (9) The governor may pardon any offender;

~~((8))~~ (10) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

~~((99))~~ (11) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

The legislature declares that the changes to the maximum percentages of earned release time in this act do not create any expectation that the percentage of earned release time cannot be revised and offenders have no reason to conclude that the maximum percentage of earned release time is an entitlement or creates any liberty interest. The legislature retains full control over the right to revise the percentages of earned release time available to offenders at any time. This section applies to persons convicted on or after the effective date of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender into one of at least four risk categories. The department shall supervise every offender sentenced to a term of community custody, community placement, or community supervision whose risk assessment places that offender in one of the two highest risk categories. The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody, community placement, or community supervision whose risk assessment places that offender in any risk category other than the two highest unless the offender is one for whom supervision is required under subsection (2) of this section.

(2) Notwithstanding an offender's classification in a risk category other than the two highest risk categories, the department shall supervise the offender if:

(a) He or she has a prior conviction for an offense that is a serious violent offense, sex offense, manufacture or delivery or possession with intent to deliver methamphetamine, or delivery of a controlled substance to a minor;

(b) He or she is subject to court-ordered chemical dependency treatment under RCW 9.94A.660 or the provisions of chapter 290, Laws of 2002, or he or she was sentenced under RCW 9.94A.670; or

(c) He or she is subject to supervision pursuant to RCW 9.94A.745.

(3) This section expires July 1, 2010.

Sec. 4. RCW 9.94A.700 and 2002 c 175 s 13 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in section 3 of this act, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

(ii) Assault of a child in the second degree;

(iii) A crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

Sec. 5. RCW 9.94A.705 and 2000 c 28 s 23 are each amended to read as follows:

Except for persons sentenced under RCW 9.94A.700(2) or 9.94A.710, when a court sentences a person to a term of total confinement to the custody of the department for a violent offense, any crime against persons under RCW 9.94A.411(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660, committed on or after July 25, 1999, but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and ~~((2))~~ (4). When the court sentences the offender under this section to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.728 (1) and ~~((2))~~ (4). Any period of community

custody actually served shall be credited against the community placement portion of the sentence. Except as provided in section 3 of this act, the department shall supervise any sentence of community placement or community custody imposed under this section.

Sec. 6. RCW 9.94A.715 and 2001 2nd sp.s. c 12 s 302 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and ~~((2))~~ (4), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and ~~((2))~~ (4); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in section 3 of this act, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

Sec. 7. RCW 9.94A.720 and 2002 c 175 s 14 are each amended to read as follows:

(1)(a) Except as provided in section 3 of this act, all offenders sentenced to terms involving community supervision, community restitution, community placement, or community custody~~((or legal financial obligation))~~ shall be under the supervision of the department and shall follow explicitly the instructions and conditions of the department. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under section 3 of this act.

(b) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(c) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (b) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals.

(d) For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may impose conditions as specified in RCW 9.94A.715.

The conditions authorized under (c) of this subsection may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to RCW 9.94A.710 occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.740 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.737. At any time prior to the completion of an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the expiration of the offender's term of community custody as authorized in RCW 9.94A.715 (3) or (5).

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(2) No offender sentenced to terms involving community supervision, community restitution, community custody, or community placement under the supervision of the department may own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and 9.94A.740. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection has the same definition as in RCW 9.41.010.

Sec. 8. RCW 9.94A.545 and 2000 c 28 s 13 are each amended to read as follows:

On all sentences of confinement for one year or less, in which the offender is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit such a crime, the court may impose up to one year of community custody, subject to conditions and sanctions as authorized in RCW

9.94A.715 and 9.94A.720. An offender shall be on community custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community custody shall toll.

Sec. 9. 2002 c 290 s 30 (uncodified) is amended to read as follows:

Section 2 of this act expires ~~((July 1, 2004))~~ on the effective date of section 9, chapter . . . , Laws of 2003 (section 9 of this act).

Sec. 10. 2002 c 290 s 31 (uncodified) is amended to read as follows:

Sections 7 through 11 and 14 through 23 of this act take effect ~~((July 1, 2004, and apply to crimes committed on or after July 1, 2004))~~ on the effective date of section 9, chapter . . . , Laws of 2003 (section 9 of this act).

Sec. 11. RCW 70.96A.350 and 2002 c 290 s 4 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; and (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) ~~((Savings to the state general fund resulting from implementation of chapter 290, Laws of 2002, as calculated))~~ Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

~~((4))~~(a) ~~((The department of corrections, the sentencing guidelines commission, the office of financial management, and the caseload forecast council shall develop a methodology for calculating the projected biennial savings under this section. Savings shall be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. By September 1, 2002, the proposed methodology shall be submitted to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.~~

~~((b))~~ When the department of corrections submits its biennial budget request to the governor in 2002 and in each even-numbered year thereafter, the department of corrections shall use the methodology approved in ~~((a))~~ of this subsection to calculate savings to the state general fund for the ensuing fiscal biennium resulting from reductions in drug offender sentencing as a result of sections 2 and 3, chapter 290, Laws of 2002 and sections 7, 8, and 9, chapter 290, Laws of 2002. The department shall report the dollar amount of the savings to the state treasurer, the office of financial management, and the fiscal committees of the legislature.

~~((c))~~(e) For the fiscal biennium beginning July 1, 2003, ~~((and each fiscal biennium thereafter,))~~ the state treasurer shall transfer ~~((seventy-five percent of the amount reported in (b) of this subsection))~~ eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. ~~((However, the amount transferred to the criminal justice treatment account shall not exceed the limit of eight million two hundred fifty thousand dollars per fiscal year. After the first fiscal year in which the amount to be transferred equals or exceeds eight million two hundred fifty thousand dollars, this limit))~~ For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

~~((d))~~(b) For the fiscal biennium beginning July 1, 2003, and each biennium thereafter, the state treasurer shall transfer ~~((twenty-five percent of the amount reported in (b) of this subsection))~~ two million nine hundred eighty-four thousand dollars from the general fund into the violence reduction and drug enforcement account, divided into eight quarterly payments. The amounts transferred pursuant to this subsection ~~((4))~~~~((d))~~(b) shall be used solely for providing drug and alcohol treatment services to offenders confined in a state correctional facility ~~((receiving a reduced sentence as a result of implementation of chapter 290, Laws of 2002 and))~~ who are assessed with an addiction or a substance abuse problem that if not treated would result in addiction. ~~((Any excess funds remaining after providing drug and alcohol treatment services to offenders receiving a reduced sentence as a result of implementation of chapter 290, Laws of 2002 may be expended to provide treatment for offenders confined in a state correctional facility and who are assessed with an addiction or a substance abuse problem that contributed to the crime.~~

~~((e))~~(c) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in ~~((e))~~(a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection ~~((4))~~~~((e))~~(c) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection ~~((4))~~~~((e))~~(c) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the sentencing guidelines commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

NEW SECTION. Sec. 12. The Washington state institute for public policy shall study the results of the changes in earned release under section 1 of this act. The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes in this act. The Washington state institute for public policy shall report its findings to the governor and the appropriate committees of the legislature no later than December 1, 2008.

NEW SECTION. Sec. 13. (1) The sum of three million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2004, from the general fund to the department of corrections for enhanced supervision by community corrections officers of offenders classified in risk classifications RM-A and RM-B.

(2) The sum of three million five hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2005, from the general fund to the department of corrections for enhanced supervision by community corrections officers of offenders classified in risk classifications RM-A and RM-B.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to Substitute Senate Bill No. 5990.

The motion by Senator Hargrove carried and the striking amendment was adopted.

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

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.700, 9.94A.705, 9.94A.715, 9.94A.720, 9.94A.545, and 70.96A.350; amending 2002 c 290 s 30 (uncodified); amending 2002 c 290 s 31 (uncodified); reenacting and amending RCW 9.94A.728; adding new sections to chapter 9.94A RCW; creating a new section; making appropriations; providing effective dates; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 5990 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5990.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5990 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Deccio, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Benton, Brandland, Doumit, Eide, Haugen, Rasmussen, Roach and Sheldon, T. - 8.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:26 a.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, March 27, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-THIRD DAY, MARCH 26, 2003

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SEVENTY-FOURTH DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, March 27, 2003

The Senate was called to order at 12:00 noon by Vice President Pro Tempore Deccio. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

HB 1106 Prime Sponsor, Representative Bush: Authorizing the secretary of state to observe county election facilities. Reported by Committee on Government Operations and Elections March 25, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

HB 1133 Prime Sponsor, Representative Carrell: Requiring county assessors to submit an annual property tax report to the department of revenue. Reported by Committee on Government Operations and Elections March 25, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

HB 1226 Prime Sponsor, Representative Moeller: Authorizing service of summons for persons not found in this state. Reported by Committee on Judiciary March 26, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

SHB 1275 Prime Sponsor, House Committee on Health Care: Transferring the human immunodeficiency virus insurance program to the department of health. Reported by Committee on Health and Long-Term Care March 25, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

HB 1348 Prime Sponsor, Representative Flannigan: Making technical corrections. Reported by Committee on Judiciary March 26, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

HB 1350 Prime Sponsor, Representative Flannigan: Repealing RCW 42.44.040. Reported by Committee on Judiciary March 26, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

HB 1351 Prime Sponsor, Representative Flannigan: Correcting outdated internal references. Reported by Committee on Judiciary March 26, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 25, 2003

HB 1460 Prime Sponsor, Representative Pettigrew: Creating a Washington state day of civil liberties remembrance. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

March 26, 2003

ESHB 1466 Prime Sponsor, House Committee on Education: Promoting environmental, natural science, wildlife, forestry, and agricultural education. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

March 26, 2003

HB 1497 Prime Sponsor, Representative O'Brien: Reorganizing criminal statutes within the RCW. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 25, 2003

SHB 1604 Prime Sponsor, House Committee on Commerce and Labor: Increasing the number of health care facilities that are prohibited from requiring employees to perform overtime work. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser, Parlette and Thibaudeau.

Referred to Committee on Ways and Means.

March 25, 2003

SHB 1813 Prime Sponsor, House Committee on State Government: Expanding employment opportunities for people with disabilities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

March 26, 2003

SHB 2039 Prime Sponsor, House Committee on Judiciary: Providing affirmative defenses for activities defined under RCW 4.16.300. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

March 26, 2003

GA 9024 ROGER DOVEL, appointed April 29, 2002, for a term ending at the Governor's pleasure, as Director of the Pollution Liability Insurance Program.
Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove and Regala.

Passed to Committee on Rules.

March 26, 2003

GA 9049 LAWRENCE KENNEY, appointed July 1, for a term ending June 30, 2006, as a member of the Executive Board of the Washington Public Power Supply System
Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Honeyford, Hargrove and Regala.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6055 by Senators Honeyford and Keiser

AN ACT Relating to unemployment insurance; and creating a new section.

Referred to Committee on Commerce and Trade.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8640

By Senators Benton, Zarelli, Jacobsen, Regala, Horn, Honeyford, Sheahan and Rossi

WHEREAS, Mary Alice Parks, an esteemed resident of Tacoma, and Christine Horsman, an esteemed resident of Seattle have achieved national recognition for exemplary volunteer service by receiving the 2003 Prudential Spirit of Community Award; and

WHEREAS, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Mary Alice Parks, a junior at Annie Wright School in Tacoma, and Christine Horsman, a seventh grader at Villa Academy in Seattle, earned this award by giving generously of their time and energy to help others. Mary Alice Parks planned, implemented, and directed a summer theater camp at a local soup kitchen for underprivileged children and Christine Horsman organized a school project that raised \$2,600 to purchase school supplies to enable four hundred-eighty Afghan children to return to school after the recent war in their country; and

WHEREAS, Six other Washington students were recognized as Distinguished Finalists for their impressive community service activities: Holly Edwards of Vancouver, a senior at Columbia River High School, organized the "Morning Star Café," an event designed to provide adolescents with a fun and safe atmosphere for meeting new friends; Laryssa Edwards of Issaquah, a senior at Issaquah High School, planned and implemented a week long day camp to enable underprivileged children to explore dance, acting, singing, and art; Lindsey Gordon of Fall City, a senior at the Bear Creek School in Redmond, created and directed a student community service committee at her school that has taught disabled children how to ski, collected Christmas presents for needy children, and served food at a local homeless shelter; Daniel Mendoza of Sunnyside, a sophomore at Sunnyside High School, has spent the past five years working closely with city administrators to build a skate park, raising funds, serving as the project's spokesperson, and assisting with the park's design; Cristina Romento of Vancouver, a senior at Skyview High School, recruited a group of high school students to travel to Africa to help build houses for low income families through Habitat for Humanity in Africa; and Reyna Swift of Lamont, a senior at Sprague High School in Sprague, cofounded a kids' clothing exchange program that provides low income families with donated clothes year round for their children; and

WHEREAS, The success of the state of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Christine Horsman, Mary Alice Parks, Holly Edwards, Laryssa Edwards, Lindsey Gordon, Daniel Mendoza, Cristina Romento, and Reyna Swift who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby congratulate and honor Christine Horsman, Mary Alice Parks, Holly Edwards, Laryssa Edwards, Lindsey Gordon, Daniel Mendoza, Cristina Romento, and Reyna Swift as recipients of the Prudential Spirit of Community Award. Recognized for their outstanding

record of volunteer service, peer leadership, and community spirit, the Senate extends best wishes for their continued success and happiness; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Christine Horsman, Mary Alice Parks, Holly Edwards, Laryssa Edwards, Lindsey Gordon, Daniel Mendoza, Cristina Romento, and Reyna Swift.

MOTION

At 12:03 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Friday, March 28, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FOURTH DAY, MARCH 27, 2003

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+ SEVENTY-FIFTH DAY

----- NOON SESSION -----

Senate Chamber, Olympia, Friday, March 28, 2003

The Senate was called to order at 12:08 p.m. by President Pro Tempore Winsley No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

HB 1045 Prime Sponsor, Representative Miloscia: Modifying water-sewer district bidding provisions. Reported by
Committee on Government Operations and Elections March 26, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

HB 1052 Prime Sponsor, Representative Nixon: Limiting the liability of certain persons who provide volunteer emergency repairs. Reported by Committee on Judiciary March 27, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Passed to Committee on Rules for second reading.

SHB 1061 Prime Sponsor, House Committee on Higher Education: Authorizing associate degree pathways for persons in apprenticeship programs at community and technical colleges. Reported by Committee on Higher Education March 27, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 26, 2003

SHB 1074 Prime Sponsor, House Committee on Transportation: Allowing release of impounded vehicles to owners.
Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2003

EHB 1079 Prime Sponsor, Representative Kenney: Expanding the definition of resident student for higher education purposes. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1083 Prime Sponsor, Representative Simpson: Making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1086 Prime Sponsor, House Committee on Transportation: Moving mobile homes by mobile home park owners.
Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1100 Prime Sponsor, House Committee on Agriculture and Natural Resources: Regulating the sale, processing, or purchase of agricultural products. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1128 Prime Sponsor, House Committee on Financial Institutions and Insurance: Prohibiting insurers from taking certain underwriting actions regarding property insurance policies due to claims made for malicious harassment.
Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice and Roach.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1219 Prime Sponsor, House Committee on Financial Institutions and Insurance: Addressing violations connected with the offer, sale, or purchase of securities. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser and Prentice.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1269 Prime Sponsor, House Committee on Agriculture and Natural Resources: Regulating structural pest inspectors. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

March 27, 2003

ESHB 1277 Prime Sponsor, House Committee on Higher Education: Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 28, 2003

HB 1292 Prime Sponsor, Representative Rockefeller: Authorizing additional superior court judicial positions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1318 Prime Sponsor, Representative Darneille: Allowing the state board of health to reference the United States food and drug administration's food code for the purpose of adopting food service rules. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1346 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to vacation of records of conviction for pre-sentencing reform act felony offenses. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1356 Prime Sponsor, Representative Dunshee: Updating utilities and transportation commission regulatory fees. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 28, 2003

SHB 1416 Prime Sponsor, House Committee on Juvenile Justice and Family Law: Adjusting the time of restoration of a juvenile's driving privilege. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1435 Prime Sponsor, Representative Armstrong: Concerning the fruit and vegetable district fund. Reported by
Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1455 Prime Sponsor, House Committee on Financial Institutions and Insurance: Licensing and regulating money transmission and currency exchange. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2003

ESHB 1462 Prime Sponsor, House Committee on Finance: Prohibiting local governments from imposing business and occupation tax on intellectual property. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Fairley, Hale, Honeyford, Parlette, Poulsen, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2003

ESHB 1524 Prime Sponsor, House Committee on Local Government: Restricting utility assessments and charges for certain mobile home parks. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2003

ESHB 1564 Prime Sponsor, House Committee on Local Government: Clarifying county treasurer fiscal provisions. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

March 26, 2003

HB 1566 Prime Sponsor, Representative Alexander: Modifying record retention provisions for county auditors. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1576 Prime Sponsor, Representative Campbell: Revising provisions relating to dismissal of citations for failure to provide proof of insurance. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson, Kline and Roach

Passed to Committee on Rules for second reading.

March 26, 2003

HB 1591 Prime Sponsor, Representative Gombosky: Modifying excise tax interest provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair, Capital Budget Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1597 Prime Sponsor, House Committee on Transportation: Allowing holders of commercial drivers' licenses to delay a physical examination. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Kastama, Mulliken, Oke and Prentice.

Passed to Committee on Rules for second reading.

March 26, 2003

HB 1621 Prime Sponsor, Representative Morrell: Modifying medical assistance provisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1654 Prime Sponsor, Representative Schual-Berke: Borrowing money by domestic mutual insurers. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1721 Prime Sponsor, House Committee on Health Care: Concerning dentistry. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2003

ESHB 1754 Prime Sponsor, House Committee on Agriculture and Natural Resources: Concerning the slaughter, preparation, and sale of certain poultry. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Referred to Committee on Ways and Means.

March 26, 2003

SHB 1785 Prime Sponsor, House Committee on Health Care: Limiting disclosure of client information. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Franklin, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 25, 2003

SHB 1837 Prime Sponsor, House Committee on Health Care: Authorizing certain fire protection districts to establish health clinic services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2003

ESHB 1845 Prime Sponsor, House Committee on State Government: Exempting bank account, social security, and credit card numbers from public disclosure. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 26, 2003

HB 1935 Prime Sponsor, Representative Haigh: Changing prerequisites for county auditors calling special elections. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1937 Prime Sponsor, Representative Murray: Excluding power wheelchairs from motor vehicle regulation. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1943 Prime Sponsor, House Committee on Finance: Modifying cigarette regulatory provisions. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1954 Prime Sponsor, Representative Moeller: Permitting a retired judge acting as a judge pro tempore to decline compensation. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson and Thibaudeau.

Passed to Committee on Rules for second reading.

March 26, 2003

EHB 2030 Prime Sponsor, Representative Kessler: Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fairley, Fraser, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

March 27, 2003

EHB 2140 Prime Sponsor, Representative Grant: Reaffirming the role of the state conservation commission. Reported by
Committee on Agriculture

MAJORITY Recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair;
Jacobsen, Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

March 26, 2003

HB 2186 Prime Sponsor, Representative Fromhold: Making an irrevocable choice to waive rights to the defined benefit under
the plan 3 retirement systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli,
Vice Chair; Brown, Fairley, Fraser, Hale, Honeyford, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 2202 Prime Sponsor, House Committee on Commerce and Labor: Providing for cosmetology apprenticeships. Reported
by Committee on Commerce and Trade

MAJORITY Recommendation: That the bill be referred to the Committee on Financial Services, Insurance and
Housing. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Referred to Committee on Financial Services, Insurance and Housing.

March 26, 2003

SHJM 4000 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Supporting regional
infrastructure security. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair;
Doumit, Fraser, Hale, Hargrove, Honeyford and Regala.

Passed to Committee on Rules for second reading.

March 26, 2003

SHJM 4004 Prime Sponsor, House Committee on Finance: Requesting Congress to restore the federal income tax deduction
for state and local sales taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice
Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and
Winsley.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

March 27, 2003

GA 9005 EDWARD L. BARNES, reappointed April 23, 2002, for a term ending June 30, 2007, as a member of the
Transportation Commission. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That said reappointment be confirmed. Signed by Senators Horn, Chair; Swecker,
Vice Chair; Benton, Vice Chair, Esser, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

March 27, 2003

The Speaker has signed SUBSTITUTE HOUSE BILL NO. 1063, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

March 28, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5279, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1063.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5279

MOTION

On motion of Senator Parlette, the following resolution was adopted:

SENATE RESOLUTION 8639

By Senators Regala, Kastama, Franklin, Rasmussen and Winsley

WHEREAS, The Tacoma Guitar Company was started in 1995 and has grown to become the third largest guitar manufacturer in the United States; and

WHEREAS, All Tacoma Guitar Company guitars are crafted in the state of Washington from the finest quality solid wood; and

WHEREAS, The Tacoma Guitar Company was awarded the 2003 Marco Polo Award for small and medium sized businesses; and

WHEREAS, The award was given out by the Tacoma World Trade Center on the basis of outstanding contributions to the region through international trade; and

WHEREAS, The Tacoma Guitar Company has more than four hundred and fifty active dealers in the United States, twenty-six Canadian dealers, and twenty-five international distributors; and

WHEREAS, The Tacoma Guitar Company sells more than sixty models of guitars to over two dozen countries; and

WHEREAS, Tacoma guitars are among the most innovative and high quality instruments in the world; and

WHEREAS, Tacoma guitars are favored by many world renowned artists including Peter Frampton, Bonnie Raitt, and Bob Dylan;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Tacoma Guitar Company for its recent acquisition of the Marco Polo Award and recognize the manufacturer as an outstanding contributor to the city of Tacoma, the county of Pierce, and to the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Ferdinand Boyce, Tacoma Guitar Company President.

Senators Parlette and Regala spoke to Senate Resolution 8639.

MOTION

At 12:12 p.m., on motion of Senator Parlette, the Senate adjourned until 12:00 noon, Monday, March 31, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-FIFTH DAY, MARCH 28, 2003

NOTICE: Formatting and page numbering in this document may be different

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SEVENTY-EIGHTH DAY

NOON SESSION

Senate Chamber, Olympia, Monday, March 31, 2003
The Senate was called to order at 12:00 noon by President Pro Tempore Winsley. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 28, 2003
HB 1032 Prime Sponsor, Representative Veloria: Providing an ongoing funding source for the community economic revitalization board's financial assistance programs. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Schmidt and Shin.

Referred to Committee on Ways and Means.

March 27, 2003
SHB 1081 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing funds to investigate and prosecute mortgage lending fraud. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 27, 2003
HB 1084 Prime Sponsor, Representative Hunter: Regulating automobile insurance. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 28, 2003
SHB 1173 Prime Sponsor, House Committee on Trade and Economic Development: Revising provisions for the office of the Washington state trade representative. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

March 28, 2003
HB 1179 Prime Sponsor, Representative Veloria: Renaming the legislative committee on economic development the legislative committee on economic development and international relations. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Schmidt and Shin.

Passed to Committee on Rules for second reading.

March 28, 2003

SHB 1250 Prime Sponsor, House Committee on Agriculture and Natural Resources: Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Referred Committee on Ways and Means.

March 28, 2003
SHB 1380 Prime Sponsor, House Committee on Agriculture and Natural Resources: Criminalizing interference with certain mining rights and activities. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

March 28, 2003
SHB 1409 Prime Sponsor, House Committee on Fisheries, Ecology and Parks: Defining "potentially dangerous litter" and making it a civil infraction to improperly dispose of potentially dangerous litter. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

March 28, 2003
HB 1492 Prime Sponsor, Representative Conway: Including nonprofits in the small business economic impact statement requirement. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

March 28, 2003
HB 1572 Prime Sponsor, Representative Kirby: Increasing small claims judgments upon failure to pay. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2003
ESHB 1656 Prime Sponsor, House Committee on Finance: Modifying fees for locating unclaimed property. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 28, 2003
SHB 1675 Prime Sponsor, House Committee on Judiciary: Updating civil trial provisions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1815 Prime Sponsor, Representative Schual-Berke: Defining security account under the uniform transfer on death security registration act. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

March 28, 2003

HB 2063 Prime Sponsor, Representative Kristiansen: Extending the expiration date for reporting requirements on timber purchases. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

March 28, 2003

SHB 2118 Prime Sponsor, House Committee on Commerce and Labor: Authorizing approved microbrewers to sell beer at farmers markets. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

March 28, 2003

SHB 2172 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Promoting the purchase of fuel cells for the use of distributive generation at state-owned facilities. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

March 28, 2003

HJM 4021 Prime Sponsor, Representative Wallace: Requesting that the Bonneville Power Administration not raise rates. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Doumit, Fraser, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 31, 2003

MR. PRESIDENT:
The Speaker has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5279, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6056 by Senators Haugen and Horn

AN ACT Relating to fees, taxes, and penalties for pilots and aircraft; amending RCW 47.68.233, 47.68.234, 47.68.240, 47.68.250, and 82.42.020; repealing RCW 82.42.025; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 6057 by Senators Parlette and Rossi (by request of Office of Financial Management)

AN ACT Relating to basic health care plan enrollment; amending RCW 43.72.900; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8652

By Senators Carlson, Zarelli and Benton

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

WHEREAS, The Prairie High School Falcons Girls' Basketball team capped off an amazing season by winning the State Class 4A Girls' Basketball Tournament; and

WHEREAS, The final game ended with a Falcon rally enabling them to beat the top ranked, two time defending champion, Central Valley High School of Spokane; and

WHEREAS, The Falcons finished the 2003 season with an outstanding record of twenty-eight wins and two losses; and

WHEREAS, Their victory over their adversaries was truly an example of the team's perseverance and achievement in their field; and

WHEREAS, Showing exceptional defensive prowess, Andrea Sitton, with assistance from her teammates, shut down her opponents leading scorer; and

WHEREAS, In the fourth quarter, as the Falcons were trailing, guard Lauren Short turned the tide of the game with three steals in the span of two minutes, resulting in five Prairie points; and

WHEREAS, Forward Jessica Menkens sealed the deal by sinking four free throws in the final eighteen seconds and in the final game, along with Andrea Sitton, scored a team high fifteen points; and

WHEREAS, The rest of the Falcons team, Tacey Westbrook, Kaela Zarkovich, Denise Benedict, Shree Glover, Rachel Stratton, Amy Donovan, Brittany MacGregor, Jamey Gelhar, and Gina Griffiths, are shining examples of the dedication and teamwork it takes to be champions; and

WHEREAS, Both head coach Al Aldridge and assistant coaches, Ken Storey, Kurt Sitton, and Paul White, deserve special recognition for guiding this talented team of young women to victory; and

WHEREAS, This victory is the fourth state title for the Prairie High School Falcons as a 4A team, the most for any school, and the school's fifth overall; and

WHEREAS, The extraordinary accomplishments could not have been achieved without the support and encouragement of the students, alumni, families, friends, and community members, who backed them all the way;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honor the 2003 Prairie High School Falcons Girls' Basketball team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the 2003 Prairie High School Falcons Girls' Basketball team Head Coach Al Aldridge, Principal Greg Parcher, and every member of the championship team.

MOTION

At 12:06 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Tuesday, April 1, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-EIGHTH DAY, MARCH 31, 2003

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

SEVENTY-NINTH DAY

NOON SESSION

Senate Chamber, Olympia, Tuesday, April 1, 2003

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

MOTION

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

MESSAGE FROM THE GOVERNOR

March 31, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on March 31, 2003, Governor Locke approved the following Senate Bill entitled:

Engrossed Senate Bill No. 5279

Relating to extending the expiration date of the transportation permit efficiency and accountability committee.

Sincerely,
JENNIFER JOLY, General Counsel

REPORTS OF STANDING COMMITTEES

March 27, 2003

EHB 1037 Prime Sponsor, Representative Gombosky: Exempting retail sales of food and beverages from the litter tax that are consumed indoors on the seller's premises. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 31, 2003

SHB 1057 Prime Sponsor, House Committee on Fisheries, Ecology and Parks: Creating the license suspension review committee. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2003

HB 1073 Prime Sponsor, Representative Haigh: Modifying the collection of property taxes on land subleased for residential and recreational purposes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 31, 2003

SHB 1136 Prime Sponsor, House Committee on Capital Budget: Implementing the recommendations of the state parks and outdoor recreation funding task force relating to the use of the outdoor recreation account. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Spanel and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

March 31, 2003

EHB 1403 Prime Sponsor, Representative Kenney: Changing exceptional faculty award grants. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 27, 2003

ESHB 1533 Prime Sponsor, House Committee on Capital Budget: Authorizing a new subaccount in the public works assistance account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Honeyford, Johnson, Regala, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 31, 2003

2SHB 1698 Prime Sponsor, House Committee on Capital Budget: Concerning the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1737 Prime Sponsor, House Committee on Finance: Repealing outdated and unused tax preferences. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

March 27, 2003

SHB 1829 Prime Sponsor, House Committee on Appropriations: Regulating postretirement employment in the public employees' retirement system and the teachers' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Fraser, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

Passed to Committee on Rules for second reading.

March 31, 2003

2SHB 1887 Prime Sponsor, House Committee on Appropriations: Creating the commercial fisheries permit buyback account. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

March 31, 2003

SHB 1909 Prime Sponsor, House Committee on Higher Education: Creating a pilot project for competency-based transfer in higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

March 31, 2003

HB 1993 Prime Sponsor, Representative Cooper: Authorizing the parks and recreation commission to rent certain undeveloped land for a term of forty years. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

March 31, 2003

SHB 2111 Prime Sponsor, House Committee on Higher Education: Exploring opportunities to create performance contracts between the state and institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

March 31, 2003

GA 9001 KATHERINE AKERS SHEEHAN, reappointed June 13, 2001, for a term ending June 12, 2005, as a member of the Columbia River Gorge Bi-State Commission.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules.

March 31, 2003

GA 9004 CLYDE B. ANDERSON, reappointed January 29, 2002, for a term ending December 31, 2006, as a member of the Parks and Recreation Commission.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules.

March 31, 2003

GA 9062 RUTH M. MAHAN, reappointed February 27, 2002, for a term ending December 31, 2004, as Chair of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules.

March 31, 2003

GA 9075 BRENDA P. McMURRAY, reappointed February 1, 2002, for a term ending July 15, 2005, as a member of the Salmon Recovery Funding Board.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules.

March 31, 2003

GA 9092 ROBERT L. PARLETTE, reappointed February 27, 2002, for a term ending December 31, 2004, as a member of the Interagency Committee for Outdoor Recreation.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

March 31, 2003

GA 9109 PHIL SHARPE, appointed October 10, 2002, for a term ending September 30, 2006, as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

March 31, 2003

GA 9118 BRENT STEWART, appointed August 21, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Western Washington University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

March 31, 2003

GA 9124 STEPHEN THARINGER, appointed February 1, 2002, for a term ending July 15, 2005, as a member of the Salmon Recovery Funding Board.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules.

March 31, 2003

GA 9126 JIM TSANG, appointed January 23, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Pierce Community College District No. 11.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules.

March 31, 2003

GA 9177 JAMES L. PETERS, reappointed July 16, 2002, for a term ending July 15, 2006, as a member of the Salmon Recovery Funding Board.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6058 by Senator Oke (by request of Office of Financial Management)

AN ACT Relating to the distribution of state property taxes; and amending RCW 84.52.068.

Referred to Committee on Ways and Means.

SB 6059 by Senator Oke (by request of Office of Financial Management)

AN ACT Relating to teachers' cost-of-living increases; and amending RCW 28A.400.205, 28A.400.206, 28B.50.465, and 28B.50.468.

Referred to Committee on Ways and Means.

SB 6060 by Senator Mulliken

AN ACT Relating to requiring local governments to develop or amend a master program for regulation of uses of shorelines within sixty months of adoption of guidelines under RCW 90.58.060; and amending RCW 90.58.080.

Referred to Committee on Land Use and Planning.

MOTION

At 12:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Wednesday, April 2, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SEVENTY-NINTH DAY, APRIL 1, 2003

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

EIGHTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 2, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Haugen and Horn. On motion of Senator Hewitt, Senator Horn was excused. On motion of Senator Eide, Senators Brown and Haugen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kathleen DeBord and Isaac Kastama, presented the Colors. Reverend Jan Van Pelt, interim minister of the First Christian Church in Olympia, offered the prayer.

SINGING OF PLEDGE OF ALLIANCE

Conner Davila, a third grade student in the Highline School District, and the son of Jodie and Dr. Edward Davila of Seahurst, sang the Pledge of Allegiance.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed Conner's parents, his grandparents, Emilio and Madeline Davila, and his friends Bill and Marie Sessions and Penny and Leroy Spooner, who were seated in the back of the Chamber.

MOTION

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

PERSONAL PRIVILEGE

Senator Kastama: "A point of personal privilege, Mr. President. The young man you saw carrying the Washington State Flag was my son, Issac Kastama. He is sitting over here to my right. He is totally embarrassed by me in introducing him and such, but I must say that I am not embarrassed to be his father. He is my oldest--fourteen, and I can say some great things about him. To those who would ask a question, they will say, 'but he is so handsome' and then they will say, 'but he is so smart.' I assure you that I am his father and I am glad that he is spending the week here as a Page. Thank you."

REPORTS OF STANDING COMMITTEES

SB 6054 Prime Sponsor, Senator Rossi: Clarifying the application of the industrial welfare act to public employers. Reported by Committee on Ways and Means April 1, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 6054 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

SHB 1127 Prime Sponsor, House Committee on Fisheries, Ecology and Parks: Concerning the direct retail sale of salmon, crab, and sturgeon. Reported by Committee on Parks, Fish and Wildlife March 31, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SHB 1138 Prime Sponsor, House Committee on Fisheries, Ecology and Parks: Continuing the state parks and outdoor recreation funding task force. Reported by Committee on Parks, Fish and Wildlife April 1, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules for second reading.

April 1, 2003

HB 1144 Prime Sponsor, Representative Haigh: Allowing the department of fish and wildlife to use approved controlled substances for chemical capture programs. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

April 1, 2003

HB 1289 Prime Sponsor, Representative Hinkle: Concerning temporary fishing licenses. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 31, 2003

SHB 1335 Prime Sponsor, House Committee on Fisheries, Ecology and Parks: Continuing the development of water trail sites in Washington state. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

April 1, 2003

HB 1420 Prime Sponsor, Representative Quall: Allowing special districts to provide drainage ditches and tide gates. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen and Rasmussen.

Passed to Committee on Rules for second reading.

April 1, 2003

2SHB 1725 Prime Sponsor, House Committee on Appropriations: Concerning the cost of a catch record card. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

April 1, 2003

HB 1890 Prime Sponsor, Representative Chandler: Increasing the apple commission from thirteen to fifteen members. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen and Rasmussen.

Passed to Committee on Rules for second reading.

March 31, 2003

HB 1972 Prime Sponsor, Representative Hatfield: Making a commercial fish seller's failure to account for commercial harvest a misdemeanor. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton and Swecker.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 1, 2003
GA 9045 JANE L. JACOBSEN, appointed November 20, 2001, for a term ending June 12, 2003, as a member of the Columbia River Gorge Bi-State Commission.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules.

April 1, 2003
GA 9127 ROBERT L. TUCK, reappointed September 13, 2001, for a term ending December 31, 2006, as a member of the Fish and Wildlife Commission.
Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Spanel and Swecker.

Passed to Committee on Rules.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Keiser, Gubernatorial Appointment No. 9150, Dr. Edward Davila, as a member of the Board of Trustees for Highline Community College District No. 9, was confirmed.

Senators Keiser and Carlson spoke to Dr. Edward Davila as a member of the Board of Trustees for Highline Community College District No. 9.

APPOINTMENT OF DR. EDWARD DAVILA

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Brown, Haugen and Horn - 3.

MOTION

On motion of Senator Johnson, the following resolution was adopted:

SENATE RESOLUTION 8631

By Senators Johnson, Rasmussen, Franklin, McAuliffe and Fraser

WHEREAS, On December 7, 2002, the Kentwood High School Conquerors won the Class 4A State Football Championship by beating the Capital High School Cougars 35-28 in the Tacoma Dome Gridiron Classic; and

WHEREAS, The Conquerors' twelve game winning streak going into the state title game was hard fought with two overtime playoff victories and a win against top ranked Bethel in the state quarter finals, despite six players being ineligible for play; and

WHEREAS, The Conquerors won their second straight state title, becoming only the third school in 4A history to accomplish this feat; and

WHEREAS, The Conquerors football team finished the season with an impressive record of 13-1; and

WHEREAS, Kalen Roy, a first year starter played his best game to date, completing ten of seventeen pass attempts for one hundred and fifty-four yards, including three touchdowns; and

WHEREAS, The team's offense was led by running back Will Thompson who rushed for two hundred and fourteen yards on thirty-four carries, and one twenty-two yard touchdown reception; and

WHEREAS, The Conquerors' defense derailed the Cougars attempt to continue their eight game win streak when defensive back James Sipe intercepted a pass early in the fourth quarter and ran for an eighty yard touchdown securing victory; and

WHEREAS, The remainder of the football team, Adrian Chandler, Brett Haack, Nathan White, Greg Otis, Justin Forney, Cameron Richardson, Austin Stein, Chris Mahoney, Chad Helgeson, Jarrett Tomalin, Jeff Klauzlarich, Joseph Titalii, Joey Ravotti, Troy Benton, Nate Whitlock, Drew Bolinger, Tim Brensdal, D J Pennewell, Ty Bianco, Ryan White, Travis Nauta, Daniel White, Victor Ramos, Tahj Bomar, Tim Brensdal, Mike Schut, Travis Meyer, Demetrius Bibb, Joe Waugh, David Jensen, Leon Wroblewski, Drew Edwards, Jarvis Harden, Joe Cimaomo, Adam Mott, Liam Meehan, Mark Campbell, Alex Moaali, Chris Newton, Drew Fowler, Mike Campbell, Aaron Ulrich, Fred Ancheta, Andrew Hooper, John Andrew, Cordell Whalen, Ryan Conwell, Drew Molzhon, and Aaron Egbert, distinguished themselves as high school athletes dedicated to teamwork, discipline, and achievement; and

WHEREAS, Coach Tom Ingles should be applauded, not only for his contribution to inspire his players to victory, but also for leading the Conquerors to two consecutive state championship titles and his impressive Kentwood coaching record of 105-37; and

WHEREAS, Assistant Coaches Kurt Phelps, Jim Sutrick, Melvin Wells, Jon Aarstad, Seth Garrison, Kevin Thomas, and Harold Hawkin share in the success due to their outstanding coaching and effort that went into developing the football program to its current stature; and

WHEREAS, The Conquerors football team has won seventeen of nineteen playoff games in the last four years, helping them set a new 4A record of twenty-eight state tournament wins; and

WHEREAS, Over twenty years of winning football seasons capped off by two championship titles have truly given a literal meaning to Kentwood High Schools perennial adage "Its great to be alive, its great to be a Conk";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the 2002 Kentwood Senior High School Conquerors football team and coaching staff; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Kentwood Principal Doug Hostetter, Kentwood Athletic Director Jo Anne Daughtry, Coach Ingles, and each member of the Conquerors championship team.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Kentwood Championship Football team, Drew Edwards and Kalen Roy, and their coach, Tom Ingles, who were seated in the back of the Chamber.

MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Franklin, Gubernatorial Appointment No. 9133, Shauna Weatherby, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF SHAUNA WEATHERBY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Brown, Haugen and Horn - 3.

MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9125, Beth Thew, as a member of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF BETH THEW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Haugen and Horn - 2.

MOTION

On motion of Senator Reardon, Gubernatorial Appointment No. 9140, Gene L. Chase, as a member of the Board of Trustees for Everett Community College District No 5, was confirmed.

APPOINTMENT OF GENE L. CHASE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Haugen and Horn - 2.

MOTION

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

MESSAGE FROM THE HOUSE

March 31, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED HOUSE BILL NO. 1388.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6061 by Senators Horn, Haugen, Swecker, Spanel, Finkbeiner and Jacobsen

AN ACT Relating to transportation funding; amending RCW 46.16.070, 46.68.035, 82.08.020, 82.12.020, 82.12.045, 82.08.064, 82.38.030, 82.38.035, and 82.38.047; reenacting and amending RCW 82.36.025, 46.68.090, 46.68.110, and 43.84.092; adding a new section to chapter 46.68 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 6062 by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner and Spanel

AN ACT Relating to authorizing bonds for transportation funding; amending RCW 47.76.250; adding new sections to chapter 47.10 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Highways and Transportation.

SB 6063 by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner, Spanel and McCaslin

AN ACT Relating to fees for vehicle-related businesses; and amending RCW 46.55.030, 46.70.061, 46.76.040, 46.76.050, 46.79.040, 46.79.050, 46.80.040, and 46.80.050.

Referred to Committee on Highways and Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1388 by Representatives Woods, Ericksen, Ahern, Schindler, Jarrett, Bush, Shabro, Anderson, Bailey, Talcott, Clements, Chandler, Mielke, Boldt, Newhouse, Schoesler, Nixon, Pearson, Pflug and McMahan

Providing incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service.

Referred to Committee on Highways and Transportation.

ESHB 1853 by House Committee on Transportation (originally sponsored by Representatives Rockefeller, Woods, Haigh, Morris, Quall and Lantz)

Providing passenger ferry service.

Referred to Committee on Highways and Transportation.

MOTION

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

MESSAGE FROM THE HOUSE

March 31, 2003

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5403 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

CONFERENCE COMMITTEE REPORT

ESB 5403 Date: March 15, 2003

Includes "New Item": **Yes**

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5403, Making 2001-03 supplemental operating appropriations, have had the same under consideration and we recommend that:

All previous amendment not be adopted, and that the attached striking amendment be adopted:
Strike everything after the enacting clause and insert the following:

"PART I GENERAL GOVERNMENT

Sec. 101. 2002 c 371 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS General Fund--State Appropriation (FY 2002) \$14,900,000
General Fund--State Appropriation (FY 2003) ~~(\$15,388,000)~~

\$17,430,000

Public Safety and Education Account--State
Appropriation \$27,468,000

Judicial Information Systems Account--State
Appropriation \$27,758,000

TOTAL APPROPRIATION ~~(\$85,514,000)~~

\$87,556,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

~~(2) (No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. During each fiscal year in the 2001-03 biennium, the office of the administrator for the courts shall send written notice to the office of community development in the department of community, trade, and economic development when each county pays its fifty percent share for the year.~~

~~(3))~~ \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

~~((4))~~ (3) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

((5)) (4) \$278,000 of the general fund--state appropriation for fiscal year 2002, \$285,000 of the general fund--state appropriation for fiscal year 2003, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

((6)) (5) \$750,000 of the general fund--state appropriation for fiscal year 2002 and \$750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

((7)) (6) \$750,000 of the public safety and education account-- state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

((8)) (7) \$1,800,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information systems. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2001-03 biennium.

Sec. 102. 2002 c 371 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE General Fund--State Appropriation (FY 2002) \$600,000

General Fund--State Appropriation (FY 2003) \$170,000

General Fund--Private/Local Appropriation (FY 2003) \$5,000

Public Safety and Education Account--State

Appropriation \$12,344,000

TOTAL APPROPRIATION ((~~\$13,444,000~~))

\$13,119,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The general fund--state appropriations are provided solely for the continuation of a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than February 1, 2002.

(d) The chair of the office of public defense advisory committee shall appoint an implementation committee to:

(i) Develop criteria for a statewide program to improve dependency and termination defense;

(ii) Examine caseload impacts to the courts resulting from improved defense practices; and

(iii) Identify methods for the efficient use of expert services and means by which parents may effectively access services.

If sufficient funds are available, the office of public defense shall contract with the Washington state institute for public policy to research how reducing dependency and termination case delays affects foster care and to identify factors that are reducing the number of family reunifications that occur in dependency and termination cases.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(6) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense to contract with an existing public defender association to establish a capital defense assistance center.

Sec. 103. 2002 c 371 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR General Fund--State Appropriation (FY 2002) \$4,497,000

General Fund--State Appropriation (FY 2003) ((~~\$4,028,000~~))

\$3,970,000

General Fund--Federal Appropriation \$219,000

Water Quality Account--State

Appropriation ((~~\$3,908,000~~))

\$3,882,000

TOTAL APPROPRIATION ((~~\$12,652,000~~))

\$12,568,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$3,908,000~~)) \$3,882,000 of the water quality account appropriation and \$219,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the salmon recovery office to support the efforts of the independent science panel.

Sec. 104. 2002 c 371 s 118 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS General Fund--State Appropriation (FY 2002) \$269,000

General Fund--State Appropriation (FY 2003) ((~~\$274,000~~))

TOTAL APPROPRIATION (~~(\$543,000)~~) \$279,000
\$548,000

Sec. 105. 2002 c 371 s 119 (uncodified) is amended to read as follows:
FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS General Fund--State Appropriation (FY 2002) \$233,000
 General Fund--State Appropriation (FY 2003) (~~(\$204,000)~~)

TOTAL APPROPRIATION (~~(\$434,000)~~) \$184,000
\$417,000

Sec. 106. 2002 c 371 s 122 (uncodified) is amended to read as follows:
FOR THE ATTORNEY GENERAL General Fund--State Appropriation (FY 2002) \$4,811,000
 General Fund--State Appropriation (FY 2003) (~~(\$4,070,000)~~)

General Fund--Federal Appropriation \$2,868,000
 Public Safety and Education Account--State
 Appropriation \$1,753,000
 Tobacco Prevention and Control Account
 Appropriation \$277,000
 New Motor Vehicle Arbitration Account--State
 Appropriation \$1,163,000
 Legal Services Revolving Account--State
 Appropriation \$147,422,000
 TOTAL APPROPRIATION (~~(\$162,364,000)~~) \$4,073,000
\$162,367,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(4)(a) \$87,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the office of the attorney general to prepare a report by October 1, 2002, on federal and Indian reserved water rights, and to submit the report to the standing committees of the legislature having jurisdiction over water resources. The objectives of the report shall be to:

(i) Examine and characterize the types of water rights issues involved;
 (ii) Examine the approaches of other states to such issues and their results;
 (iii) Examine methods for addressing such issues including, but not limited to, administrative, judicial, or other methods, or any combinations thereof; and

(iv) Examine implementation and funding requirements.

(b) Following receipt of the report, the standing committees of the legislature having jurisdiction over water resources shall seek and consider the recommendations of the relevant departments and agencies of the United States, the federally recognized Indian tribes with water-related interests in the state, and water users in the state and shall develop recommendations.

Sec. 107. 2002 c 371 s 125 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 General Fund--State Appropriation (FY 2002) \$70,893,000
 General Fund--State Appropriation (FY 2003) (~~(\$60,499,000)~~)

General Fund--Federal Appropriation (~~(\$173,342,000)~~) \$59,723,000
\$201,965,000

General Fund--Private/Local Appropriation \$7,980,000
 Public Safety and Education Account--State
 Appropriation \$10,094,000

Public Works Assistance Account--State
 Appropriation \$1,911,000

Salmon Recovery Account--State Appropriation \$1,500,000
 Film and Video Promotion Account--State
 Appropriation \$25,000

Building Code Council Account--State
 Appropriation (~~(\$1,226,000)~~) \$1,061,000

Administrative Contingency Account--State
 Appropriation \$1,777,000

Low-Income Weatherization Assistance Account--State
 Appropriation \$3,292,000

Violence Reduction and Drug Enforcement Account--
 State Appropriation \$7,513,000

Manufactured Home Installation Training Account--
 State Appropriation \$256,000

Community Economic Development Account--
 State Appropriation \$113,000

Washington Housing Trust Account--State
Appropriation \$10,368,000
Public Facility Construction Loan Revolving
Account--State Appropriation \$586,000
TOTAL APPROPRIATION ((~~\$351,375,000~~))

\$379,057,000

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the department of community, trade, and economic development receive separate programmatic allotments for the office of community development and the office of trade and economic development. Any appropriation made to the department of community, trade, and economic development for carrying out the powers, functions, and duties of either office shall be credited to the appropriate office.

(2) \$3,085,000 of the general fund--state appropriation for fiscal year 2002 and \$2,838,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(3) \$61,000 of the general fund--state appropriation for fiscal year 2002 and \$62,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(4) \$10,804,156 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2002 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$200,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$88,000 to the department to continue a substance abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$697,075 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$60,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident-based reporting system;

(k) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(l) \$91,000 to the department to continue the governor's council on substance abuse;

(m) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(n) \$901,180 to the office of financial management for criminal history records improvement; and

(o) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) \$320,000 of the general fund--state appropriation for fiscal year 2002 and \$320,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the rural economic opportunity fund.

(6) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(8) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for consolidated emergency assistance to homeless families with children.

(9) \$205,000 of the general fund--state appropriation for fiscal year 2002 and \$205,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(10) \$698,000 of the general fund--state appropriation for fiscal year 2002, \$698,000 of the general fund--state appropriation for fiscal year 2003, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(11) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(12) \$680,000 of the Washington housing trust account appropriation is provided solely to conduct a pilot project designed to lower infrastructure costs for residential development.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(14) \$370,000 of the general fund--state appropriation for fiscal year 2002, \$371,000 of the general fund--state appropriation for fiscal year 2003, and \$25,000 of the film and video promotion account appropriation are provided solely for the film office to bring film and video production to Washington state.

(15) \$22,000 of the general fund--state appropriation for fiscal year 2002 is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local governmental funds.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to food banks and food distribution centers to increase their ability to accept, store, and deliver perishable food.

(17) \$230,000 of the general fund--state appropriation for fiscal year 2002, \$230,000 of the general fund--state appropriation for fiscal year 2003, and the entire community economic development account appropriation are provided solely for support of the developmental disabilities endowment governing board and startup costs of the endowment program. Startup costs are a loan from the state general fund and will be repaid from funds within the program as determined by the governing board. The governing board may use state appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income. The director of the department, or the director of the subsequent department of community development, may implement fees to support the program as provided under RCW 43.330.152.

(18) \$880,000 of the public safety and education account appropriation is provided solely for community-based legal advocates to assist sexual assault victims with both civil and criminal justice issues. If Senate Bill No. 5309 is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the Washington housing trust account appropriation for fiscal year 2003 are provided solely as one-time pass-through funding to currently licensed overnight youth shelters. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(21) \$1,868,000 of the Washington housing trust account appropriation for fiscal year 2003 is provided solely for emergency shelter assistance. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(22) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(23) \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the community connections program in Walla Walla.

(24) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to the office of community development solely for the purposes of providing assistance to industrial workers who have been displaced by energy cost-related industrial plant closures in rural counties. For purposes of this subsection, "rural county" is as defined in RCW 82.14.370(5). The office of community development shall distribute the amount in this subsection to community agencies that assist the displaced industrial workers in meeting basic needs including, but not limited to, emergency medical and dental services, family and mental health counseling, food, energy costs, mortgage, and rental costs. The department shall not retain more than two percent of the amount provided in this subsection for administrative costs.

(25) \$91,500 of the general fund--state appropriation for fiscal year 2002 and \$91,500 of the general fund--state appropriation for fiscal year 2003 are provided solely for services related to the foreign representative contract for Japan.

(26) \$81,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for business finance and loan programs.

(27) \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the quick sites initiative program.

(28) \$120,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for operating a business information hotline.

(29) \$29,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for travel expenses associated with the office of trade and economic development's provision of outreach and technical assistance services to businesses and local economic development associations.

(30) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for information technology enhancements designed to improve the delivery of agency services to customers.

~~((32))~~ (31) \$10,111,682 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2003 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;
(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$89,705 to the department to continue the governor's council on substance abuse;

(j) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(k) \$494,675 to the office of financial management for criminal history records improvement;

(l) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence; and

(m) \$813,358 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

~~((33))~~ \$165,000 of the building code council account appropriation for fiscal year 2003 is provided solely for the state building code council pursuant to Senate Bill No. 5352 (building code council fee increase). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~(35))~~ (32) The appropriations in this section reflect a reduction of \$504,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of trade and economic development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

~~((36))~~ (33) \$40,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to implement the state task force on funding for community-based services to victims of crime as provided in Senate Bill No. 6763. If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

~~((37))~~ (34) The appropriations in this section reflect a reduction of \$1,641,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of community development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

Sec. 108. 2002 c 371 s 127 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT General Fund--State Appropriation (FY 2002) \$12,456,000
General Fund--State Appropriation (FY 2003) (~~(\$12,508,000)~~)

\$12,488,000

General Fund--Federal Appropriation (~~(\$23,657,000)~~)

\$35,657,000

Violence Reduction and Drug Enforcement

Account--State Appropriation \$226,000

State Auditing Services Revolving

Account--State Appropriation \$25,000

TOTAL APPROPRIATION (~~(\$48,872,000)~~)

\$60,852,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall review policies and procedures regarding purchasing of information technology upgrades by state agencies. Information technology upgrades include replacement workstations, network equipment, operating systems and application software. The review shall document existing policies and procedures, and shall compare alternative upgrade policies that reduce the overall cost to state government for maintaining adequate information technology to meet the existing business needs of state agencies. Findings and recommendations from this review shall be reported to appropriate committees of the legislature by December 1, 2001.

(2) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The office of financial management shall achieve a reduction of \$339,000 in its billings for financial system services purchased by state agencies in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

(3) \$500,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2671 (permit assistance center). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) \$350,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for an assessment and performance scoring of state agencies and separate systemwide performance audits of two governmental functions: State capital construction practices and state contracting practices.

(a) The scorecard on state agencies shall include, but not be limited to, the following:

- (i) Quality and process management practices;
- (ii) Independent and internal audit functions;
- (iii) Internal and external customer satisfaction;
- (iv) Program effectiveness;
- (v) Fiscal productivity and efficiency; and
- (vi) Statutory and regulatory compliance.

Each agency shall be graded on the categories selected for the scorecard. The office of financial management shall submit the results of the performance scoring, forward recommendations for legislation to the governor and the appropriate committees of the legislature by November 30, 2002, and release the results of the performance scoring to the public.

(b)(i) The office of financial management shall conduct separate systemwide performance audits on the state's capital construction and contracting practices using generally accepted government auditing standards. Each performance audit shall include, but not be limited to, a review of the following:

- (A) Validity and reliability of management's performance measures;
- (B) A review of internal controls and internal audits;
- (C) The adequacy of systems used for measuring, reporting, and monitoring performance;
- (D) The extent to which legislative, regulatory, and organizational goals and objectives are being achieved; and
- (E) Identification and recognition of best practices.

(ii) The performance audit on state capital construction practices shall include building projects, highway projects, and architectural and engineering services. The following state agencies, at a minimum, shall be subject to audit sampling: Department of transportation, department of general administration, and state higher education agencies.

(iii) The performance audit on state contracting practices shall include state agencies with sufficient activity with personal services contracts and other types of contracts to evaluate the state's contracting practices.

(iv) The office of financial management shall grade the results of the performance audits to indicate agencies' performance regarding capital construction and contracting practices. The office of financial management shall report findings from the performance audits to the governor and appropriate legislative committees by November 30, 2002.

(c) The office of financial management may contract for consulting services in completing requirements under this subsection.

Sec. 109. 2002 c 371 s 128 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS Administrative Hearings Revolving Account--State
Appropriation (~~(\$22,394,000)~~)

\$23,473,000

Sec. 110. 2002 c 371 s 132 (uncodified) is amended to read as follows:
FOR THE COMMISSION ON HISPANIC AFFAIRSGeneral Fund--State Appropriation (FY 2002) \$226,000
General Fund--State Appropriation (FY 2003) (~~(\$210,000)~~)

TOTAL APPROPRIATION (~~(\$436,000)~~) \$215,000
\$441,000

Sec. 111. 2002 c 371 s 133 (uncodified) is amended to read as follows:
FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRSGeneral Fund--State Appropriation (FY 2002) \$211,000
General Fund--State Appropriation (FY 2003) (~~(\$207,000)~~)

TOTAL APPROPRIATION (~~(\$418,000)~~) \$212,000
\$423,000

Sec. 112. 2002 c 371 s 135 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONSDependent Care Administrative Account--State
Appropriation \$378,000
Department of Retirement Systems Expense Account--
State Appropriation (~~(\$49,183,000)~~)

TOTAL APPROPRIATION (~~(\$49,561,000)~~) \$49,044,000
\$49,422,000

The appropriations in this section are subject to the following conditions and limitations:
(1) \$1,000,000 of the department of retirement systems expense account appropriation is provided solely for support of the information systems project known as the electronic document image management system.
(2) \$120,000 of the department of retirement systems expense account appropriation is provided solely for locating inactive members entitled to retirement benefits.
(3) \$117,000 of the department of retirement systems expense account appropriation is provided solely for modifications to the retirement information systems to accommodate tracking of postretirement employment on an hourly basis.
(4) \$440,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5143 (Washington state patrol retirement systems plan 2).
(5) \$6,420,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of public employees' retirement system plan 3 (chapter 247, Laws of 2000).
(6) \$96,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6376 (PERS plan 3 transfer payment). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
(7) (~~(\$9,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6377 (TRS plan 1 extended school year). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~)
(8)) \$12,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6378 (LEOFF plan 2 part-time leave of absence). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
(~~(\$9))~~ (8) \$122,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6379 (transferring service credit to WSPRS). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
(~~(\$40))~~ (9) \$651,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6380 (survivor benefits). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
(~~(\$44))~~ (10) \$53,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6381 (PERS plan 1 terminated vested). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.
(~~(\$12)~~ ~~(\$130,000 of the department of retirement systems expense account appropriation for fiscal year 2003 is provided solely for the implementation of House Bill No. 2896 (EMT service credit transfer). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~)
(13)) (11) The appropriations in this section are reduced to reflect savings resulting from a 0.01 percent reduction of the department of retirement systems administrative expense rate, effective May 1, 2002, from 0.23 to 0.22 for the remainder of the 2001-03 biennium.

Sec. 113. 2002 c 371 s 137 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF REVENUEGeneral Fund--State Appropriation (FY 2002) (~~(\$72,823,000)~~)

General Fund--State Appropriation (FY 2003) (~~(\$78,149,000)~~) \$72,820,000
\$77,118,000
Timber Tax Distribution Account--State
Appropriation \$5,131,000
Waste Education/Recycling/Litter Control--State
Appropriation \$101,000
State Toxics Control Account--State
Appropriation \$67,000
Oil Spill Administration Account--State
Appropriation \$14,000
Multimodal Transportation Account--State
Appropriation (~~(\$109,000)~~)

TOTAL APPROPRIATION (~~(\$156,394,000)~~) \$9,000
\$155,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund--state appropriation for fiscal year 2002 and \$49,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to establish and provide staff support to a committee on taxation to study the elasticity, equity, and adequacy of the state's tax system.

(a) The committee shall consist of eleven members. The department shall appoint six academic scholars from the fields of economics, taxation, business administration, public administration, public policy, and other relevant disciplines as determined by the department, after consulting with the majority and minority leaders in the senate, the co-speakers in the house of representatives, the chair of the ways and means committee in the senate, and the co-chairs of the finance committee in the house of representatives. The governor and the chairs of the majority and minority caucuses in each house of the legislature shall each appoint one member to the committee. These appointments may be legislative members. The members of the committee shall either elect a voting chair from among their membership or a nonvoting chair who is not a member of the committee. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(b) The purpose of the study is to determine how well the current tax system functions and how it might be changed to better serve the citizens of the state in the twenty-first century. In reviewing options for changes to the tax system, the committee shall develop multiple alternatives to the existing tax system. To the extent possible, the alternatives shall be designed to increase the harmony between the tax system of this state and the surrounding states, encourage commerce and business creation, and encourage home ownership. In developing alternatives, the committee shall examine and consider the effects of tax incentives, including exemptions, deferrals, and credits. The alternatives shall range from incremental improvements in the current tax structure to complete replacement of the tax structure. In conducting the study, the committee shall examine the tax structures of other states and review previous studies regarding tax reform in this state. In developing alternatives, the committee shall be guided by administrative simplicity, economic neutrality, fairness, stability, and transparency. Most of the alternatives presented by the committee to the legislature shall be revenue neutral and contain no income tax.

(c) The department shall create an advisory group to include, but not be limited to, representatives of business, state agencies, local governments, labor, taxpayers, and other advocacy groups. The group shall provide advice and assistance to the committee.

(d) The committee shall present a final report of its findings and alternatives to the ways and means committee in the senate and the finance committee in the house of representatives by November 30, 2002.

~~((3) \$109,000)~~ (2) \$9,000 of the multimodal transportation account--state appropriation for fiscal year 2003 is provided solely for the department to implement the provisions of House Bill No. 2969 (transportation). If the bill is not enacted by January 1, 2003, the amount provided in this subsection shall lapse. Further, the amount provided in this subsection shall lapse to the extent that funds are provided for this purpose in the transportation appropriations act.

Sec. 114. 2002 c 371 s 139 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION General Fund--State Appropriation (FY 2002) \$549,000
General Fund--State Appropriation (FY 2003) ~~((655,000))~~

\$646,000

General Fund--Federal Appropriation \$1,930,000
General Fund--Private/Local Appropriation \$223,000
State Capitol Vehicle Parking Account--
State Appropriation \$154,000
General Administration Services Account--State
Appropriation \$39,546,000
TOTAL APPROPRIATION ~~((43,057,000))~~

\$43,048,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall conduct a review of the ultimate purchasing system to evaluate the following: (a) The degree to which program objectives and assumptions were achieved; (b) the degree to which planned schedule of phases, tasks, and activities were accomplished; (c) an assessment of estimated and actual costs of each phase; (d) an assessment of project cost recovery/cost avoidance, return on investment, and measurable outcomes as each relate to the agency's business functions and other agencies' business functions; and (e) the degree to which integration with the agency and state information technology infrastructure was achieved. The department will receive written input from participating pilot agencies that describes measurable organizational benefits and cost avoidance opportunities derived from use of the ultimate purchasing system. The performance review shall be submitted to the office of financial management and the appropriate legislative fiscal committees by July 1, 2002.

(2) \$60,000 of the general administration services account appropriation is provided solely for costs associated with the development of the information technology architecture to link the risk management information system and the tort division's case management system, and the reconciliation of defense cost reimbursement information.

(3) \$44,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the department to implement the waste management and recycling provisions of Substitute House Bill No. 2308 (encouraging recycling and waste reduction). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The department of general administration shall achieve a reduction of \$1,302,000 in its billings for motor pool, consolidated mail, and other services that state agencies purchase in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

(5) Beginning on the effective date of this act, the department of general administration shall not purchase or lease any additional automobiles for the state motor pool, unless the director of general administration determines that the purchase or lease is necessary for the safety of state personnel.

Sec. 115. 2002 c 371 s 143 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD General Fund--State Appropriation (FY 2002) \$1,483,000
General Fund--State Appropriation (FY 2003) \$1,439,000
General Fund--Federal Appropriation (FY 2003) \$99,000
Liquor Control Board Construction and Maintenance
Account--State Appropriation \$9,684,000
Liquor Revolving Account--State
Appropriation ~~((125,927,000))~~

\$126,407,000

TOTAL APPROPRIATION ~~((138,632,000))~~

\$139,112,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,573,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$4,803,000 of the liquor revolving account appropriation is provided solely for the costs associated with the development and implementation of a merchandising business system. Expenditures of any funds for this system are conditioned upon the approval of the merchandising business system's feasibility study by the information services board. The amount provided in this subsection is also conditioned upon satisfying the requirements of section 902 of this act.

(3) \$84,000 of the liquor control board construction and maintenance account appropriation for fiscal year 2003 is provided solely for the liquor control board to employ additional staff during the holiday season to handle the expected increase in sales volume at the Seattle distribution center.

Sec. 116. 2002 c 371 s 145 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT General Fund--State Appropriation (FY 2002) \$9,165,000
General Fund--State Appropriation (FY 2003) (~~(\$8,710,000)~~)

General Fund--Federal Appropriation ((\$22,509,000))	<u>\$8,740,000</u>
General Fund--Private/Local Appropriation \$234,000 Enhanced 911 Account--State Appropriation \$20,269,000 Disaster Response Account--State Appropriation ((\$2,010,000))	<u>\$28,003,000</u>
Disaster Response Account--Federal Appropriation ((\$6,510,000))	<u>\$1,531,000</u>
Worker and Community Right to Know Fund--State Appropriation \$283,000 Nisqually Earthquake Account--State Appropriation ((\$29,027,000))	<u>\$3,243,000</u>
Nisqually Earthquake Account--Federal Appropriation ((\$49,641,000))	<u>\$24,101,000</u>
	<u>\$48,153,000</u>
TOTAL APPROPRIATION ((\$148,358,000))	<u>\$143,722,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$1,906,000)~~) \$1,427,000 of the disaster response account-- state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disasters approved in the 1999-01 biennium budget. The military department may, upon approval of the director of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2003. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information shall be displayed by individual disaster, by fund, and by type of assistance. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2001-03 biennium based on current revenue and expenditure patterns.

(2) \$100,000 of the general fund--state fiscal year 2002 appropriation and \$100,000 of the general fund--state fiscal year 2003 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(3) \$60,000 of the general fund--state appropriation for fiscal year 2002 and \$60,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5256 (emergency management compact). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state fiscal year 2002 appropriation and \$35,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the north county emergency medical service.

(5) (~~(\$2,145,000)~~) \$1,967,000 of the Nisqually earthquake account-- state appropriation and (~~(\$4,174,000)~~) \$3,305,000 of the Nisqually earthquake account--federal appropriation are provided solely for the military department's costs associated with coordinating the state's response to the February 28, 2001, earthquake.

(6) (~~(\$678,000)~~) \$641,000 of the Nisqually earthquake account-- state appropriation and (~~(\$3,420,000)~~) \$3,797,000 of the Nisqually earthquake account--federal appropriation are provided solely for mitigation costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, (~~(\$217,000)~~) \$227,000 is provided for the state matching share for state agencies and (~~(\$462,000)~~) \$414,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(7) (~~(\$8,970,000)~~) \$10,493,000 of the Nisqually earthquake account--state appropriation and (~~(\$42,047,000)~~) \$41,051,000 of the Nisqually earthquake account--federal appropriation are provided solely for public assistance costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, (~~(\$3,924,000)~~) \$5,237,000 is provided for the state matching share for state agencies and (~~(\$5,046,000)~~) \$5,256,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(8) (~~(\$17,234,000)~~) \$11,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(9) \$2,818,000 of the enhanced 911 account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6034 or House Bill No. 2595 (enhanced 911 excise tax). If neither bill is enacted by June 30, 2002, the amount provided in this subsection shall lapse.

PART II HUMAN SERVICES

Sec. 201. 2002 c 371 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2002, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2002 among programs after approval by the director of financial management; and after May 1, 2003, the department may transfer general fund--state appropriations for fiscal year 2003 among programs after such approval. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2002 or fiscal year 2003 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

(4) In the event the department receives additional unrestricted federal funds or achieves savings in excess of that anticipated in this act, the department shall use up to \$5,000,000 of such funds to initiate a pilot project providing integrated support services to homeless individuals needing mental health services, alcohol or substance abuse treatment, medical care, or who demonstrate community safety concerns. Before such a pilot project is initiated, the department shall notify the fiscal committees of the legislature of the plans for such a pilot project including the source of funds to be used.

Sec. 202. 2002 c 371 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAMGeneral

Fund--State Appropriation (FY 2002) \$225,104,000
 General Fund--State Appropriation (FY 2003) (~~(\$231,042,000)~~)

\$227,238,000

General Fund--Federal Appropriation (~~(\$369,403,000)~~)

\$376,136,000

General Fund--Private/Local Appropriation \$400,000

Public Safety and Education Account--

State Appropriation \$964,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$5,639,000

TOTAL APPROPRIATION (~~(\$832,552,000)~~)

\$835,481,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, \$2,271,000 of the fiscal year 2003 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation, \$375,000 of the general fund--state fiscal year 2003 appropriation, and \$161,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and \$4,150,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and

increase the stability of foster placements. The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, \$5,710,000 of the fiscal year 2003 general fund--state appropriation, and \$19,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection. By April 2003, the department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, \$1,767,000 of the general fund--state appropriation for fiscal year 2003, and \$1,241,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

Sec. 203. 2002 c 371 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAMGeneral Fund--
State Appropriation (FY 2002) \$83,151,000

General Fund--State Appropriation (FY 2003) (~~(\$79,107,000)~~)

\$78,281,000

General Fund--Federal Appropriation (~~(\$13,803,000)~~)

\$13,645,000

General Fund--Private/Local Appropriation \$1,110,000

Juvenile Accountability Incentive

Account--Federal Appropriation \$10,461,000

Public Safety and Education

Account--State Appropriation \$6,047,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$37,174,000

TOTAL APPROPRIATION (~~(\$230,853,000)~~)

\$229,869,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$686,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$5,980,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,161,000 of the general fund--state appropriation for fiscal year 2002, \$1,162,000 of the general fund--state appropriation for fiscal year 2003, and \$5,190,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,515,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

(6) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract for expanded services of the teamchild project.

(7) \$423,000 of the general fund--state appropriation for fiscal year 2002, \$754,100 of the general fund--state appropriation for fiscal year 2003, \$152,000 of the general fund--federal appropriation, \$172,000 of the public safety and education assistance account appropriation, and \$604,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers.

(8) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$16,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(9) \$3,441,000 of the general fund--state appropriation for fiscal year 2002 and \$3,441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(10) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(11) The distributions made under (9) and (10) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(12) Each quarter during the 2001-03 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(13) \$1,692,000 of the juvenile accountability incentive account-- federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(14) \$22,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (m) of this subsection.

(15) \$900,000 of the general fund--state appropriation for fiscal year 2002 and \$900,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(16) \$33,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of House Bill No. 1070 (juvenile offender basic training). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(17) \$21,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5468 (chemical dependency). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(18) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$68,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted service providers.

(20) \$945,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for providing additional research-based services to the juvenile parole population. The juvenile rehabilitation administration shall consult with the institute for public policy in deciding which interventions to provide to the parole population.

(21) The juvenile rehabilitation administration shall continue to allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

Sec. 204. 2002 c 371 s 204 (unmodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2002) \$194,566,000

General Fund--State Appropriation (FY 2003) (~~(\$177,206,000)~~)

\$179,547,000

General Fund--Federal Appropriation (~~(\$358,377,000)~~)

\$360,727,000

General Fund--Local Appropriation \$25,596,000

Health Services Account--State

Appropriation \$2,450,000

TOTAL APPROPRIATION (~~(\$758,195,000)~~)

\$762,886,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$388,000 of the general fund--state appropriation for fiscal year 2002, \$2,829,000 of the general fund--state appropriation for fiscal year 2003, and \$3,157,000 of the general fund--federal appropriation are provided solely for development and operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. In the event that enough patients are not transitioned or diverted from the state hospitals to close at least two hospital wards by July 2002, and four additional wards by April 2003, a proportional share of these funds shall be transferred to the appropriations in subsection (2) of this section to support continued care of the patients in the state hospitals. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and adult services programs. The department shall negotiate performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$1,000,000 of the federal block grant funding appropriated in this subsection shall be used for (i) initial development, training, and operation of the community support teams which will work with long-term state hospital residents prior and subsequent to their

return to the community; and (ii) development of support strategies which will reduce the unnecessary and excessive use of state and local hospitals for short-term crisis stabilization services. Such strategies may include training and technical assistance to community long-term care and substance abuse providers; the development of diversion beds and stabilization support teams; examination of state hospital policies regarding admissions; and the development of new contractual standards to assure that the statutory requirement that 85 percent of short-term detentions be managed locally is being fulfilled. The department shall report to the fiscal and policy committees of the legislature on the results of these efforts by November 1, 2001, and again by November 1, 2002.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2002 increases by up to 3.5 percent over the amount actually paid to that regional support network in fiscal year 2001, and by up to an additional 5.0 percent in fiscal year 2003, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity, rather than being distributed on a formula basis; (ii) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; and (iii) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against, or any settlement that may be agreed to by the state, regarding the rate of state reimbursement for inpatient psychiatric care. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

((+)) (h) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2002 and 2003 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceeds the amounts allocated to it in fiscal year 2001.

((+)) (i) The department shall reduce state funding otherwise payable to a regional support network in fiscal years 2002 and 2003 by the full amount by which the regional support network's reserves and fund balances as of December 31, 2001, exceed the required risk reserve for that regional support network. The required reserve amount shall be calculated by applying the risk reserve percentage specified in the department's contract with the regional support network to the total state and federal revenues for which the regional support network would otherwise be eligible in accordance with this subsection. As used in this subsection, "reserves" does not include capital project reserves established in accordance with state accounting and reporting standards before January 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$84,878,000
 General Fund--State Appropriation (FY 2003) ((~~\$80,784,000~~))

\$88,187,000

General Fund--Federal Appropriation ((~~\$139,821,000~~))

\$134,120,000

General Fund--Private/Local Appropriation ((~~\$29,532,000~~))

\$29,680,000

TOTAL APPROPRIATION ((~~\$335,015,000~~))

\$336,865,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall seek to reduce the census of the two state psychiatric hospitals by 178 beds by April 2003 by arranging and providing community residential, mental health, and other support services for long-term state hospital patients whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. No such patient is to move from the hospital until a team of community professionals has become familiar with the person and their treatment plan; assessed their strengths, preferences, and needs; arranged a safe, clinically-appropriate, and stable place for them to live; assured that other needed medical, behavioral, and social services are in place; and is contracted to monitor the person's progress on an ongoing basis. The department and the regional support networks shall endeavor to assure that hospital patients are able to return to their area of origin, and that placements are not concentrated in proximity to the hospitals.

(d) For each month subsequent to the month in which a state hospital bed has been closed in accordance with (c) of this subsection, the mental health program shall transfer to the medical assistance program state funds equal to the state share of the monthly per capita expenditure amount estimated for categorically needy-disabled persons in the most recent forecast of medical assistance expenditures.

(e) The department shall report to the appropriate committees of the legislature by November 1, 2001, and by November 1, 2002, on its plans for and progress toward achieving the objectives set forth in (c) of this subsection.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2002) \$18,267,000
 General Fund--State Appropriation (FY 2003) (~~(\$20,934,000)~~) \$21,320,000
 TOTAL APPROPRIATION (~~(\$39,201,000)~~) \$39,587,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,587,000 of the general fund--state appropriation for fiscal year 2002 and \$2,646,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2002 and \$300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, up to \$45,000 per year is provided for the city of Lakewood for police protection reimbursement at Western State Hospital and adjacent areas, up to \$45,000 per year is provided for training police personnel on chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), up to \$125,000 per year is provided for Pierce county for reimbursement of additional costs, and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) By October 1, 2001, the department shall report to the office of financial management and the fiscal committees of the house of representatives and senate detailing information on plans for increasing the efficiency of staffing patterns at the new civil commitment center facility being constructed on McNeil Island.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the implementation of Substitute Senate Bill No. 6594 (secure community transition facilities). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2002) \$444,000
 General Fund--State Appropriation (FY 2003) \$443,000
 General Fund--Federal Appropriation \$2,082,000
 TOTAL APPROPRIATION \$2,969,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$3,104,000
 General Fund--State Appropriation (FY 2003) (~~(\$3,111,000)~~) \$4,527,000
 General Fund--Federal Appropriation (~~(\$5,659,000)~~) \$7,077,000
 TOTAL APPROPRIATION (~~(\$11,874,000)~~) \$14,708,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 217, Laws of 2000 (atypical anti-psychotic medications), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$168,000 of the general fund--state appropriation for fiscal year 2002, \$243,000 of the general fund--state appropriation for fiscal year 2003, and \$411,000 of the general fund--federal appropriation are provided solely for the development and implementation of a uniform outcome-oriented performance measurement system to be used in evaluating and managing the community mental health service delivery system consistent with the recommendations contained in the joint legislative audit and review committee's audit of the public mental health system. Once implemented, the use of performance measures will allow comparison of measurement results to established standards and benchmarks among regional support networks, service providers, and against other states. The department shall provide a report to the appropriate committees of the legislature on the development and implementation of the use of performance measures by October 2002.

(c) \$125,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

Sec. 205. 2002 c 371 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2002) \$233,705,000
 General Fund--State Appropriation (FY 2003) (~~(\$255,415,000)~~) \$250,654,000
 General Fund--Federal Appropriation (~~(\$405,773,000)~~) \$400,311,000

Health Services Account--State
 Appropriation \$903,000
 TOTAL APPROPRIATION (~~(\$895,796,000)~~) \$885,573,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) (~~(\$10,050,000 of the fiscal year 2003 general fund--state appropriation and \$3,550,000 of the general fund--federal appropriation are provided solely for expanded access to community services. A total of \$7,800,000 is provided for additional residential services for persons on the home and community-based waiver. A total of \$3,600,000 is provided for family support and high school transition. A total of \$2,700,000 is provided between this subsection and subsection (3) of this section for staffing and other costs to improve oversight of quality of care, program management, and fiscal management.~~) New funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments. The legislature finds that providing cash assistance to individuals and families needing these supports promotes self-determination and independence. It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for SSI state supplemental payments while promoting self-determination and independence for persons with

developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments. ~~((These amounts and the specified expansion of community services are intended to be the fiscal component of the negotiated settlement in the pending litigation on developmental disabilities services, *ARC v. Quasim*.~~

~~((e))~~ (b) The health services account appropriation and \$904,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

~~((d))~~ (c) \$902,000 of the general fund--state appropriation for fiscal year 2002, ~~((3,372,000))~~ \$2,274,000 of the general fund--state appropriation for fiscal year 2003, and ~~((4,056,000))~~ \$3,011,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

~~((e))~~ (d) \$1,153,000 of the general fund--state appropriation for fiscal year 2002, \$3,054,000 of the general fund--state appropriation for fiscal year 2003, and \$4,031,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

~~((f))~~ (e) The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for changes assumed in additional funding provided in subsections ~~((b), (d), and (e))~~ (c) and (d) of this section. Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.

~~((g))~~ (f) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

~~((h))~~ (g) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

~~((i))~~ (h) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state-funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$69,375,000
 General Fund--State Appropriation (FY 2003) ~~((68,203,000))~~

\$68,914,000

General Fund--Federal Appropriation ~~((145,672,000))~~

\$146,495,000

General Fund--Private/Local Appropriation \$11,230,000

TOTAL APPROPRIATION ~~((294,480,000))~~

\$296,014,000

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department shall make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages, and maintain expenditures within allotments, as assumed in the appropriations in this subsection.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$1,711,000
 General Fund--State Appropriation (FY 2003) ~~((2,007,000))~~

\$3,088,000

General Fund--Federal Appropriation ~~((2,612,000))~~

\$3,421,000

Telecommunications Devices for the Hearing and

Speech Impaired Account Appropriation \$1,767,000

TOTAL APPROPRIATION ~~((8,097,000))~~

\$9,987,000

The appropriations in this subsection are subject to the following conditions and limitations:
 (a) \$270,000 of the fiscal year 2003 general fund--state appropriation and \$170,000 of the general fund--federal appropriation are provided solely for improved fiscal management of the home and community-based waiver and other community services.

(b) \$100,000 of the telecommunications devices for the hearing and speech impaired account appropriation is provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,995,000

Sec. 206. 2002 c 371 s 206 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM General Fund--
 State Appropriation (FY 2002) \$505,983,000
 General Fund--State Appropriation (FY 2003) ((~~\$513,154,000~~))

	<u>\$513,676,000</u>
General Fund--Federal Appropriation ((\$1,053,299,000))	
	<u>\$1,052,943,000</u>
General Fund--Private/Local Appropriation ((\$11,803,000))	
	<u>\$11,387,000</u>
Health Services Account--State Appropriation ((\$4,523,000))	
	<u>\$5,087,000</u>
TOTAL APPROPRIATION ((\$2,088,762,000))	
	<u>\$2,089,076,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,210,000 of the general fund--state appropriation for fiscal year 2002, ((~~\$1,423,000~~)) \$1,458,000 of the general fund--state appropriation for fiscal year 2003, and ((~~\$6,794,000~~)) \$7,346,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,706,000 of the general fund--state appropriation for fiscal year 2002 and \$1,706,000 of the general fund--state appropriation for fiscal year 2003, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$128.79 for fiscal year 2002, and no more than ((~~\$132.58~~)) \$131.57 for fiscal year 2003. For all facilities, the therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 1.5 percent effective July 1, 2002. For case-mix facilities, direct care component rates established in accordance with chapter 74.46 RCW shall also be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. Additionally, to facilitate the transition to a fully case-mix based direct care payment system, the median price per case-mix unit for each of the applicable direct care peer groups shall be increased on a one-time basis by 2.64 percent effective July 1, 2002.

(4) In accordance with Substitute House Bill No. 2242 (nursing home rates), the department shall issue certificates of capital authorization which result in up to \$10 million of increased asset value completed and ready for occupancy in fiscal year 2003; in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2004; and in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2005.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall coordinate with and actively support the efforts of the mental health program and of the regional support networks to provide stable community living arrangements for persons with dementia and traumatic brain injuries who have been long-term residents of the state psychiatric hospitals. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(7) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall devise and implement strategies in partnership with the mental health program and the regional support networks to reduce the use of state and local psychiatric hospitals for the short-term stabilization of persons with dementia and traumatic brain injuries. Such strategies may include training and technical assistance to help long-term care providers avoid and manage behaviors which might otherwise result in psychiatric hospitalizations; monitoring long-term care facilities to assure residents are receiving appropriate mental health care and are not being inappropriately medicated or hospitalized; the development of diversion beds and stabilization support teams; and the establishment of systems to track the use of psychiatric hospitals by long-term care providers. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(8) In accordance with Substitute House Bill No. 1341, the department may implement a medicaid waiver program for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) The waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 50 persons by the end of fiscal year 2002, nor 600 persons by the end of fiscal year 2003.

(b) For each month of waiver service delivered to a person who was not covered by medicaid prior to their enrollment in the waiver, the aging and adult services program shall transfer to the medical assistance program state and federal funds equal to the monthly per capita expenditure amount, net of drug rebates, estimated for medically needy-aged persons in the most recent forecast of medical assistance expenditures.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on the medically needy waiver, on monthly management reports.

(d) The department shall track and report to health care and fiscal committees of the legislature by November 15, 2002, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(10) \$364,000 of the general fund--state appropriation for fiscal year 2002, \$364,000 of the general fund--state appropriation for fiscal year 2003, and \$740,000 of the general fund--federal appropriation are provided solely for payment of exceptional care rates so that persons with Alzheimer's disease and related dementias who might otherwise require nursing home or state hospital care can instead be served in boarding home-licensed facilities which specialize in the care of such conditions.

(11) From funds appropriated in this section, the department shall increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$7.18 per hour to \$7.68 per hour on July 1, 2001. Payments to agency providers are to be increased to \$13.30 per hour on July 1, 2001, and to \$13.44 per hour on July 1, 2002. All but 18 cents per hour of the July 1, 2001, increase to agency providers is to be used to increase wages for direct care workers. The appropriations

in this section also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection.

(12) \$2,507,000 of the general fund--state appropriation for fiscal year 2002, \$2,595,000 of the general fund--state appropriation for fiscal year 2003, and \$5,100,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation by an average of fifty cents per hour for low-wage workers in agencies which contract with the state to provide community residential services for persons with functional disabilities. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase.

(13) \$1,082,000 of the general fund--state appropriation for fiscal year 2002, \$1,082,000 of the general fund--state appropriation for fiscal year 2003, and \$2,204,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation for low-wage workers in nursing homes which contract with the state. For fiscal year 2002, the department shall add forty-five cents per patient day to the direct care rate which would otherwise be paid to each nursing facility in accordance with chapter 74.46 RCW. For fiscal year 2003, the department shall increase the median price per case-mix unit for each of the applicable peer groups by six-tenths of one percent in order to distribute the available funds. In consultation with the statewide associations representing nursing facilities, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002, and by December 1, 2002.

Sec. 207. 2002 c 371 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM General Fund--State

Appropriation (FY 2002) \$442,984,000

General Fund--State Appropriation (FY 2003) (~~(\$394,974,000)~~)

\$406,972,000

General Fund--Federal Appropriation (~~(\$1,359,505,000)~~)

\$1,363,821,000

General Fund--Private/Local Appropriation \$33,880,000

TOTAL APPROPRIATION (~~(\$2,231,343,000)~~)

\$2,247,657,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,035,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$277,231,000)~~) \$281,089,000 of the general fund--state appropriation for fiscal year 2003, (~~(\$1,254,197,000)~~) \$1,258,165,000 of the general fund--federal appropriation, and \$31,444,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(2) \$54,623,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$44,431,000)~~) \$51,147,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$4,032,000)~~) \$6,852,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

(6) It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for supplemental security income (SSI) supplemental payments. Within the amount remaining in this section, SSI supplemental payments shall be used for current SSI recipients who have ineligible spouses.

(7) \$311,000 of the fiscal year 2003 general fund--state appropriation and \$255,000 of the general fund--federal appropriation are provided solely for the department to: (a) Increase and improve efforts to verify that children and pregnant women are in fact eligible for the medical assistance services they receive; and (b) review their continued eligibility for medical assistance services every six months. The improved income verification efforts shall be implemented no later than April 1, 2003, and shall include review of recipient documentation and employer contacts to verify that the income declared by applicants and recipients is accurate. These efforts will be supplemented by electronic records checks that will be in place by July 1, 2003. The six-month rather than annual review of continued eligibility is to be implemented no later than November 2003. All administrative rules, guidelines, and procedures; staffing levels and training; and changes to electronic systems necessary to implement the six-month review of continued eligibility shall be in place as required to timely implement the six-month reviews beginning November 2003.

(8) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

Sec. 208. 2002 c 371 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM	
General Fund--State Appropriation (FY 2002) \$35,851,000	
General Fund--State Appropriation (FY 2003) ((\$37,022,000))	\$36,548,000
General Fund--Federal Appropriation ((\$91,549,000))	<u>\$91,539,000</u>
General Fund--Private/Local Appropriation \$723,000	
Public Safety and Education Account--State	
Appropriation \$13,427,000	
Violence Reduction and Drug Enforcement Account--	
State Appropriation \$52,306,000	
TOTAL APPROPRIATION ((\$230,878,000))	<u>\$230,394,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$810,000 of the general fund--state appropriation for fiscal year 2002 and \$1,622,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for expansion of 35 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services. These additional treatment beds shall be located in the eastern part of the state.

(2) \$1,000,000 of the public safety and education account--state appropriation is provided solely for expansion of treatment for persons gravely disabled by abuse and addiction to alcohol and other drugs including methamphetamine.

(3) \$1,083,000 of the public safety and education account--state appropriation and \$75,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for adult and juvenile drug courts that have a net loss of federal grant funding in state fiscal year 2002 and state fiscal year 2003. This appropriation is intended to cover approximately one-half of lost federal funding.

(4) \$1,993,000 of the public safety and education account--state appropriation and \$951,000 of the general fund--federal appropriation are provided solely for drug and alcohol treatment for SSI clients. The department shall continue research and post-program evaluation of these clients to further determine the post-treatment utilization of medical services and the service effectiveness of consolidation.

(5) \$500,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2003 is provided solely for the department to provide treatment for pathological gambling or training for the treatment of pathological gambling under Second Substitute Senate Bill No. 6560 (shared game lottery). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 2338 or Substitute Senate Bill No. 6361 (drug offender sentencing).

Sec. 209. 2002 c 371 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM	
General Fund--State Appropriation (FY 2002) \$1,081,150,000	
General Fund--State Appropriation (FY 2003) ((\$1,124,758,000))	\$1,202,277,000
General Fund--Federal Appropriation ((\$3,621,077,000))	<u>\$3,319,133,000</u>
General Fund--Private/Local Appropriation ((\$211,272,000))	<u>\$216,735,000</u>
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation ((\$9,200,000))	<u>\$10,700,000</u>
Health Services Account--State Appropriation ((\$1,104,119,000))	<u>\$720,236,000</u>
TOTAL APPROPRIATION ((\$7,151,576,000))	<u>\$6,550,231,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September 1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058

(breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, ~~(\$1,380,000)~~ \$337,000 of the health services account appropriation for fiscal year 2003, and ~~(\$2,000,000)~~ \$960,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, ~~(\$523,600,000)~~ \$199,111,000 of the health services account appropriation and ~~(\$530,585,000)~~ \$201,049,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least ~~(98%)~~ 95 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium. If the medicare upper payment limit revenues referenced in this subsection are not received in an amount or within a time frame sufficient to support spending from the health services account, the governor shall take actions in accordance with RCW 43.88.110(8).

(12) ~~(\$38,766,000)~~ \$40,428,000 of the health services account appropriation ~~(for fiscal year 2002, \$40,494,000 of the health services account appropriation for fiscal year 2003, and \$79,839,000)~~ and \$40,807,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The department shall ensure cooperation with the anticipated audit of the school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

(15) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(16) \$8,500,000 of the general fund--state appropriation for fiscal year 2002, or so much thereof as may be necessary, is provided solely for settlement of *Providence St. Peter's Hospital et al. vs. Department of Social and Health Services*.

(17) In consultation and coordination with the department of health, the department shall establish mechanisms to assure that the AIDS insurance program operates within budgeted levels. Such mechanisms shall include a system under which the state's contribution to the cost of coverage is adjusted on a sliding-scale basis.

(18) The department shall implement an academic detailing program that educates prescribers on the availability of generic versions of off-patent brand drugs. To the extent the net cost of generics, after accounting for rebates, is less than the off-patent drug, generics will be substituted, with the prescriber's approval, consistent with criteria developed by the department in consultation with the state medical association and the state pharmacists association.

(19) Within available resources, the department shall design and ~~(initiate)~~ report on the feasibility of a general assistance medical care management project in two counties, one in eastern Washington and one in western Washington. In designing the project, the department shall consult with the mental health division, migrant and community health centers, and any other managed care provider that has the capacity to offer coordinated medical and mental health care. The projects shall be designed in such a way that a designated provider network is established for general assistance clients so that care management can be maximized. The department shall report on the design of the pilot project to the policy and fiscal committees of the legislature by October 15, 2002.

(20) \$21,000 of the general fund--state appropriation and \$189,000 of the general fund--federal appropriation are provided solely for initiation of a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and

benefits of the major alternative approaches. The department shall receive specific authorization in the 2003-05 appropriations act before proceeding with procurement of the replacement system.

Sec. 210. 2002 c 371 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM General Fund--State Appropriation (FY 2002) \$11,135,000
General Fund--State Appropriation (FY 2003) (~~(\$9,385,000)~~)

General Fund--Federal Appropriation (~~(\$82,235,000)~~) \$9,371,000
General Fund--Private/Local Appropriation \$360,000 \$82,185,000
TOTAL APPROPRIATION (~~(\$103,115,000)~~) \$103,051,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities.

(2) The department shall actively assist participants in the employment support services program to obtain other employment or training opportunities over the course of fiscal year 2003.

Sec. 211. 2002 c 371 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES General Fund--State Appropriation (FY 2002) \$30,419,000
General Fund--State Appropriation (FY 2003) (~~(\$22,419,000)~~)

General Fund--Federal Appropriation (~~(\$47,135,000)~~) \$24,818,000
General Fund--Private/Local Appropriation \$810,000 \$48,157,000
TOTAL APPROPRIATION (~~(\$100,783,000)~~) \$104,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By November 1, 2001, the secretary shall report to the fiscal committees of the legislature on the actions the secretary has taken, or proposes to take, within current funding levels to resolve the organizational problems identified in the department's February 2001 report to the legislature on current systems for billing third-party payers for services delivered by the state psychiatric hospitals. The secretary is authorized to transfer funds from this section to the mental health program to the extent necessary to achieve the organizational improvements recommended in that report.

(2) By November 1, 2001, the department shall report to the fiscal committees of the legislature with the least costly plan for assuring that billing and accounting technologies in the state psychiatric hospitals adequately and efficiently comply with standards set by third-party payers. The plan shall be developed with participation by and oversight from the office of financial management, the department's information systems services division, and the department of information services.

(3) The department shall reconstitute the payment integrity program to place greater emphasis upon the prevention of future billing errors, ensure billing and administrative errors are treated in a manner distinct from allegations of fraud and abuse, and shall rename the program. In keeping with this revised focus, the department shall also increase to one thousand dollars the cumulative total of apparent billing errors allowed before a provider is contacted for repayment.

(4) By September 1, 2001, the department shall report to the fiscal committees of the legislature results from the payment review program. The report shall include actual costs recovered and estimated costs avoided for fiscal year 2001 and the costs incurred by the department to administer the program. The report shall document criteria and methodology used for determining avoided costs. In addition, the department shall seek input from health care providers and consumer organizations on modifications to the program. The department shall provide annual updates to the report to the fiscal committees of the legislature by September 1st of each year for the preceding fiscal year.

(5) The department shall implement reductions in administrative expenditures assumed in these appropriations that achieve ongoing savings, reduce duplicative and redundant work processes, and, where possible, eliminate entire administrative functions and offices. The department may transfer amounts among sections and programs to achieve these savings provided that reductions in direct services to clients and recipients of the department shall not be counted as administrative reductions. The department shall report to the appropriate committees of the legislature a spending plan to achieve these reductions by July 1, 2002, and shall report actual achieved administrative savings and projected saving for the remainder of the biennium by December 1, 2002.

Sec. 212. 2002 c 371 s 212 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY General Fund--State Appropriation (FY 2002) \$6,655,000
State Health Care Authority Administrative Account--State Appropriation (~~(\$20,032,000)~~)

Health Services Account--State Appropriation (~~(\$538,828,000)~~) \$19,310,000
General Fund--Federal Appropriation (~~(\$4,240,000)~~) \$502,278,000
~~((Medical Aid Account--State Appropriation \$45,000))~~ \$3,521,000
TOTAL APPROPRIATION (~~(\$569,800,000)~~) \$531,764,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,551,000 of the general fund--state appropriation for fiscal year 2002 and \$6,550,000 of the health services account--state appropriation for fiscal year 2003 are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of this 2001 act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) The health care authority shall solicit information from the United States office of personnel management, health plans, and other relevant sources, regarding the cost of implementation of mental health parity by the federal employees health benefits program in

2001. A progress report shall be provided to the senate and house of representatives fiscal committees by July 1, 2002, and a final report shall be provided to the legislature by November 15, 2002, on the study findings.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of income tax returns and recent pay history from all applicants; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; and (e) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~(6) ((The health services account revenues generated by Initiative Measure No. 773 which are appropriated in this section shall be used to subsidize enrollments in excess of the 125,000 per month base enrollment level as follows:~~

~~(a) \$20,000,000 is provided solely for enrollment in the subsidized basic health plan of persons who, solely by reason of their immigration status, are not eligible for medicaid coverage of their nonemergent medical care needs. From July 2002 to October 2002, opportunities for subsidized coverage will be offered on a phased-in basis to this group of persons. Any entity or organization may sponsor subsidized basic health plan enrollment.~~

~~(b) Beginning January 1, 2003, subsidized basic health plan coverage shall be offered on a phased-in basis to an additional 20,000 enrollees.~~

~~(7)) \$3,000,000 of the health services account--state appropriation for fiscal year 2003 is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.~~

~~((8)) (7) The health care authority shall report to the fiscal committees of the legislature on the costs, benefits, and feasibility of implementing a system no later than January 1, 2004, under which the state's contribution to the cost of employee medical coverage would be graduated according to employee salary. Under the graduated system, employees in higher salary ranges would pay a larger share of the cost of their medical coverage, while those paid lower salaries would pay a smaller percentage of their premium. The report shall be prepared in consultation with the department of personnel and the state-supported colleges and universities, and shall be submitted to the fiscal committees no later than December 1, 2002.~~

~~((9)) (8) In consultation with the department of personnel and with the state-supported colleges and universities, the health care authority shall report to the fiscal committees of the legislature by October 1, 2002, a plan for expanding the availability and use of flexible spending account plans under which employees may set aside pretax earnings to cover their out-of-pocket medical costs. The authority is authorized to proceed with implementation of such a plan to the extent it can be accomplished within existing state funding levels.~~

~~((10) \$685,000 of the health services account appropriation, \$629,000 of the general fund--federal appropriation, and the medical aid account appropriation are provided solely for implementation of Substitute Senate Bill No. 6368 (prescription drug utilization and education). If the bill is not enacted by June 30, 2002, these amounts shall lapse.))~~

~~(9) As of the effective date of this 2003 act, the health care authority shall admit new members to the basic health plan only to the extent authorized under the authority's September 6, 2001, administrative policy on basic health enrollment management.~~

Sec. 213. 2002 c 371 s 213 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION General Fund--State Appropriation (FY 2002) \$2,688,000
General Fund--State Appropriation (FY 2003) ~~((2,649,000))~~

\$2,483,000

General Fund--Federal Appropriation ~~((1,544,000))~~

\$1,794,000

General Fund--Private/Local Appropriation \$100,000

TOTAL APPROPRIATION ~~((6,954,000))~~

\$7,065,000

Sec. 214. 2002 c 371 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES General Fund--State Appropriation (FY 2002) \$5,577,000

General Fund--State Appropriation (FY 2003) \$5,517,000

General Fund--Federal Appropriation \$1,250,000

Public Safety and Education Account--State

Appropriation \$18,292,000

Public Safety and Education Account--Federal

Appropriation \$6,950,000

Public Safety and Education Account--Private/Local

Appropriation ~~((5,373,000))~~

\$4,200,000

Asbestos Account--State Appropriation \$688,000

Electrical License Account--State

Appropriation \$28,412,000

Farm Labor Revolving Account--Private/Local

Appropriation \$28,000

Worker and Community Right-to-Know Account--State

Appropriation \$2,281,000

Public Works Administration Account--State

Appropriation \$2,856,000

Accident Account--State Appropriation \$184,219,000

Accident Account--Federal Appropriation \$11,568,000

Medical Aid Account--State Appropriation ~~((183,666,000))~~

\$178,666,000

Medical Aid Account--Federal Appropriation \$2,438,000

Plumbing Certificate Account--State

Appropriation \$1,111,000

Pressure Systems Safety Account--State

Appropriation \$2,525,000

TOTAL APPROPRIATION ~~((462,751,000))~~

\$456,578,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a)

institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program.

(3) \$300,000 of the medical aid account--state appropriation is provided for a second center of occupational health and education to be located on the east side of the state. These centers train physicians on best practices for occupational medicine and work with labor and business to improve the quality and outcomes of medical care provided to injured workers.

Sec. 215. 2002 c 371 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2002) \$1,577,000	
General Fund--State Appropriation (FY 2003) ((\$1,533,000))	<u>\$1,546,000</u>

Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$7,000	
TOTAL APPROPRIATION ((\$3,117,000))	<u>\$3,130,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2002) \$2,619,000	
General Fund--State Appropriation (FY 2003) ((\$2,580,000))	<u>\$2,603,000</u>

General Fund--Federal Appropriation \$310,000	
General Fund--Private/Local Appropriation \$1,663,000	
TOTAL APPROPRIATION ((\$7,172,000))	<u>\$7,195,000</u>

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$5,765,000	
General Fund--State Appropriation (FY 2003) ((\$5,516,000))	<u>\$6,034,000</u>

General Fund--Federal Appropriation ((\$27,437,000))	<u>\$27,411,000</u>
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General Fund--Private/Local Appropriation ((\$22,828,000))	<u>\$22,526,000</u>
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TOTAL APPROPRIATION ((\$61,546,000))	<u>\$61,736,000</u>
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The appropriations in this subsection are subject to the following terms and conditions:

(1) \$2,886,000 of the general fund--federal appropriation and \$5,639,000 of the general fund--local appropriation are provided solely for the department to acquire, establish, and operate a nursing facility dedicated to serving men and women from Washington who have served in the nation's armed forces.

(2) After July 1, 2003, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2003 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose, nor may the department transfer appropriations into the headquarters program.

Sec. 216. 2002 c 371 s 219 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY General Fund--State Appropriation (FY 2003) (~~(\$152,000)~~) \$171,000

The appropriation in this section is subject to the following conditions and limitations: The general fund--state appropriation for fiscal year 2003 is provided for start-up costs of the home care quality authority, a new state agency established by the enactment of Initiative Measure No. 775.

Sec. 217. 2002 c 371 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH General Fund--State Appropriation (FY 2002) \$57,337,000
 General Fund--State Appropriation (FY 2003) (~~(\$54,940,000)~~) \$54,845,000

Health Services Account--State Appropriation ((\$33,520,000))	<u>\$28,460,000</u>
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General Fund--Federal Appropriation \$297,352,000	
General Fund--Private/Local Appropriation ((\$82,912,000))	<u>\$84,212,000</u>

Hospital Commission Account--State Appropriation \$2,305,000	
Health Professions Account--State Appropriation \$39,374,000	

Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$14,858,000	
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Safe Drinking Water Account--State Appropriation \$2,689,000	
Drinking Water Assistance Account--Federal Appropriation \$13,376,000	

Waterworks Operator Certification--State Appropriation ((\$622,000))	<u>\$743,000</u>
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Salmon Recovery Account--State Appropriation \$182,000	
Water Quality Account--State Appropriation \$3,304,000	

Accident Account--State Appropriation \$257,000	
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Medical Aid Account--State Appropriation \$45,000
 State Toxics Control Account--State
 Appropriation \$2,809,000
 Medical Test Site Licensure Account--State
 Appropriation \$1,801,000
 Youth Tobacco Prevention Account--State
 Appropriation \$1,797,000
 Tobacco Prevention and Control Account--State
 Appropriation \$43,737,000
 TOTAL APPROPRIATION ((~~\$653,217,000~~))

\$649,483,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged to the drinking water operator certification, newborn screening, radioactive materials, x-ray compliance, drinking water plan review, midwifery, hearing and speech, veterinarians, psychologists, pharmacists, hospitals, podiatrists, home health and home care, transient accommodations licensing, adult residential rehabilitation facilities licensing, state institution licensing, medical test site licensing, alcoholism treatment facilities licensing, certificate of need, and food handlers programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2002, \$157,000 of the general fund--state appropriation for fiscal year 2003, and the salmon recovery account appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse.

(3) \$1,675,000 of the general fund--state fiscal year 2002 appropriation and \$1,676,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(4) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(5) ((~~\$19,778,000~~)) \$14,718,000 of the health services account-- state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(6) \$85,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute House Bill No. 1365 (infant and child products). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(7) From funds appropriated in this section, the state board of health shall convene a broadly-based task force to review the available information on the potential risks and benefits to public and personal health and safety, and to individual privacy, of emerging technologies involving human deoxyribonucleic acid (DNA). The board may reimburse task force members for travel expenses according to RCW 43.03.220. The task force shall consider information provided to it by interested persons on: (a) The incidence of discriminatory actions based upon genetic information; (b) strategies to safeguard civil rights and privacy related to genetic information; (c) remedies to compensate individuals for inappropriate use of their genetic information; and (d) incentives for further research and development on the use of DNA to promote public health, safety, and welfare. The task force shall report on its findings and any recommendations to appropriate committees of the legislature by October 1, 2002.

(8) \$533,000 of the general fund--state appropriation for fiscal year 2002 and \$847,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for performance-based contracts with local jurisdictions to assure the safety of drinking water provided by small "group B" water systems.

(9) By October 1, 2002, the department shall establish mechanisms to assure that the HIV early intervention services program operates within appropriated levels. This shall include a system under which the state's contribution to the cost of care is adjusted on a sliding- scale basis.

(10) By December 1, 2002, the department shall report to appropriate committees of the legislature with a feasibility analysis of implementing an electronic filing system for death certificates. The study shall be conducted in consultation and cooperation with local and state registrars, funeral directors, and physicians, and shall include an analysis of applying an additional fee to death certificates to cover the cost of developing and operating the electronic system.

Sec. 218. 2002 c 371 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ((2002)) 2003, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ((2002)) 2003 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2002) \$36,786,000
 General Fund--State Appropriation (FY 2003) ((~~\$36,434,000~~))

\$36,239,000

Public Safety and Education Account--State
 Appropriation \$1,576,000

Violence Reduction and Drug Enforcement
 Account Appropriation \$3,254,000

TOTAL APPROPRIATION ((~~\$78,050,000~~))

\$77,855,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, \$4,623,000 of the general fund-- state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

(a) Include a description of any changes to the replacement project;

- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and
- (d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS	
General Fund--State Appropriation (FY 2002) \$404,390,000	
General Fund--State Appropriation (FY 2003) ((\$412,788,000))	
	<u>\$433,915,000</u>
General Fund--Federal Appropriation ((\$9,142,000))	
	<u>\$9,936,000</u>
Violence Reduction and Drug Enforcement Account-- State Appropriation \$1,596,000	
Public Health Services Account Appropriation \$1,453,000	
TOTAL APPROPRIATION ((\$829,369,000))	<u>\$851,290,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account (~~(as of January 1, 2000)~~).

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

~~((+))~~ (i) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

(3) COMMUNITY SUPERVISION	
General Fund--State Appropriation (FY 2002) \$68,097,000	
General Fund--State Appropriation (FY 2003) ((\$75,720,000))	
	<u>\$77,436,000</u>
General Fund--Federal Appropriation \$870,000	
Public Safety and Education Account--State Appropriation \$15,493,000	
TOTAL APPROPRIATION ((\$160,180,000))	<u>\$161,896,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES	
General Fund--State Appropriation (FY 2002) \$631,000	
General Fund--State Appropriation (FY 2003) \$629,000	
TOTAL APPROPRIATION \$1,260,000	

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS	
General Fund--State Appropriation (FY 2002) \$18,568,000	
General Fund--State Appropriation (FY 2003) \$18,569,000	
TOTAL APPROPRIATION \$37,137,000	

Sec. 219. 2002 c 371 s 222 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SERVICES FOR THE BLIND General Fund--State Appropriation (FY 2002) \$1,652,000
 General Fund--State Appropriation (FY 2003) (~~(\$1,588,000)~~)

	<u>\$1,582,000</u>
General Fund--Federal Appropriation ((\$12,643,000))	
	<u>\$13,186,000</u>
General Fund--Private/Local Appropriation \$80,000	
TOTAL APPROPRIATION ((\$15,963,000))	<u>\$16,500,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely to increase state assistance for a comprehensive program of training and support services for persons who are both deaf and blind.

Sec. 220. 2002 c 371 s 224 (uncodified) is amended to read as follows:
FOR THE EMPLOYMENT SECURITY DEPARTMENT General Fund--Federal Appropriation \$180,628,000
 General Fund--Private/Local Appropriation \$30,119,000
 Unemployment Compensation Administration Account--
 Federal Appropriation (~~(\$194,167,000)~~)

	<u>\$194,011,000</u>
Administrative Contingency Account--State Appropriation ((\$15,514,000))	
	<u>\$13,914,000</u>
Employment Service Administrative Account--State Appropriation ((\$20,001,000))	
	<u>\$20,851,000</u>
TOTAL APPROPRIATION ((\$440,429,000))	<u>\$439,523,000</u>

The appropriations in this section are subject to the following conditions and limitations:
 (1) \$156,000 of the unemployment compensation administration account is provided solely for the implementation of Substitute House Bill No. 2355 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(2) (~~Up to \$1,600,000~~) \$850,000 of the (~~administrative contingency account~~) employment service administrative account--state appropriation is provided solely for administrative costs related to the implementation of Engrossed House Bill No. 2901 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

PART III NATURAL RESOURCES

Sec. 301. 2002 c 371 s 302 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY General Fund--State Appropriation (FY 2002) \$39,404,000
 General Fund--State Appropriation (FY 2003) (~~(\$34,283,000)~~)

	<u>\$34,225,000</u>
General Fund--Federal Appropriation \$56,805,000	
General Fund--Private/Local Appropriation \$4,351,000	
Special Grass Seed Burning Research Account-- State Appropriation \$14,000	
Reclamation Revolving Account--State Appropriation \$1,935,000	
Flood Control Assistance Account-- State Appropriation \$4,098,000	
State Emergency Water Projects Revolving Account-- State Appropriation \$878,000	
Waste Reduction/Recycling/Litter Control Account-- State Appropriation \$14,287,000	
State Drought Preparedness Account--State Appropriation \$2,575,000	
Salmon Recovery Account--State Appropriation \$250,000	
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation \$587,000	
Water Quality Account--State Appropriation ((\$22,985,000))	
	<u>\$22,976,000</u>
Wood Stove Education and Enforcement Account-- State Appropriation \$353,000	
Worker and Community Right-to-Know Account-- State Appropriation \$3,288,000	
State Toxics Control Account--State Appropriation \$70,001,000	
State Toxics Control Account--Private/Local Appropriation \$350,000	
Local Toxics Control Account--State Appropriation \$4,751,000	
Water Quality Permit Account--State Appropriation \$24,210,000	
Underground Storage Tank Account--State Appropriation \$2,682,000	
Environmental Excellence Account--State Appropriation \$504,000	
Biosolids Permit Account--State Appropriation \$764,000	

Hazardous Waste Assistance Account--State Appropriation \$4,308,000	
Air Pollution Control Account--State Appropriation \$1,366,000	
Oil Spill Prevention Account--State Appropriation \$7,921,000	
Air Operating Permit Account--State Appropriation \$3,608,000	
Freshwater Aquatic Weeds Account--State Appropriation \$1,898,000	
Oil Spill Response Account--State Appropriation \$7,078,000	
Metals Mining Account--State Appropriation \$5,000	
Water Pollution Control Revolving Account-- State Appropriation ((\$536,000))	<u>\$564,000</u>
Water Pollution Control Revolving Account-- Federal Appropriation \$2,802,000	
TOTAL APPROPRIATION ((\$348,877,000))	<u>\$318,838,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,874,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$3,874,000)~~) \$2,684,000 of the general fund--state appropriation for fiscal year 2003, \$394,000 of the general fund-- federal appropriation, \$2,070,000 of the oil spill prevention account--state appropriation, \$1,190,000 of the state toxics control account, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$500,000 of the state toxics control account appropriation is provided for an assessment of the financial assurance requirements of hazardous waste management facilities. By September 30, 2002, the department shall provide to the governor and appropriate committees of the legislature a report that: (a) Evaluates current statutes and regulations governing hazardous waste management facilities; (b) analyzes and makes recommendations for improving financial assurance regulatory control; and (c) makes recommendations for funding financial assurance regulatory control of hazardous waste management facilities.

(3) \$814,000 of the state drought preparedness account--state appropriation, \$549,000 of the water quality account--state appropriation, and \$250,000 of the salmon recovery account--state appropriation are provided solely for enhanced streamflow monitoring in critical salmon recovery basins. \$640,000 of this amount is provided solely to implement the Puget Sound work plan and agency action item DOE-01.

(4) \$1,000,000 of the state toxics control account appropriation in this section is provided solely for the department to work in cooperation with local jurisdictions to address emerging storm water management requirements. This work shall include developing a storm water manual for eastern Washington, technical assistance to local jurisdictions, and increased implementation of the department's existing storm water program. \$200,000 of this amount is provided solely for implementation of the Puget Sound work plan and agency action item DOE-06.

(5) \$383,000 of the general fund--state appropriation for fiscal year 2002 and \$383,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for water conservation plan review, technical assistance, and project review for water conservation and reuse projects. By December 1, 2003, the department in cooperation with the department of health shall report to the governor and appropriate committees of the legislature on the activities and achievements related to water conservation and reuse during the past two biennia. The report shall include an overview of technical assistance provided, reuse project development activities, and water conservation achievements.

(6) \$3,424,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean up activities.

(7)(a) \$800,000 of the state toxics control account appropriation is provided solely to implement the department's persistent, bioaccumulative toxic chemical strategy.

(b) In developing its persistent bioaccumulative toxic chemical strategy, the department must:

(i) First develop a planned strategy for the reduction of mercury from the environment. This strategy will be known as the mercury chemical action plan. The development of the mercury chemical action plan will be a model for developing all future chemical action plans;

(ii) Develop a mercury chemical action plan that includes, but is not limited to: (A) Identifying current mercury uses in Washington; (B) analyzing current state and federal laws, regulations, rules, and voluntary measures that can be used to reduce or eliminate mercury; (C) identifying mercury reduction and elimination options; and (D) implementing actions to reduce or eliminate mercury uses and releases;

(iii) Involve an advisory committee of up to twelve members composed of adequate and balanced representation of local government, business, agriculture, and environmental, public health, and community groups in the development of the mercury chemical action plan. In addition, the department must invite and strongly encourage any interested tribes or federal agencies to participate in the advisory committee process. The advisory committee must be involved in the development of the mercury chemical action plan. All information that will serve as the basis for any decisions in the mercury chemical action plan's development must be available to the advisory committee members. The advisory committee has sixty days to provide input to the department on the elements of the mercury chemical action plan. The comments and suggestions made by the advisory committee must be considered by the department; however, consensus of the advisory committee is not necessary for the department to move forward in the development of the mercury chemical action plan. All meetings of the advisory committee are subject to the provisions of chapter 42.30 RCW. The advisory committee for the mercury chemical action plan must be established by April 15, 2002;

(iv) By August 31, 2002, develop and issue a draft mercury chemical action plan in consultation with the advisory committee. Following the release of the draft plan, the department must allow for a sixty-day public comment period. The advisory committee, following the comment period, shall consider the public comments received; and

(v) The department shall finalize the mercury chemical action plan by December 31, 2002. The final mercury chemical action plan, developed after considering the public comments and the input of the advisory committee, must outline actions for the department to take, including, but not limited to, the development of any rules and recommending any legislation. Implementation must begin no later than February 1, 2003.

(8) Up to \$11,365,000 of the state toxics control account appropriation is provided for the remediation of contaminated sites. Of this amount, up to \$2,000,000 may be used to pay existing site remediation liabilities owed to the federal environmental protection agency for clean-up work that has been completed. The department shall carefully monitor actual revenue collections into the state toxics control account, and is authorized to limit actual expenditures of the appropriation provided in this section consistent with available revenue.

(9) \$200,000 of the state toxics control account appropriation is provided to assess the effectiveness of the state's current toxic pollution prevention and dangerous waste programs and policies. The department shall work with affected stakeholder groups and the public to evaluate the performance of existing programs, and identify feasible methods of reducing the generation of these wastes. The department shall report its findings to the governor and the appropriate committees of the legislature by September 30, 2002.

(10) \$1,200,000 of the state toxics control account appropriation is provided solely for the department, in conjunction with affected local governments, to address emergent areawide soil contamination problems. The department's efforts will include public involvement processes and completing assessments of the geographical extent of toxic contamination including highly contaminated areas.

(11) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(12) \$1,500,000 of the general fund--state appropriation for fiscal year 2002, \$1,500,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the water quality account appropriation are provided solely to implement chapter 237, Laws of 2001 (Engrossed Substitute House Bill No. 1832, water resources management) and to support the processing of applications for changes and transfers of existing water rights.

(13) \$9,000,000 of the water quality account--state appropriation is provided solely for grants to local governments to conduct watershed planning and technical assistance. At least \$7,000,000 shall be distributed as grants and shall include \$200,000 for facilitation of the central Puget Sound regional initiative.

(14) \$3,114,000 of the water quality account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1832 (water resources management). Of this amount: (a) \$1,200,000 is provided for grants to local governments for targeted watershed assessments consistent with Engrossed Substitute House Bill No. 1832; and (b) the remainder of the funding is provided solely for development of a state environmental policy act template to streamline environmental review, creation of a blue ribbon panel to develop long-term watershed planning implementation funding options, and technical assistance.

(15) \$200,000 of the water quality account appropriation is provided solely to provide coordination and assistance to groups established for the purpose of protecting, enhancing, and restoring the biological, chemical, and physical processes of watersheds. These groups may include those involved in coordinated resource management, regional fisheries enhancement groups, conservation districts, watershed councils, and private nonprofit organizations incorporated under Title 24 RCW.

(16) \$325,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

(17) \$1,352,000 of the general fund--state appropriation for fiscal year 2002, \$700,000 of the general fund--state appropriation for fiscal year 2003, \$700,000 of the water quality account appropriation, and \$280,000 of the oil spill prevention account appropriation are provided solely for oil spill prevention measures in Puget Sound. Of these amounts:

(a) The general fund appropriation and the water quality account appropriation are provided solely for the department of ecology to provide for charter safety tug services, including the placement of a dedicated tug at Neah Bay for not less than 200 days in fiscal year 2002 and fiscal year 2003. By January 10, 2002, the department shall report to the appropriate committees of the legislature regarding the number of dispatches, response time and distance, and other factors pertaining to the safety tug services. The general fund--state appropriation in this subsection is provided solely for implementation of the Puget Sound work plan and agency action item DOE-09;

(b) \$100,000 of the oil spill prevention account appropriation is provided solely for the department to conduct a vessel transponder feasibility study for Washington waters and undertake a trial vessel tracking program using transponders. In conducting the feasibility study and trial program, the department of ecology shall consult with state pilotage authorities, the maritime industry and the United States coast guard; and

(c) \$180,000 of the oil spill prevention account appropriation is provided solely to acquire vessel incident reporting information. The governor shall request the federal government to provide ongoing resources to station a dedicated rescue tug at Neah Bay.

(18) \$600,000 of the water quality account--state appropriation is provided solely for setting instream flows in six basins not currently planning under the watershed planning act.

(19) \$200,000 of the water quality account appropriation is provided solely for activities associated with development of the Willapa River total maximum daily load (TMDL). The activities shall include but are not limited to: (a) A contract with Pacific county to complete the oxygen/bacteria and temperature model for the TMDL, conduct a technical analysis of local options for waste load allocations, and develop the first draft of the waste load allocation plan; and (b) a contract for facilitation services for a public process for the TMDL, assist in reaching consensus between parties involved in the technical work, help ensure that there is an accurate public record, and provide a forum for the waste load allocation.

(20) \$175,000 of the biosolids permit account is provided solely to develop a statewide septage strategy. The department shall work with affected stakeholders to address septage permit requirements, changes to existing rules, clarification of state and local responsibilities, and fee structure changes that are necessary to support the program in future biennia. The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2003.

(21) \$189,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for facilitation services and the following activities:

(a)(i) A joint task force is created to study judicial and administrative alternatives for resolving water disputes. The task force shall be organized and led by the office of the attorney general. In addition to the office of the attorney general, members of the task force shall include:

(A) Representatives of the legislature, including one member from each caucus appointed by the president of the senate and the speaker of the house of representatives;

(B) Representatives of the superior courts appointed by the president of the superior court judges association, and shall include two judicial officers of the superior court from eastern Washington and two judicial officers of the superior court from western Washington;

(C) A representative of the state court of appeals appointed by the chief justice of the state supreme court;

(D) A representative of the environmental hearings office; and

(E) A representative of the department of ecology.

(ii) The objectives of the task force are to:

(A) Examine and characterize the types of water disputes to be resolved;

(B) Examine the approach of other states to water dispute resolution;

(C) Recommend one or more methods to resolve water disputes, including, but not limited to, an administrative resolution process; a judicial resolution process such as water court; or any combination thereof; and

(D) Recommend an implementation plan that will address:

(I) A specific administrative structure for each method used to resolve water disputes;

(II) The cost to implement the plan; and

(III) The changes to statutes and administrative rules necessary to implement the plan.

(iii) The office of the attorney general shall work with the staff of the standing committees of the legislature with jurisdiction over water resources to research and compile information relevant to the mission of the task force by December 31, 2002.

(iv) The task force shall submit its report to the appropriate committees of the legislature no later than December 30, 2003.

(b) The department of ecology and the attorney general's office shall conduct a study to identify possible ways to streamline the water right general adjudication procedures. By December 1, 2002, the agencies will report on their findings and recommendations to the legislature.

(c)(i) The legislature finds that it is in the public interest to investigate the feasibility of conducting negotiations with other states and Canada regarding use of water bodies they share with the state of Washington.

(ii) The governor, or the governor's designee, shall consult with the states that share water bodies with the state of Washington, with Canada, and with other states that have conducted similar negotiations, regarding issues and strategies in those negotiations and shall report to the standing committees of the legislature having jurisdiction over water resources by January 1, 2003.

(iii) In conducting the consultations under this subsection (c), the governor shall give priority consideration to the interstate issues affecting the Spokane-Rathdrum Prairie aquifer including those issues affecting a safe and adequate supply of public drinking water, as provided by municipal governments.

(d) By October 1, 2002, the department of ecology shall provide to the appropriate standing committees of the legislature, a plan, schedule, and budget for improving the administration of water right records held by the department of ecology. The department of ecology shall work with the department of revenue and with county auditors in developing recommendations for improving the administration of water rights ownership information and integrating this information with real property ownership records. The department of ecology shall evaluate the need for grants to counties to assist with recording and information management needs related to water rights ownership and title.

(22) For applicants that meet eligibility requirements, the department of ecology shall consider individual stormdrain treatment systems to be classified as "activity" projects and eligible for grant funding provided under section 319 the federal Clean Water Act. These projects shall be prioritized for funding along with other grant proposals. Receipt of funding shall be based on this prioritization.

Sec. 302. 2002 c 371 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION General Fund--State Appropriation (FY 2002) \$32,198,000	
General Fund--State Appropriation (FY 2003) ((\$30,340,000))	<u>\$30,332,000</u>
General Fund--Federal Appropriation \$2,690,000	
General Fund--Private/Local Appropriation \$60,000	
Winter Recreation Program Account--State	
Appropriation \$1,087,000	
Off Road Vehicle Account--State Appropriation \$274,000	
Snowmobile Account--State Appropriation \$4,682,000	
Aquatic Lands Enhancement Account--State	
Appropriation \$337,000	
Public Safety and Education Account--State	
Appropriation \$47,000	
Salmon Recovery Account--State Appropriation \$200,000	
Water Trail Program Account--State	
Appropriation \$24,000	
Parks Renewal and Stewardship Account--	
State Appropriation ((\$27,193,000))	<u>\$27,733,000</u>
TOTAL APPROPRIATION ((\$99,132,000))	<u>\$99,664,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2001-03 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) The state parks and recreation commission, in collaboration with the office of financial management and legislative staff, shall develop a cost-effective and readily accessible approach for reporting revenues and expenditures at each state park. The reporting system shall be complete and operational by December 1, 2001.

(3) \$79,000 of the general fund--state appropriation for fiscal year 2002, \$79,000 of the general fund--state appropriation for fiscal year 2003, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(4) \$432,000 of the parks renewal and stewardship account appropriation is provided for the operation of the Silver Lake visitor center. If a long-term management agreement is not reached with the U.S. forest service by September 30, 2001, the amount provided in this subsection shall lapse.

(5) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(6) The task force on the funding of state parks and outdoor recreation is hereby created, to consider and develop legislation on the operation and funding of the state parks and outdoor recreation programs of the state. The committee shall be composed of fifteen members, four members of the senate appointed by the president of the senate and to include two members from each caucus, four members of the house of representatives appointed by the speaker of the house of representatives and to include two members from each caucus, three members appointed by the governor and to include at least one representative of a broad coalition of users of the state's parks and outdoor recreation programs, one member appointed by the commissioner of public lands, one member appointed by the chair of the fish and wildlife commission, and one member appointed by the chair of the state parks and recreation commission, and one member appointed by the interagency committee for outdoor recreation. The task force shall elect its own officers, shall be staffed by staff of the legislature, the executive agencies, and the office of the governor, and may appoint an advisory committee of additional persons and organizations interested in the operation and funding of state parks and outdoor recreation. The task force shall specifically review and incorporate into its work the reports prepared pursuant to budget provisos by the Washington state parks and recreation commission regarding its operating budget needs, deferred maintenance backlog, and capital facilities renovation and replacement requirements. The task force shall prepare recommendations for improving the operation of state parks and outdoor recreation programs and for securing adequate funding on a permanent basis for supporting the needs of the state parks and outdoor recreation programs of the state, including a legislative proposal for the implementation of an evergreen recreation pass that would combine the various permits and licenses of the participating agencies into a single pass for recreational day use. The recommendations shall be developed no later than January 1, 2003, and shall be designed for enactment by the legislature during 2003 for implementation in the 2005-07 biennium. The task force shall cease to exist on June 30, 2003.

Sec. 303. 2002 c 371 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE General Fund--State Appropriation (FY 2002) \$46,375,000	
General Fund--State Appropriation (FY 2003) ((\$44,334,000))	<u>\$44,328,000</u>
General Fund--Federal Appropriation ((\$37,716,000))	<u>\$46,242,000</u>

General Fund--Private/Local Appropriation ((\$24,365,000))	<u>\$29,039,000</u>
Off Road Vehicle Account--State Appropriation \$475,000	
Aquatic Lands Enhancement Account--State Appropriation ((\$5,133,000))	<u>\$5,366,000</u>
Public Safety and Education Account--State Appropriation \$574,000	
Recreational Fisheries Enhancement Account-- State Appropriation \$3,354,000	
Salmon Recovery Account--State Appropriation \$1,612,000	
Warm Water Game Fish Account--State Appropriation \$2,567,000	
Eastern Washington Pheasant Enhancement Account-- State Appropriation \$750,000	
Wildlife Account--State Appropriation ((\$50,680,000))	<u>\$50,897,000</u>
Wildlife Account--Federal Appropriation ((\$38,182,000))	<u>\$29,656,000</u>
Wildlife Account--Private/Local Appropriation ((\$15,133,000))	<u>\$10,459,000</u>
Game Special Wildlife Account--State Appropriation \$1,941,000	
Game Special Wildlife Account--Federal Appropriation \$9,591,000	
Game Special Wildlife Account--Private/Local Appropriation \$350,000	
Environmental Excellence Account--State Appropriation \$15,000	
Regional Fisheries Salmonid Recovery Account-- Federal Appropriation \$1,750,000	
Oil Spill Administration Account--State Appropriation \$963,000	
Oyster Reserve Land Account--State Appropriation \$135,000	
TOTAL APPROPRIATION ((\$285,995,000))	<u>\$286,439,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,682,000 of the general fund--state appropriation for fiscal year 2002 and \$1,189,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-07.
- (2) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to update the salmon and steelhead stock inventory.
- (3) \$250,000 of the general fund--state appropriation for fiscal year 2002 and \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement a hatchery endangered species act response. The response shall include emergency hatchery responses, production, and retrofitting of hatcheries for salmon recovery.
- (4) \$600,000 of the general fund--state appropriation for fiscal year 2002 and \$600,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for local salmon recovery technical assistance.
- (5) \$250,000 of the salmon recovery account appropriation is provided solely for a grant to the lower Skykomish River habitat conservation group for the purpose of developing a salmon recovery plan, in coordination with the lead entity established under chapter 77.85 RCW for that area. The salmon recovery plan must be consistent with the regional recovery plans of the Puget Sound shared strategy and criteria developed by the department for the regional salmon recovery planning program.
- (6) \$91,000 of the warm water game fish account appropriation is provided solely for warm water fish culture at the Rod Meseberg warm water fish production facility.
- (7) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund three cooperative compliance programs, both in Western and Eastern Washington. The cooperative compliance program shall conduct fish screen, fish way, and fish passage barrier assessments and correction plans for landowners seeking cooperative compliance agreements with the department.
- (8) \$1,300,000 of the salmon recovery account appropriation, \$400,000 of the general fund--state appropriation for fiscal year 2003, and \$5,000,000 of the general fund--federal appropriation are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.
- (9) \$810,000 of the general fund--state appropriation for fiscal year 2002, \$790,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the wildlife account--state appropriation are provided solely for enforcement and biological staff to respond and take appropriate action to public complaints regarding bear and cougar.
- (10) \$75,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to the department to execute an interagency agreement with the joint legislative audit and review committee to complete an independent organizational and operational review of the fish management division of the fish program. This review shall include:
 - (a) Identifying those actual functions carried out by the fish management division, including all expenditures by fund source linked to those functions, and the agency's rationale for its current staffing and expenditure levels;
 - (b) Distinguishing those specific division activities and expenditures that are mandated by court decisions, federal laws or treaties, federal contracts, state laws, and fish and wildlife commission directives, as apart from department discretionary policies;
 - (c) Reviewing the extent to which division activities and related program expenditures contribute to meeting legislative intent, agency goals, and programmatic objectives; and
 - (d) Evaluating how performance in meeting intent, goals, and objectives through program activities is measured, reported, and improved.

The committee shall provide a status report on this review to the appropriate legislative policy and fiscal committees by November 1, 2002, and a final report by December 1, 2003.

(11) The department shall implement a lands program manager consolidation program. The consolidation program shall target the department's south central region. The savings from this consolidation shall be used by the department for additional maintenance on agency lands within the south central region.

(12) The department shall implement a survey of all agency lands to evaluate whether agency lands support the agency's strategic plan and goals. The department shall submit a report to the governor and legislature by September 1, 2002, identifying those lands not conforming with the agency's strategic plan and which should be divested.

(13) \$388,000 of the general fund--state appropriation for fiscal year 2002 and \$388,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the forests and fish agreement and includes funding to continue statewide coordination and implementation of the forests and fish rules, integration of portions of the hydraulic code into the forest practices rules to provide permit streamlining, and sharing the responsibility of developing and implementing the required forests and fish agreement monitoring and adaptive management program.

(14) \$194,000 of the general fund--state appropriation for fiscal year 2002 and \$195,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff to represent the state's fish and wildlife interests in hydroelectric project relicensing processes by the federal energy regulatory commission.

(15) \$156,000 of the wildlife account--state appropriation is provided solely for a youth fishing coordinator to develop partnerships with local communities, and to identify, develop, fund, and promote youth fishing events and opportunities. Event coordination and promotion services shall be contracted to a private consultant.

(16) \$135,000 of the oyster reserve land account appropriation is provided solely to implement chapter 273, Laws of 2001, Engrossed Second Substitute House Bill No. 1658 (state oyster reserve lands).

(17) \$43,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(18) \$32,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(19) \$25,000 of the wildlife account--state appropriation is provided solely for the WildWatchCam program to provide internet transmission of live views of wildlife.

(20) \$8,000 of the general fund--state appropriation for fiscal year 2002 and \$7,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the payment of the department's share of approved lake management district assessments. By December 15, 2001, the department shall provide the legislature a summary of its activities related to lake management districts as well as recommendations for establishing equitable lake management district assessments.

(21) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(22) The fish and wildlife commission shall evaluate the adequacy, structure, and amount of fees for hunting and fishing licenses and make recommendations for revision of the fee structure and schedule as appropriate. The evaluation shall consider, but is not limited to: Assessment of the fish and wildlife resource management needs, fees in adjacent states and countries, and efficiencies made possible through automation. The commission shall report to the legislature and the office of financial management by November 1, 2002.

(23) The department shall establish a hydraulic project approval program technical review task force. The task force shall be composed of a balanced representation of both hydraulic project proponents and conservation interests. The task force shall conduct a thorough evaluation of the hydraulic project approval program and make recommendations to the legislature by November 30, 2002, based upon its evaluation. The task force recommendations shall include a potential fee structure and schedule for hydraulic project approval permits.

Sec. 304. 2002 c 371 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES General Fund--State Appropriation (FY 2002) \$35,949,000
General Fund--State Appropriation (FY 2003) (~~(\$30,465,000)~~)

	<u>\$48,332,000</u>
General Fund--Federal Appropriation ((\$10,936,000))	
	<u>\$20,267,000</u>
General Fund--Private/Local Appropriation \$2,265,000	
Forest Development Account--State	
Appropriation \$50,088,000	
Off Road Vehicle Account--State	
Appropriation \$3,684,000	
Surveys and Maps Account--State	
Appropriation \$2,689,000	
Aquatic Lands Enhancement Account--State	
Appropriation \$3,923,000	
Resources Management Cost Account--State	
Appropriation \$79,156,000	
Surface Mining Reclamation Account--State	
Appropriation \$2,416,000	
Salmon Recovery Account--State	
Appropriation \$625,000	
Water Quality Account--State Appropriation ((\$2,900,000))	
	<u>\$2,898,000</u>
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation \$1,056,000	
Natural Resource Conservation Areas Stewardship	
Account Appropriation \$209,000	
State Toxics Account--State Appropriation \$1,865,000	
Air Pollution Control Account--State	
Appropriation \$629,000	
Metals Mining Account--State Appropriation \$64,000	
Agricultural College Trust Management Account	
Appropriation \$1,790,000	
Derelict Vessel Removal Account--State	
Appropriation ((\$89,000))	
	<u>\$289,000</u>

TOTAL APPROPRIATION ((~~\$230,798,000~~))

\$258,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2002, \$18,000 of the general fund--state appropriation for fiscal year 2003, and \$998,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2)(a) \$625,000 of the salmon recovery account appropriation, \$1,250,000 of the general fund--state appropriation for fiscal year 2002, \$1,250,000 of the general fund--state appropriation for fiscal year 2003, and \$2,900,000 of the water quality account--state appropriation are provided solely for implementation of chapter 4, Laws of 1999 sp. sess. (forest practices and salmon recovery).

(b) \$250,000 of the salmon recovery account appropriation is provided solely for and shall be expended to develop a small forest landowner data base in ten counties. \$150,000 of the amount in this subsection shall be used to purchase the data. \$100,000 of the amount in this subsection shall purchase contracted analysis of the data.

(3) \$2,000,000 of the forest development account appropriation is provided solely for road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

(4) \$543,000 of the forest fire protection assessment account appropriation, \$22,000 of the forest development account appropriation, and \$76,000 of the resource management cost account appropriation are provided solely to implement chapter 279, Laws of 2001, Substitute House Bill No. 2104, (modifying forest fire protection assessments).

(5) \$354,000 of the general fund--state appropriation for fiscal year 2002 and \$895,000 of the general fund--state appropriation for fiscal year 2003 shall be transferred to the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(6) \$4,000 of the general fund--state appropriation for fiscal year 2002 and \$4,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(7) \$828,000 of the surface mine reclamation account appropriation is provided to implement Engrossed House Bill No. 1845 (surface mining fees). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(8) \$800,000 of the aquatic lands enhancement account appropriation and \$200,000 of the resources management cost account appropriation are provided solely to improve asset management on state-owned aquatic lands. The department shall streamline the use authorization process for businesses operating on state-owned aquatic lands and issue decisions on 325 pending lease applications by June 30, 2003. The department, in consultation with the attorney general, shall develop a strategic program to resolve claims related to contaminated sediments on state-owned aquatic lands.

(9) \$246,000 of the resource management cost account appropriation is provided to the department for continuing control of spruce budworm.

(10) \$100,000 of the aquatic lands enhancement account is provided solely for the development and initial implementation of a statewide management plan for marine reserves.

(11) \$7,657,859 of the general fund--state appropriation for fiscal year 2002 and ((~~\$4,153,859~~)) \$22,049,859 of the general fund--state appropriation for fiscal year 2003 are provided solely for emergency fire suppression.

(12) \$7,216,000 of the general fund--state appropriation for fiscal year 2002 and \$6,584,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for fire protection activities and to implement provisions of the 1997 tridrata fire program review.

(13) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$550,000 of the aquatic lands enhancement account--state appropriation, and \$209,000 of the natural resources conservation areas stewardship account--state appropriation are provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

(14) \$187,000 of the general fund--state appropriation for fiscal year 2002 and \$188,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the department for maintenance and stewardship of public lands.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$100,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control.

(16) Fees approved by the board of natural resources for filing and recording surveys are authorized to exceed the fiscal growth factor under RCW 43.135.055 for 2002.

(17) The entire state toxics control account appropriation is provided solely for the department to meet its settlement obligation with the U.S. Environmental Protection Agency for the clean-up of the Thea Foss Waterway.

((~~19~~)) (18) \$250,000 of the resource management cost account-- state appropriation and \$250,000 of the forest development account-- state appropriation are deposited in the contract harvesting revolving account--nonappropriated to implement Substitute Senate Bill No. 6257 (contract harvesting). If Substitute Senate Bill No. 6257 is not enacted the deposit in this subsection shall not occur.

((~~20~~)) (19) Within the amounts appropriated in this section, the department shall review the current procedures used to mobilize resources to fight forest fires under the state mobilization plan and through the department of natural resources. The review must include recommendations to ensure that the people closest to a fire are called first, to allow private contractors to be mobilized under the state mobilization plan, and to identify other efficiencies. The department shall review recent studies regarding ways to improve forest fire fighting in the state. The department shall consult with representatives of private contractors, fire districts, municipal fire departments, the state fire marshal, appropriate federal agencies, and other interested groups in developing the recommendations. The department shall report their findings and recommendations to the appropriate committees of the legislature by January 1, 2003.

((~~21~~)) (20) \$4,000,000 of the resource management cost account appropriation is provided solely for the purposes of RCW 79.64.020 and is contingent upon the establishment, management, and protection of the following marine reserves: Tidelands and bedlands adjacent to Cherry Point in Whatcom county; tidelands and bedlands surrounding Maury Island in King county; tidelands, bedlands, harbor areas, and waterways adjacent to the Puyallup River delta, within Commencement Bay in Pierce county; tidelands and bedlands surrounding Cypress Island in Skagit county; and tidelands and bedlands within Fidalgo Bay in Skagit county.

((~~22~~)) (21) Within the amounts appropriated in this section, the department shall update the Washington State University asset diversification plan to diversify at least ten percent of the commercial forest land base within ten years and report recommendations for implementing the plan to the appropriate committees of the legislature by December 1, 2002.

Sec. 305. 2002 c 371 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTUREGeneral Fund--State Appropriation (FY 2002) \$7,815,000
General Fund--State Appropriation (FY 2003) ((~~\$7,434,000~~))

\$7,377,000

General Fund--Federal Appropriation \$7,441,000
General Fund--Private/Local Appropriation \$1,110,000
Aquatic Lands Enhancement Account--State
Appropriation \$2,304,000
State Toxics Control Account--State
Appropriation ((~~\$2,917,000~~))

\$2,484,000

TOTAL APPROPRIATION ((~~\$29,021,000~~))

\$28,531,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2002 and \$37,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for implementation of the Puget Sound work plan and agency action item DOA-01.

(2) \$1,077,000 of the state toxics control account appropriation and \$298,000 of the agricultural local account are provided solely to establish a program to monitor pesticides in surface water, sample and analyze surface waters for pesticide residues, evaluate pesticide exposure on salmon species listed under the provisions of the endangered species act, and implement actions needed to protect salmonids.

(3) \$1,480,000 of the aquatic lands enhancement account appropriation is provided solely to initiate a plan to eradicate infestations of spartina in Puget Sound, Hood Canal, and Grays Harbor and begin the reduction in spartina infestations in Willapa Bay.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2002, \$75,000 of the general fund--state appropriation for fiscal year 2003, and \$150,000 of the general fund--federal appropriation are provided solely to the small farm and direct marketing program to support small farms in complying with federal, state, and local regulations, facilitating access to food processing centers, and assisting with grant funding requests.

(5) \$700,000 of the general fund--federal appropriation and \$700,000 of the general fund--private/local appropriation are provided solely to implement chapter 324, Laws of 2001 (Substitute House Bill No. 1891, marketing of agriculture).

(6) ((~~\$450,000~~)) \$242,000 of the state toxics control account-- state appropriation is provided solely for deposit in the agricultural local nonappropriated account for the plant pest account to reimburse county horticultural pest and disease boards for the costs of pest control activities, including tree removal, conducted under their existing authorities in chapters 15.08 and 15.09 RCW.

(7) The district manager for district two as defined in WAC 16-458- 075 shall transfer four hundred fifty thousand dollars from the fruit and vegetable district fund to the plant pest account within the agricultural local fund. The amount transferred must be derived from fees collected for state inspections of tree fruits and shall be used solely to reimburse county horticultural pest and disease boards in district two for the cost of pest control activities, including tree removal, conducted under their existing authority in chapters 15.08 and 15.09 RCW. The transfer of funds shall occur by July 1, 2001. On June 30, 2003, any unexpended portion of the four hundred fifty thousand dollars shall be returned to the fruit and vegetable district fund.

PART IV TRANSPORTATION

Sec. 401. 2002 c 371 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSINGGeneral Fund--State Appropriation (FY 2002) \$5,366,000
General Fund--State Appropriation (FY 2003) ((~~\$5,300,000~~))

Architects' License Account--State Appropriation ((\$684,000))	<u>\$5,350,000</u>
Cemetery Account--State Appropriation ((\$200,000))	<u>\$687,000</u>
Professional Engineers' Account--State Appropriation ((\$3,102,000))	<u>\$203,000</u>
Real Estate Commission--State Appropriation ((\$6,837,000))	<u>\$3,116,000</u>
Master License Account--State Appropriation ((\$8,278,000))	<u>\$6,868,000</u>
Uniform Commercial Code Account--State Appropriation ((\$2,900,000))	<u>\$8,306,000</u>
Real Estate Education Account--State Appropriation \$276,000	<u>\$2,914,000</u>
Funeral Directors and Embalmers Account--State Appropriation ((\$459,000))	<u>\$460,000</u>
Washington Real Estate Research Account Appropriation \$307,000	
Data Processing Revolving Account--State Appropriation \$23,000	
Derelect Vessel Removal Account--State Appropriation \$86,000	
TOTAL APPROPRIATION ((\$33,818,000))	<u>\$33,962,000</u>

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2001-03 fiscal biennium. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

Sec. 402. 2002 c 371 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROLGeneral Fund--State Appropriation (FY 2002) \$21,567,000
General Fund--State Appropriation (FY 2003) ((~~\$7,933,000~~))

General Fund--Federal Appropriation ((\$4,178,000))	<u>\$8,271,000</u>
General Fund--Private/Local Appropriation \$369,000	<u>\$4,818,000</u>
Death Investigations Account--State Appropriation \$4,024,000	
Public Safety and Education Account--State	

Appropriation ((\$14,769,000))	<u>\$14,748,000</u>
County Criminal Justice Assistance Account--State Appropriation \$2,870,000	
Municipal Criminal Justice Assistance Account-- State Appropriation \$1,367,000	
Fire Service Trust Account--State Appropriation \$125,000	
Fire Service Training Account--State Appropriation \$6,328,000	
State Toxics Control Account--State Appropriation \$461,000	
Violence Reduction and Drug Enforcement Account-- State Appropriation \$274,000	
Fingerprint Identification Account--State Appropriation ((\$5,316,000))	
	<u>\$6,028,000</u>
TOTAL APPROPRIATION ((\$69,581,000))	<u>\$71,250,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(2) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(3) \$100,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5896 (DNA testing of evidence). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(4) \$1,419,000 of the public safety and education account--state appropriation is provided solely for combating the proliferation of methamphetamine labs. The amounts in this subsection are provided solely for the following activities: (a) The establishment of a regional methamphetamine enforcement, training, and education program; (b) additional members for the statewide methamphetamine incident response team; and (c) two forensic scientists with the necessary equipment to perform lab analysis in the crime laboratory division.

(5) Within the amounts appropriated in this section, funding is provided to implement Substitute House Bill No. 2468 (offender DNA database).

(6) \$375,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for additional DNA testing kits.

PART V EDUCATION

Sec. 501. 2002 c 371 s 501 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS	
General Fund--State Appropriation (FY 2002) \$12,302,000	
General Fund--State Appropriation (FY 2003) \$12,000,000	
General Fund--Federal Appropriation ((\$53,760,000))	
	<u>\$15,248,000</u>
TOTAL APPROPRIATION ((\$78,062,000))	<u>\$39,550,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,385,000 of the general fund--state appropriation for fiscal year 2002 and \$11,101,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Of this amount, a maximum of \$350,000 is provided in each fiscal year for upgrading information systems including the general apportionment and student information systems.

(b) \$486,000 of the general fund--state appropriation for fiscal year 2002 and \$481,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of the general fund--state appropriation, \$100,000 is provided solely for certificate of mastery development and validation.

(c) \$431,000 of the general fund--state appropriation for fiscal year 2002 and \$418,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$49,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to support the joint task force on local effort assistance created by House Bill No. 3011.

(2) STATEWIDE PROGRAMS	
General Fund--State Appropriation (FY 2002) \$17,280,000	
General Fund--State Appropriation (FY 2003) ((\$9,990,000))	
	<u>\$9,898,000</u>
General Fund--Federal Appropriation ((\$85,395,000))	
	<u>\$139,140,000</u>
TOTAL APPROPRIATION ((\$112,665,000))	<u>\$166,318,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(ii) A maximum \$2,621,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$2,542,000 of the general fund--state appropriation for fiscal year 2003 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to create a school safety center subject to the following conditions and limitations.

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center shall be established in the office of the superintendent of public instruction. The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iv) A maximum of \$113,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$100,000 of the general fund-- state appropriation for fiscal year 2003 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(v) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$243,000 of the general fund-- state appropriation for fiscal year 2003 are provided for training in school districts regarding the prevention of bullying and harassment. The superintendent of public instruction shall use the funds to develop a model bullying and harassment prevention policy and training materials for school and educational service districts. The information may be disseminated in a variety of ways, including workshops and other staff development activities such as videotape or broadcasts.

(vi) A maximum of \$6,048,000 of the general fund--state appropriation for fiscal year 2002 is provided for a safety allocation to districts subject to the following conditions and limitations:

(A) The funds shall be allocated at a maximum rate of \$6.36 per year per full-time equivalent K-12 student enrolled in each school district in the prior school year.

(B) Districts shall expend funds allocated under this section to develop and implement strategies identified in a comprehensive safe school plan pursuant to House Bill No. 1818 (student safety) or Senate Bill No. 5543 (student safety). If neither bill is enacted by June 30, 2001, expenditures of the safety allocation shall be subject to (i), (ii), and (iii) of this subsection (a)(vi)(B).

(i) School districts shall use the funds for school safety purposes and are encouraged to prioritize the use of funds allocated under this section for the development, by September 1, 2002, of school-based comprehensive safe school plans that include prevention, intervention, all-hazards/crisis response, and post crisis recovery components. When developing comprehensive safe school plans, school districts are encouraged to use model school safety plans as developed by the school safety center. Implementation of comprehensive safe school plans may include, but is not limited to, employing or contracting for building security monitors in schools during school hours and school events; research-based early prevention and intervention programs; training for school staff, including security personnel; equipment; school safety hotlines; before, during, and after-school student and staff safety; minor building renovations related to student and staff safety and security; and other purposes identified in the comprehensive safe school plan.

(ii) Each school may conduct an evaluation of its comprehensive safe school plan and conduct reviews, drills, or simulated practices in coordination with local fire, law enforcement, and medical emergency management agencies.

(iii) By September 1, 2002, school districts shall provide the superintendent of public instruction information regarding the purposes for which the safety allocation funding was used and the status of the comprehensive safe school plans for the schools in the school district.

(vii) A maximum of \$200,000 of the general fund--state appropriation for fiscal year 2002, a maximum of \$194,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(viii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$145,000 of the general fund--state appropriation for fiscal year 2003 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(ix) A maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2002 is provided for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(b) TECHNOLOGY

(i) A maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,940,000 of the general fund--state appropriation for fiscal year 2003 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 of this amount may be expended for state-level administration and staff training on the K-20 network.

(ii) A maximum of \$617,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,079,000 of the general fund-- state appropriation for fiscal year 2003 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(c) GRANTS AND ALLOCATIONS

(i) A maximum of \$25,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,916,000 of the general fund-- state appropriation for fiscal year 2003 are provided for Senate Bill No. 5695 (alternative certification routes). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse. The stipend allocation per teacher candidate and mentor pair shall not exceed \$28,300. The professional educator standards board shall report to the education committees of the legislature by December 15, 2002, on the districts applying for partnership grants, the districts receiving partnership grants, and the number of interns per route enrolled in each district.

(ii) A maximum of \$31,500 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$31,000 of the general fund-- state appropriation for fiscal year 2003 are provided for operation of the Cispus environmental learning center.

(iii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington civil liberties education program.

(iv) A maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2002 is provided for complex need grants. The maximum grants for eligible districts are specified in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(v) A maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2002 is provided for educational centers, including state support activities. \$50,000 of this amount for fiscal year 2002 is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than \$50,000 a fiscal year.

(vi) A maximum of \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(vii) A maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2003 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(viii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to support vocational student leadership organizations.

(ix) (~~(\$9,900,000)~~) \$13,955,000 of the general fund--federal appropriation is provided for the Washington Reads project to enhance high quality reading instruction and school programs.

(x) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$146,000 of the general fund-- state appropriation for fiscal year 2003 are provided for the World War II oral history project.

(xi) \$13,942,000 of the general fund--federal appropriation is provided for school renovation grants for school districts with urgent school renovation needs, special education-related renovations, and technology related renovations.

(xii) (~~(\$4,962,000)~~) \$4,698,000 of the general fund--federal appropriation is provided for LINKS technology challenge grants to integrate educational reform with state technology systems and development of technology products that enhance professional development and classroom instruction.

(xiii) (~~(\$536,000)~~) \$1,763,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(xiv) (~~(\$12,318,000)~~) \$8,197,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xv) (~~(\$2,612,000)~~) \$2,473,000 of the general fund--federal appropriation is provided for teacher quality enhancement through provision of consortia grants to school districts and higher education institutions to improve teacher preparation and professional development.

Sec. 502. 2002 c 371 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT General Fund--State

Appropriation (FY 2002) \$3,786,124,000

General Fund--State Appropriation (FY 2003) (~~(\$3,711,897,000)~~)

\$3,728,589,000

TOTAL APPROPRIATION (~~(\$7,498,021,000)~~)

\$7,514,713,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2001-02 and 2002-03 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 2.2 certificated instructional staff units for the 2001-02 school year and an additional 0.8 certificated instructional staff units for the 2002-03 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in the 2001-02 school year and 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 55.4 funding ratio in the 2001-02 school year, and up to 1.3 of the 54.0 funding ratio in the 2002-03 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in the 2001-02 school year, and a ratio equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year, may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) For the 2002-03 school year, indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2001-02 and 2002-03 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 10.76 percent in the 2001-02 school year and 9.57 percent in the 2002-03 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.73 percent in the 2001-02 school year and 12.36 percent in the 2002-03 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(3) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,519 per certificated staff unit in the 2001-02 school year and a maximum of \$8,604 per certificated staff unit in the 2002-03 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$20,920 per certificated staff unit in the 2001-02 school year and a maximum of \$21,129 per certificated staff unit in the 2002-03 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,233 per certificated staff unit in the 2001-02 school year and a maximum of \$16,395 per certificated staff unit in the 2002-03 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$494.34 for the 2001-02 and 2002-03 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,424,000 outside the basic education formula during fiscal years 2002 and 2003 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$480,000 may be expended in fiscal year 2002 and a maximum of \$485,000 may be expended in fiscal year 2003;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended for the 2001-02 fiscal year and a maximum of \$2,035,000 for the 2003 fiscal year;

(c) A maximum of \$341,000 may be expended for school district emergencies; and

(d) A maximum of \$500,000 for fiscal year 2002 and \$485,000 for fiscal year 2003 may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 2000-01 school year to the 2001-02 school year.

(11) For purposes of RCW 84.52.0531, the increase in appropriations per full-time equivalent student provided in this act, including appropriations for salary and benefits increases, is 2.9 percent from the 2001-02 school year to the 2002-03 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2002 c 371 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION

ADJUSTMENTSGeneral Fund--State Appropriation (FY 2002) \$124,903,000

General Fund--State Appropriation (FY 2003) (~~(\$255,910,000)~~)

\$256,809,000

General Fund--Federal Appropriation (FY 2003) (~~(\$191,000)~~)

\$246,000

TOTAL APPROPRIATION (~~(\$381,004,000)~~)

\$381,958,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A total of (~~(\$329,316,000)~~) \$330,239,000 is provided for a cost of living adjustment for state formula staff units of 3.7 percent effective September 1, 2001, and 3.6 percent effective on September 1, 2002, consistent with the provisions of chapter 4, Laws of 2001 (Initiative Measure No. 732). The appropriations include associated incremental fringe benefit allocations at rates of 10.12 percent for school year 2001-02 and 8.93 percent for school year 2002-03 for certificated staff and 9.23 percent for school year 2001-02 and 8.86 percent for school year 2002-03 for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act, in accordance with chapter 4, Laws of 2001 (Initiative Measure No. 732). Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments as follows:

School Year

2002-03

2001-02

Pupil Transportation (per weighted pupil mile)	\$0.77	\$1.54
	\$8.71	\$16.70
Highly Capable (per formula student)		
	\$22.63	\$44.74
Transitional Bilingual Education (per eligible bilingual student)		
	\$11.19	\$22.26
Learning Assistance (per entitlement unit)		
	\$18.29	\$36.75
Substitute Teacher (allocation per teacher, section 502(7))		

(2) This act appropriates general fund--state funds and other funds for the purpose of providing the annual salary cost-of-living increase required by section 2, chapter 4, Laws of 2001 (Initiative Measure No. 732) for teachers and other school district employees in the state-funded salary base. For employees not included in the state-funded salary base, the annual salary cost-of-living increase may be provided by school districts from the federal funds appropriated in this act and local revenues, including the adjusted levy base as provided in RCW 84.52.053 and section 502 of this act, and state discretionary funds provided under this act.

(3) ((~~\$51,688,000~~) \$51,719,000) is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$427.73 per month for the 2001-02 and 2002-03 school years. The appropriations in this section provide for a rate increase to \$455.27 per month for the 2001-02 school year and \$457.07 per month for the 2002-03 school year at the following rates:

	School Year	
	2001-02	2002-03
Pupil Transportation (per weighted pupil mile)	\$0.25	\$0.27
	\$1.74	\$1.81
Highly Capable (per formula student)		
	\$4.46	\$4.75
Transitional Bilingual Education (per eligible bilingual student)		
	\$3.51	\$3.73
Learning Assistance (per entitlement unit)		

(4) The rates specified in this section are subject to revision each year by the legislature.

Sec. 504. 2002 c 371 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION	General Fund--State Appropriation
	(FY 2002) \$192,402,000
	General Fund--State Appropriation (FY 2003) ((\$193,293,000))
	<u>\$212,019,000</u>
TOTAL APPROPRIATION ((\$385,695,000))	<u>\$404,421,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$767,000 of this fiscal year 2002 appropriation and a maximum of \$752,000 of the fiscal year 2003 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2002 appropriation and \$5,000 of the fiscal year 2003 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$37.07 per weighted mile in the 2001-02 school year and \$37.12 per weighted mile in the 2002-03 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 505. 2001 2nd sp.s. c 7 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS General Fund--State
Appropriation (FY 2002) \$3,100,000

General Fund--State Appropriation (FY 2003) \$3,100,000

General Fund--Federal Appropriation ((~~\$225,630,000~~))

\$236,435,000

TOTAL APPROPRIATION ((~~\$231,830,000~~))

\$242,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2002 and \$3,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the 2003 fiscal year appropriation are provided for summer food programs for children in low-income areas.

Sec. 506. 2002 c 371 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS General Fund--State
Appropriation (FY 2002) \$420,165,000

General Fund--State Appropriation (FY 2003) ((~~\$408,761,000~~))

\$410,263,000

General Fund--Federal Appropriation ((~~\$256,407,000~~))

\$295,015,000

TOTAL APPROPRIATION ((~~\$1,085,333,000~~))

\$1,125,443,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) Effective with the 2001-02 school year, the superintendent of public instruction shall change the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) Effective with the 2001-02 school year, the S-275 and accounting changes shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty- one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2001-02 and 2002-03 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

(i) For the 2001-02 school year, each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(ii) For the 2002-03 school year, each district's general fund-- state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) Safety net funding shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) A maximum of \$8,500,000 of the general fund--state appropriation and a maximum of \$3,500,000 of the general fund--federal appropriation for fiscal year 2002 are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. (b) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the lesser of the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

(c) The committee shall then consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(g) The superintendent may expend up to \$120,000 of the amounts provided in this subsection (8) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(9) For fiscal year 2003 to the extent necessary, \$12,873,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (9), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$120,000 of the amount provided from the general fund--federal appropriation in this subsection (9) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(10) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(11) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) To the extent necessary, in fiscal year 2002, \$2,250,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs exceed \$2,250,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(13) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent for the 2001-02 school year. For the 2002-03 school year, the superintendent shall allocate the federal funds as specified in this section and shall adjust federal flow-through funds accordingly. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(17) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(18) The superintendent of public instruction shall implement the recommendations of the joint legislative audit and review committee study on special education (report 01-11) only to the extent that funds have been specifically provided therefor.

Sec. 507. 2002 c 371 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS General Fund--State Appropriation (FY 2002) \$3,765,000
General Fund--State Appropriation (FY 2003) (~~(\$512,000)~~)

\$513,000

((Public Safety and Education Account

Appropriation \$6,567,000))

TOTAL APPROPRIATION (~~(\$10,844,000)~~)

\$4,278,000

((~~(4)~~)) The general fund--state appropriations in this section are subject to the following conditions and limitations:

~~((a))~~ (1) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

~~((b))~~ (2) A maximum of \$253,000 of the fiscal year 2002 general fund appropriation may be expended for regional traffic safety education coordinators.

~~((c))~~ (3) Allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$203.97 per eligible student in the 2001-02 school year.

~~((2))~~ The public safety and education account appropriation in this section is subject to the following conditions and limitations:

~~(a)~~ The public safety and education account appropriation shall lapse if House Bill No. 2573 (traffic safety education) is not enacted by June 30, 2002.

~~(b)~~ If House Bill No. 2573 is enacted by June 30, 2002, districts shall receive the following allocations:

~~(i)~~ The maximum basic state allocation per student completing the program shall be \$148.00 in the 2002-03 school year.

~~(ii)~~ Additional allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$71.00 per eligible student in the 2002-03 school year.

~~(c)~~ A maximum of \$254,000 may be expended for regional traffic safety education coordinators.

Sec. 508. 2002 c 371 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE General Fund--State
Appropriation (FY 2002) \$140,932,000

General Fund--State Appropriation (FY 2003) ~~(\$154,931,000)~~

\$155,788,000

TOTAL APPROPRIATION ~~(\$295,863,000)~~

\$296,720,000

The appropriations in this section are subject to the following conditions and limitations:

Calendar year 2003 local effort assistance calculations under chapter 28A.500 RCW shall be adjusted by multiplying allocations and maximum eligibility for each district by 0.99 as authorized by House Bill No. 3011.

Sec. 509. 2002 c 371 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS General Fund--
State Appropriation (FY 2002) \$19,073,000

General Fund--State Appropriation (FY 2003) ~~(\$18,658,000)~~

\$17,844,000

General Fund--Federal Appropriation \$8,548,000

TOTAL APPROPRIATION ~~(\$46,279,000)~~

\$45,465,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$141,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$139,000)~~ \$226,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 510. 2002 c 371 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS General
Fund--State Appropriation (FY 2002) \$6,470,000

General Fund--State Appropriation (FY 2003) ~~(\$6,229,000)~~

\$6,246,000

TOTAL APPROPRIATION ~~(\$12,699,000)~~

\$12,716,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$327.22 per funded student for the 2001-02 school year and ~~(\$313.07)~~ \$313.12 per funded student for the 2002-03 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$175,000 of the fiscal year 2002 appropriation and \$170,000 of the fiscal year 2003 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$93,000 of the fiscal year 2002 appropriation and \$90,000 of the fiscal year 2003 appropriation are provided for the Washington imagination network and future problem-solving programs.

Sec. 511. 2002 c 371 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE
ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT** General Fund--
Federal Appropriation ~~(\$201,737,000)~~

\$199,660,000

Sec. 512. 2002 c 371 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS General Fund--State
Appropriation (FY 2002) \$36,880,000

General Fund--State Appropriation (FY 2003) ~~(\$30,150,000)~~

\$30,269,000

General Fund--Federal Appropriation \$60,571,000

TOTAL APPROPRIATION ~~(\$127,601,000)~~

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$322,000 of the general fund--state appropriation for fiscal year 2002 and \$312,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the academic achievement and accountability commission.
- (2) \$12,209,000 of the general fund--state appropriation for fiscal year 2002, \$8,872,000 of the general fund--state appropriation for fiscal year 2003, and \$4,000,000 of the general fund--federal appropriation are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.
- (3) \$1,095,000 of the fiscal year 2002 general fund--state appropriation and \$548,000 of the fiscal year 2003 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.
- (4) \$4,695,000 of the general fund--state appropriation for fiscal year 2002 and \$2,348,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.
 - (a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:
 - (i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;
 - (ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;
 - (iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;
 - (iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;
 - (v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and
 - (vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.
 - (b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:
 - (i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;
 - (ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and
 - (iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.
- (5) \$2,025,000 of the general fund--state appropriation for fiscal year 2002 and \$1,964,000 of the general fund--state appropriation for fiscal year 2003 are provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.
- (6) \$3,600,000 of the general fund--state appropriation for fiscal year 2002 and \$3,600,000 of the general fund--state appropriation for fiscal year 2003 are provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.
- (7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.
- (8) \$1,409,000 of the general fund--state appropriation for fiscal year 2002 and \$705,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the leadership internship program for superintendents, principals, and program administrators.
- (9) \$1,828,000 of the general fund--state appropriation for fiscal year 2002 and \$1,773,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the mathematics helping corps subject to the following conditions and limitations:
 - (a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.
 - (b) The school improvement specialists shall provide the following:
 - (i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;
 - (ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;
 - (iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;
 - (iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;
 - (v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;
 - (vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and
 - (vii) Other assistance to schools and school districts intended to improve student mathematics learning.
- (10) A maximum of \$500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of \$485,000 of the general fund--state appropriation for fiscal year 2003 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with

training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(11) \$3,930,000 of the general fund--state appropriation for fiscal year 2002 and \$3,714,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2001 through August 31, 2003.

(12) \$375,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$725,000)~~ \$844,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who have attained certification by the national board shall receive an annual bonus not to exceed \$3,500.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than four annual bonus payments for attaining certification by the national board.

(13) \$625,000 of the general fund--state appropriation for fiscal year 2002 and \$313,000 of the general fund--state appropriation for fiscal year 2003 are provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(14) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$71,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(15) \$384,000 of the general fund--state appropriation for fiscal year 2002 and \$372,000 of the general fund--state appropriation for fiscal year 2003 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(16) \$130,000 of the general fund--state appropriation for fiscal year 2002 and \$126,000 of the general fund--state appropriation for fiscal year 2003 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(17) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,746,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Of the amounts provided, \$219,000 of the fiscal year 2002 appropriation and \$201,000 of the fiscal year 2003 appropriation are provided to the office of the superintendent of public instruction for the administrative duties arising under this subsection. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for grants to school districts to adopt or revise district-wide and school-level plans to achieve performance improvement goals established under RCW 28A.655.030, and to post a summary of the improvement plans on district websites using a common format provided by the office of the superintendent of public instruction.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for recognition plaques for schools that successfully met the fourth grade reading improvement goal established under RCW 28A.655.050.

(20) \$46,554,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(21) \$6,591,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(22) In addition to amounts provided in subsection (2) of this section, \$3,426,000 of the general fund--federal appropriation is provided for the development of state assessments as required under Title VI of the no child left behind act.

Sec. 513. 2002 c 371 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS General Fund--
State Appropriation (FY 2002) \$42,767,000

General Fund--State Appropriation (FY 2003) ~~(\$44,734,000)~~

\$44,142,000

General Fund--Federal Appropriation (FY 2003) ~~(\$20,280,000)~~

\$19,755,000

TOTAL APPROPRIATION ~~(\$107,781,000)~~

\$106,664,000

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
- (a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (b) The superintendent shall distribute a maximum of \$684.36 per eligible bilingual student in the 2001-02 school year and \$674.69 in the 2002-03 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (c) The superintendent may withhold up to \$295,000 in school year 2001-02 and up to \$700,000 in school year 2002-03, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in section 2(1) and (2) of Engrossed Second Substitute House Bill No. 2025.
- (d) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.
- (e) Sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 2025 (schools/bilingual instruction).
- (2) The general fund--federal appropriation in this section is provided for migrant education, English language acquisition, and language enhancement grants under Title III of the no child left behind act.

Sec. 514. 2002 c 371 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM	
General Fund--State Appropriation (FY 2002) \$71,342,000	
General Fund--State Appropriation (FY 2003) ((\$64,614,000))	<u>\$63,981,000</u>
General Fund--Federal Appropriation (FY 2003) \$130,631,000	
TOTAL APPROPRIATION ((\$266,587,000))	<u>\$265,954,000</u>

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
- (a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$407.39 per funded unit for the 2001- 02 school year and \$404.78 per funded unit for the 2002-03 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
- (c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.
- (d) A school district's general fund--state funded units for the 2001-02 school year shall be the sum of the following:
- (i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and
- (ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and
- (iii) The district's full-time equivalent enrollment in grades 10- 11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and
- (iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.
- (e)(i) A school district's general fund--state funded units for the 2002-03 school year shall be the sum of the following:
- (A) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;
- (B) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999- 2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and
- (C) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and
- (D) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.
- (ii) In addition to amounts allocated under (a) of this subsection, the superintendent shall provide additional amounts as follows:
- (A) For school districts receiving less than a 3.0 percent increase in federal Title I Part A (basic program) funds, the multiplier in (i)(A), (B), and (C) of this subsection (e) shall be .92;
- (B) For school districts not eligible for additional funds under (b)(i) of this subsection, and whose effective increase in federal Title I Part A (basic program) funds is less than 3.0 percent after taking into account the change in the multiplier from .92 to .82, an additional amount to provide a 3.0 percent increase.
- (f) School districts may carry over from one year to the next up to 10 percent of general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.
- (2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

Sec. 515. 2002 c 371 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS	
General Fund--State Appropriation (FY 2002) \$19,663,000	
General Fund--State Appropriation (FY 2003) ((\$3,541,000))	<u>\$3,532,000</u>
TOTAL APPROPRIATION ((\$23,204,000))	<u>\$23,195,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 2001-02 school year shall be at a maximum annual rate of \$18.48 per full-time equivalent student. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

Sec. 516. 2002 c 371 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM Student Achievement Fund--State

Appropriation (FY 2002) \$180,837,000

Student Achievement Fund--State

Appropriation (FY 2003) (~~(\$210,312,000)~~)

\$210,376,000

TOTAL APPROPRIATION (~~(\$391,149,000)~~)

\$391,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is allocated for the following uses as specified in chapter 28A.505 RCW as amended by chapter 3, Laws of 2001 (Initiative Measure No. 728):

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extend day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Funding for school district student achievement programs shall be allocated at a maximum rate of \$190.19 per FTE student for the 2001-02 school year and (~~(\$219.84)~~) \$220.00 per FTE student for the 2002-03 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(3) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

PART VI HIGHER EDUCATION

Sec. 601. 2002 c 371 s 604 (uncodified) is amended to read as follows:

FOR UNIVERSITY OF WASHINGTON General Fund--State Appropriation (FY 2002) \$345,904,000

General Fund--State Appropriation (FY 2003) (~~(\$336,544,000)~~)

\$333,770,000

Death Investigations Account--State

Appropriation \$258,000

University of Washington Building Account--

State Appropriation \$1,103,000

Accident Account--State Appropriation \$5,881,000

Medical Aid Account--State Appropriation \$5,937,000

TOTAL APPROPRIATION (~~(\$695,627,000)~~)

\$692,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than as specified by the legislature in section 602 of this act in order to focus on high demand areas. The university shall report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report shall provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and \$2,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. It is the intent of the legislature that at least ninety-nine of the full-time equivalent enrollments allocated to the university's Tacoma branch campus for the 2002-03 academic year may be used to establish the technology institute. The university will expand undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2002 as to its progress and future steps.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(4) The department of environmental health shall report to the legislature the historical, current, and anticipated use of funds provided from the accident and medical aid accounts. The report shall be submitted prior to the convening of the 2002 legislative session.

(5) \$258,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriations are provided solely for the school of medicine to conduct a survey designed to evaluate characteristics, factors and probable causes for the high incidence of multiple sclerosis cases in Washington state.

(9) \$1,103,000 of the University of Washington building account-- state appropriation is provided solely for the repair and reconstruction of the Urban Horticulture Center (Merrill Hall).

Sec. 602. 2002 c 371 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY General Fund--State Appropriation (FY 2002) \$201,362,000
General Fund--State Appropriation (FY 2003) (~~(\$195,533,000)~~)

\$193,807,000

TOTAL APPROPRIATION (~~(\$396,895,000)~~)

\$395,169,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than specified by the legislature in section 602 of this act in order to focus on high demand areas. The university will report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report will provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$165,000 of the general fund--state appropriation for fiscal year 2002 and \$166,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

Sec. 603. 2002 c 371 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY General Fund--State Appropriation (FY 2002) \$45,517,000
General Fund--State Appropriation (FY 2003) (~~(\$44,174,000)~~)

\$43,724,000

TOTAL APPROPRIATION (~~(\$89,691,000)~~)

\$89,241,000

Sec. 604. 2002 c 371 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY General Fund--State Appropriation (FY 2002) \$44,147,000
General Fund--State Appropriation (FY 2003) (~~(\$42,149,000)~~)

\$41,425,000

TOTAL APPROPRIATION (~~(\$86,296,000)~~)

\$85,572,000

The appropriations in this section are subject to the following conditions and limitations: \$700,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the development and implementation of the university's enrollment stabilization recovery and growth plan. The university shall report back to the fiscal committees of the legislature, the office of financial management, and the higher education coordinating board at the end of each fiscal year with details of its actions and progress.

Sec. 605. 2002 c 371 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE General Fund--State Appropriation (FY 2002) \$25,325,000
General Fund--State Appropriation (FY 2003) (~~(\$24,474,000)~~)

\$24,188,000

TOTAL APPROPRIATION (~~(\$49,799,000)~~)

\$49,513,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~((2))~~) \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to complete studies of services described in section 202(1), chapter 1, Laws of 2000 2nd sp. sess.

(~~((3))~~) (2) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$54,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to conduct an outcome evaluation pursuant to Substitute Senate Bill No. 5416 (drug-affected infants). The institute shall provide a report to the fiscal, health, and human services committees of the legislature by December 1, 2003. If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall be used to evaluate outcomes across state health and social service pilot projects and other national models involving women who have given birth to a drug-affected infant, comparing gains in positive birth outcomes for resources invested, in which case the institute's findings and recommendations will be provided by November 15, 2002.

(~~((4))~~) (3) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to evaluate partnership grant programs for alternative teacher certification pursuant to Engrossed Second Substitute Senate Bill No. 5695. An interim report shall be provided to the fiscal and education committees of the legislature by December 1, 2002, and a final report by December 1, 2004.

(~~((5))~~) (4) \$60,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine options for revising the state's funding formula for the learning assistance program to enhance accountability for school performance in meeting education reform goals. The institute shall submit its report to the appropriate legislative fiscal and policy committees by June 30, 2002.

(~~((6))~~) (5) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to study the prevalence and needs of families who are raising related children. The study shall compare services and policies of Washington state with other states that have a high rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements. A report shall be provided to the fiscal and human services committees of the legislature by June 1, 2002.

((7)) (6) \$35,000 of the general fund--state appropriation for fiscal year 2002 and \$15,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to examine various educational delivery models for providing services and education for students through the Washington state school for the deaf. The institute's report, in conjunction with the capacity planning study from the joint legislative audit and review committee, shall be submitted to the fiscal committees of the legislature by September 30, 2002.

((8)) (7) \$30,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine the structure, policies, and recent experience in states where welfare recipients may attend college full-time as their required TANF work activity. The institute will provide findings and recommend how Washington could consider adding this feature in a targeted, cost-neutral manner that would complement the present-day WorkFirst efforts and caseload. The institute shall provide a report to the human services, higher education, and fiscal committees of the legislature by November 15, 2001.

((9)) (8) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to research and evaluate strategies for constraining the growth in state health expenditures. Specific research topics, approaches, and timelines shall be identified in consultation with the fiscal committees of the legislature.

((10)) (9) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to conduct a comprehensive review of the costs and benefits of existing juvenile crime prevention and intervention programs. This evaluation shall also consider what changes could result in more cost-effective and efficient funding for juvenile crime prevention and intervention programs presently supported with state funds. The institute for public policy shall report its findings and recommendations to the appropriate legislative fiscal and policy committees by October 1, 2002.

Sec. 606. 2002 c 371 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY General Fund--State Appropriation (FY 2002) \$59,732,000
General Fund--State Appropriation (FY 2003) (~~(\$58,418,000)~~)

\$57,968,000

TOTAL APPROPRIATION (~~(\$118,150,000)~~)

\$117,700,000

The appropriations in this section are subject to the following conditions and limitations:

((4)) \$753,000 of the general fund--state appropriation for fiscal year 2002 and \$980,400 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

Sec. 607. 2002 c 371 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION General Fund--State Appropriation (FY 2002) \$2,345,000

General Fund--State Appropriation (FY 2003) (~~(\$2,288,000)~~)

\$2,259,000

General Fund--Federal Appropriation \$636,000

TOTAL APPROPRIATION (~~(\$5,269,000)~~)

\$5,240,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue the teacher training pilot program pursuant to chapter 177, Laws of 1999.

(2) \$105,000 of the general fund--state appropriation for fiscal year 2002 and \$245,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

Sec. 608. 2002 c 371 s 612 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD General Fund--State Appropriation (FY 2002) \$1,762,000

General Fund--State Appropriation (FY 2003) (~~(\$1,633,000)~~)

\$1,629,000

General Fund--Federal Appropriation \$44,987,000

TOTAL APPROPRIATION (~~(\$48,382,000)~~)

\$48,378,000

The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2002 as to the progress and future steps for INTEC as this new public-private partnership evolves.

Sec. 609. 2002 c 371 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY General Fund--State Appropriation (FY 2002) \$2,899,000

General Fund--State Appropriation (FY 2003) (~~(\$3,035,000)~~)

\$2,952,000

TOTAL APPROPRIATION (~~(\$5,934,000)~~)

\$5,851,000

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation for fiscal year 2002 and \$285,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for activities related to the Lewis and Clark Bicentennial.

Sec. 610. 2002 c 371 s 617 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY General Fund--State Appropriation (FY 2002) \$1,674,000

General Fund--State Appropriation (FY 2003) (~~(\$1,489,000)~~)

\$1,447,000

TOTAL APPROPRIATION (~~(\$3,163,000)~~)

\$3,121,000

Sec. 611. 2002 c 371 s 619 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF General Fund--State Appropriation (FY 2002) \$7,395,000

General Fund--State Appropriation (FY 2003) (~~(\$7,751,000)~~)

\$7,698,000

General Fund--Private/Local Appropriation \$232,000

TOTAL APPROPRIATION ((~~\$15,378,000~~))

\$15,325,000

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for additional staffing and other student safety measures at the school. The school will hire six additional staff, increase staff communications and accessibility, and implement a training program to enhance staff members' abilities to work with at-risk youth.(.)

PART VII SPECIAL APPROPRIATIONS

Sec. 701. 2002 c 371 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMITGeneral Fund--State Appropriation (FY 2002) \$576,097,000
General Fund--State Appropriation (FY 2003) ((~~\$622,540,000~~))

\$582,500,000

State Building Construction Account--State
Appropriation ((~~\$7,999,000~~))

\$3,882,000

Debt-Limit General Fund Bond Retirement Account--
State Appropriation \$400,000

Debt-Limit Reimbursable Bond Retire Account--
State Appropriation \$2,591,000

State Taxable Building Construction Account--
State Appropriation ((~~\$496,000~~))

\$59,000

TOTAL APPROPRIATION ((~~\$1,209,723,000~~))

\$1,165,529,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year ((2002)) 2003 shall be deposited in the debt-limit general fund bond retirement account by June 30, ((2002)) 2003.

Sec. 702. 2002 c 371 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTEGeneral Fund--State Appropriation (FY 2002) \$24,542,000
General Fund--State Appropriation (FY 2003) \$26,706,000

Capitol Historic District Construction
Account--State Appropriation ((~~\$454,000~~))

\$136,000

Higher Education Construction Account--State
Appropriation ((~~\$499,000~~))

\$330,000

State Higher Education Construction Account--
State Appropriation ((~~\$50,000~~))

\$33,000

State Vehicle Parking Account--State
Appropriation ((~~\$100,000~~))

\$1,000

Nondebt-Limit Reimbursable Bond Retirement Account--
State Appropriation ((~~\$128,043,000~~))

\$124,199,000

TOTAL APPROPRIATION ((~~\$180,394,000~~))

\$175,947,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 703. 2002 c 371 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSESGeneral Fund--State Appropriation (FY 2002) \$567,000

General Fund--State Appropriation (FY 2003) \$658,000
Higher Education Construction Account--State
Appropriation ((~~\$77,000~~))

\$54,000

State Higher Education Construction Account--
State Appropriation ((~~\$42,000~~))

\$5,000

State Building Construction Account--State
Appropriation ((~~\$1,488,000~~))

\$667,000

State Vehicle Parking Account--State
Appropriation ((~~\$10,000~~))

\$1,000

Capitol Historic District Construction
Account--State Appropriation ((~~\$130,000~~))

\$22,000

State Taxable Building Construction Account--
State Appropriation ((~~\$50,000~~))

\$51,000

TOTAL APPROPRIATION ((~~\$3,022,000~~))

\$2,025,000

Sec. 704. 2002 c 371 s 712 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and fire fighters' retirement system shall be made on a monthly basis beginning July 1, 2001, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:
General Fund--State Appropriation (FY 2002) \$15,437,000
General Fund--State Appropriation (FY 2003) (~~(\$16,208,000)~~)

\$16,440,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations include reductions to reflect savings resulting from the implementation of state pension contribution rates effective April 1, 2002, as provided in House Bill No. 2782.

(2) There is appropriated for contributions to the judicial retirement system:
General Fund--State Appropriation (FY 2002) \$6,000,000
General Fund--State Appropriation (FY 2003) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:
General Fund--State Appropriation (FY 2002) \$250,000
General Fund--State Appropriation (FY 2003) \$250,000
TOTAL APPROPRIATION (~~(\$44,145,000)~~)

\$44,377,000

NEW SECTION. Sec. 705. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:
FOR THE LIABILITY ACCOUNT General Fund--State Appropriation (FY 2003) \$3,000,000

NEW SECTION. Sec. 706. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:
AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND PERSONAL SERVICE CONTRACTS. The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$6,000,000 from 2001-03 biennial general fund appropriations and \$6,000,000 from appropriations from other funds. \$5,000,000 of the general fund allotment reduction and \$5,000,000 of the other funds allotment reduction shall be placed in unallotted status and remain unexpended. \$1,000,000 of the general fund allotment reduction and \$1,000,000 of the other funds allotment reduction is hereby appropriated to the governor to be used on an emergency basis to allocate to state agencies to fund critically necessary travel, equipment, and personal service contracts that cannot be funded from an agency's existing expenditure authority. Prior to receiving an allocation, an agency must demonstrate that the reductions cannot be achieved from the items listed in this section (equipment, contracts, and travel) nor from any other items in its budget (such as personnel and goods and services).

NEW SECTION. Sec. 707. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:
STATE EMPLOYMENT. (1) From the effective date of this act until the conclusion of the fiscal biennium ending June 30, 2003, and consistent with the governor's Executive Directive No. 02-04, state agencies of the executive branch shall not establish new staff positions except as specifically authorized by this supplemental appropriations act or fill vacant existing staff positions except as specifically authorized by this section.

(2) Public safety agencies may fill two-thirds of staff positions becoming vacant; all other agencies may fill two-fifths of vacant positions. In filling vacant positions pursuant to this subsection, agencies shall place the highest priority on front-line positions engaged in service delivery to the public.

(3) Exceptions to subsections (1) and (2) of this section may be granted only by the governor and only for critical or emergent situations that threaten public health or safety, as determined by the governor. The governor shall notify the legislative fiscal committees within ten days of the granting of any exception under this subsection.

(4) This section applies to all agencies of the executive branch, including all boards, commissions, and agencies headed by elected officials. This section does not apply to the institutions of higher education and state institutional programs. It is the intent of the legislature that agencies of the legislative and judicial branches of state government shall also observe the employment policies established by this section, subject to such procedures as may be adopted by the legislative and judicial branches, respectively.

Sec. 708. 2002 c 371 s 719 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2003. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of this act and section 706 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

Sec. 709. 2002 c 371 s 726 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of (~~general administration~~) financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) Eythor Westman, claim number SCJ 02-01 \$7,000
 - (b) Stacey Julian, claim number SCJ 02-02 \$59,136
 - (c) Christopher Denney, claim number SCJ 02-03 \$11,598
 - (d) Onofre Vazquez, claim number SCJ 02-04 \$200
 - (e) William Voorhies, claim number SCJ 02-05 \$3,694
 - (f) Glenn Rowilson, claim number SCJ 02-06 \$14,395
 - (g) Frankie Doerr, claim number SCJ 02-07 \$9,100
 - (h) Ralph Howard, claim number SCJ 00-09 \$99,497

- (i) Johnny Adams, claim number SCJ 01-17 \$11,916
- (j) Shane Mathus, claim number SCJ 02-08 \$13,043
- (k) Timothy Farnam, claim number SCJ 02-09 \$21,822
- (l) Rebecca Williams, claim number SCJ 02-10 \$2,241
- (m) Stewart Bailey, claim number SCJ 02-11 \$4,186
- (n) Aaron Knaack, claim number SCJ 02-13 \$4,330
- (o) Jacob Clark, claim number SCJ 02-14 \$11,613
- (p) Victor Stanculescu, claim number SCJ 03-01 \$6,696
- (q) Darin Tidball, claim number SCJ 03-02 \$4,125
- (r) Keith Dusky, claim number SCJ 03-03 \$2,065
- (s) Carmen Cornell, claim number SCJ 03-04 \$8,128
- (t) Wesley Roggenkamp, claim number SCJ 03-05 \$3,918
- (u) Philip Athanas, claim number SCJ 03-06 \$5,810
- (v) Thomas Tollifson, claim number SCJ 03-07 \$2,500
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:
 - (a) Ronald Palmer, claim number SCG 02-01 \$1,522
 - (b) Keith Morris, claim number SCG 02-02 \$1,315
 - (c) Edgar Roush, claim number SCG 02-03 \$1,459
 - (d) Keith Nelson, claim number SCG 03-01 \$2,765
 - (e) Alton Haymaker, claim number SCG 03-02 \$40
 - (f) Circle S Landscape Supplies, SCG 03-04 \$12,944

(3) Payment from the state general fund for death benefit claims to the estate of an employee of any state agency or higher education institution not otherwise provided a death benefit through coverage under their enrolled retirement system, pursuant to section 715, chapter 7, Laws of 2001:

- (a) Ok Chin Erdman, claim number SCO 03-08 \$150,000
- (b) Baardson Estate, claim number SCO 03-10 \$150,000
- (c) Lori Coss, claim number SCO 03-22 \$150,000
- (4) Payment from the general fund pursuant to RCW 27.44.040(1), Jan Deeds, claim number SCO 03-12 \$6,580.75

Sec. 710. 2002 c 371 s 727 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND General Fund--State Appropriation (FY 2002) \$850,000
 General Fund--State Appropriation (FY 2003) (~~(\$8,040,000)~~)

TOTAL APPROPRIATION (~~(\$8,860,000)~~)

\$9,010,000

\$9,860,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.
- (2) Up to \$5,298,000 of the fiscal year 2003 appropriation is provided for costs associated with implementing House Bill No. 2926 (transferring the state library to the office of secretary of state.)
- (3) \$1,000,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for assistance to state agencies that are unable to effectively absorb the FTE reductions reflected in this 2003 supplemental appropriations act. Allocations to state agencies from this appropriation shall be reported to the legislative fiscal committees by the office of financial management within five days of the allocation.

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2002 c 371 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

Public Facilities Construction Loan and

Grant Revolving Account: For transfer to the digital government revolving account on or before December 31, 2001 \$1,418,456

Financial Services Regulation Fund: To be transferred from the financial services regulation fund to the digital government revolving account during the period between July 1, 2001, and December 31, 2001 \$2,000,000

Local Toxics Control Account: For transfer to the state toxics control account. Transferred funds will be utilized for methamphetamine lab cleanup, to address areawide soil contamination problems, and clean up contaminated sites as part of the clean sites initiative \$6,000,000

State Toxics Control Account: For transfer to the water quality account for water quality related projects funded in the capital budget \$9,000,000

General Fund: For transfer to the flood control assistance account \$4,000,000

Water Quality Account: For transfer to the water pollution control account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant

money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$12,564,487

Health Services Account: For transfer to the water quality account \$6,447,500

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2003, an amount in excess of the cash requirements of the state treasurer's service account. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by \$4,000,000 in fiscal year 2002 and by ~~(\$8,393,000)~~ \$17,393,000 in fiscal year 2003 to reflect this transfer (~~(\$12,393,000)~~)

\$21,393,000

Public Works Assistance Account: For transfer to the drinking water assistance account \$7,700,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$256,700,000

General Fund: For transfer to the water quality account \$60,821,172

Health Services Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$150,000,000

Multimodal Transportation Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$70,000,000

Health Service Account: For transfer to the violence reduction and drug enforcement account \$6,497,500

Gambling Revolving Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2002 and \$450,000 for fiscal year 2003 \$2,450,000

~~((Horticultural Districts Account: For transfer to the fruit and vegetable inspection account \$11,075,000~~

~~Agricultural Local Account: For transfer to the fruit and vegetable inspection account \$605,000))~~

Nisqually Earthquake Account: For transfer to the disaster response account for fire suppression and mobilization costs \$32,802,000

Enhanced 911 Account: For transfer to the state general fund for fiscal year 2003 \$6,000,000

Clarke-McNary Fund: For transfer to the state general fund for fiscal year 2002 \$4,000,000

State Drought Preparedness Account: For transfer to the state general fund for fiscal year 2002 \$3,000,000

Financial Services Regulation Fund: For transfer to the state general fund, \$2,250,000 for fiscal year 2002 and \$357,000 for fiscal year 2003 \$2,607,000

Industrial Insurance Premium Refund Account: For transfer to the state general fund for fiscal year 2002 \$1,000,000

Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund for fiscal year 2003 \$504,000

Liquor Revolving Account: For transfer to the state general fund for fiscal year 2003 \$2,059,000

Lottery Administrative Account: For transfer to the state general fund for fiscal year 2003 \$335,000

Emergency Medical Services and Trauma Care

System Trust Account: For transfer to the state general fund for fiscal year 2002 \$6,000,000

Public Service Revolving Account: For transfer to the state general fund for fiscal year 2003 \$406,000

Local Leasehold Excise Tax Account: For transfer of interest to the state general fund by June 1, 2002, for fiscal year 2002 \$1,000,000

Insurance Commissioner's Regulatory Account: For transfer to the state general fund for fiscal year 2003 \$366,000

Health Services Account: For transfer to the tobacco prevention and control account (~~(\$21,980,000)~~)

\$18,920,000

From the Emergency Reserve Fund: For transfer to the state general fund:
On June 28, 2002 \$300,000,000
On June 28, 2003 \$25,000,000

Tobacco Securitization Trust Account: For transfer to the state general fund for fiscal year 2003 \$450,000,000()

**PART IX
CAPITAL EXPENDITURES**

Sec. 901. 2002 c 238 s 202 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Local/Community Projects (2002-S-005): Job Creation and Infrastructure Projects
The following projects are eligible for funding:
Projects Amount

Asia Pacific center \$50,000
Benton county jail \$2,000,000
Bremerton maritime park \$500,000
Edmonds waterfront park \$300,000
Grace Cole memorial park/Brookside creek \$400,000
Kent station infrastructure improvements \$900,000
Mill creek active use ball fields \$1,000,000
Nathan Chapman trail \$300,000
Penny creek/9th Avenue crossing \$400,000
Port Angeles skills center/skills consortium \$3,000,000
Puget Sound environmental learning center \$2,000,000
Ridgefield wastewater treatment \$585,000
Sammamish surface water treatment \$1,500,000
Shoreline historical museum \$28,000
Snohomish county children's museum \$300,000
Soundview park/playground \$200,000
Stewart heights pool project \$500,000
Sundome seating expansion - Yakima \$1,250,000
West central community center childcare project \$500,000
William H. Factory small business incubator \$250,000
~~((Yakima ballfields))~~ For the transfer of property, commonly known as Larson park field No. 4 and Dunbar field, of the city of Yakima to the Yakima Valley Community College and for the creation of new ball fields by and for the city of Yakima. \$1,250,000
TOTAL \$17,213,000

Appropriation:
State Building Construction Account--State \$17,213,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,213,000

Sec. 902. 2001 2nd sp.s. c 8 s 158 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Legislative Buildings - O'Brien and Newhouse Building Improvements (01-H-021)
Appropriation:

~~((Capitol Building Construction Account--State \$1,000,000))~~
Thurston County Capital Facilities Account--State (~~(\$1,000,000)~~)

~~((Subtotal Appropriation \$2,000,000))~~
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0

\$2,000,000

TOTAL \$2,000,000

Sec. 903. 2001 2nd sp.s. c 8 s 172 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Tumwater Office Building 1 (01-S-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) Planning funds are provided to lease/develop a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense.

(2) The department shall finance this project using a financing contract as authorized in section 907(2)(c), chapter 8, Laws of 2001 2nd sp. sess., with title passing to the state if all payments are made as provided in the contract. Should the department choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.

Appropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

Sec. 904. 2002 c 238 s 109 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION Legislative Building: Rehabilitation (01-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

(2) The department of general administration, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2005 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building, and may use modular space. Decisions on the use of space for the Pritchard building will be made by legislative leadership by July 1, 2001, to make it available for use by the legislature by April 1, 2002;

(d) The department shall temporarily move the state library from the Pritchard building by October 1, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The primary office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus;

and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by the office of the governor, the office of the secretary of state, the office of treasurer, and the office of the state auditor by November 1, 2001, and by the legislature fourteen days after the end of the 2002 legislative session to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(3) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall periodically advise the department regarding the rehabilitation, the receipt and use of private funds, and other issues that may arise.

(4) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and November 15, 2001, and shall consult with the legislature and governor on major decisions including placement of the cafeteria and exiting stairs in the legislative building by August 31, 2001.

(5) In the event of any conflicts between the conditions and limitations in this section and section 3, chapter 123, Laws of 2001, the conditions and limitations of this section shall apply.

(6) ~~(\$154,000 of the capitol historic district construction account appropriation is provided solely for the department of general administration to contract for fund-raising services for the solicitation of charitable gifts, grants, or donations specifically for the purpose of preservation and restoration of the state legislative building and related educational exhibits and programs. By June 30, 2004, the amount provided by this subsection shall be reinvested to the capitol historic district construction account from the proceeds of the gifts, grants, and donations.)~~ The state building construction account appropriation is for estimated cost increases due to the unforeseen construction obstacles and code requirements discovered in design and early construction activities.

Reappropriation:

Capitol Building Construction Account--State \$2,000,000
Thurston County Capital Facilities
Account--State \$2,500,000
Subtotal Reappropriation \$4,500,000

Appropriation:

Capitol Historic District Construction
Account--State \$81,681,000
Thurston County Capital Facilities
Account--State \$1,300,000

State Building Construction Account--State \$6,000,000
Subtotal Appropriation (~~(\$82,981,000)~~)

\$88,981,000

Prior Biennia (Expenditures) \$1,000,000
Future Biennia (Projected Costs) \$2,300,000
TOTAL (~~(\$90,781,000)~~)

\$96,781,000

Sec. 905. 2002 c 238 s 223 (uncodified) is amended to read as follows:
FOR WESTERN WASHINGTON UNIVERSITY Job Creation and Infrastructure Projects (03-1-001)

The appropriations in this section ((is) are) are subject to the following conditions and limitations:
(1) The following projects are eligible for funding:

Project Amount
Miller hall \$1,650,000
Steam plant \$1,000,000
Air quality \$743,000
Utilities \$501,000
Viking substation \$103,000
Storm water detention \$75,000
Old main restoration \$582,000
Fire safety \$435,000
Parks hall fire damage \$1,500,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$3,000,000
State Building Construction Account--State \$1,500,000
Subtotal Appropriation \$4,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$3,000,000)~~)

\$4,500,000

Sec. 906. 2001 2nd sp.s. c 8 s 658 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE UNIVERSITY WSU Pullman - Energy Plant - Heat: Renovation (02-1-501)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2)(a) Any agreement or contract for the modernization or replacement of the existing steam generation plant currently located on the Pullman campus must comply with chapter 39.35C RCW. Prior to entering into an agreement or contract obligating itself on this project, the university shall have the project reviewed by the appropriate staff of the energy division of the department of community, trade, and economic development and the department of general administration, and shall consider any comments and suggestions made by these departments. If the project involves a private energy development firm, the following issues shall be considered in the development and implementation of the project:

- (i) Regional and local utility needs for power;
- (ii) Cost and certainty of fuel supplies;
- (iii) Value of electricity produced and options for sale of surplus electricity;
- (iv) The capability of the university to own and operate the facility should the private party terminate its involvement;
- (v) Costs associated with interconnection with the local electric utility's transmission system;
- (vi) Capability of the local electric utility to wheel electricity generated by the facility and the costs associated with wheeling;
- (vii) Potential financial risks to the state or the university and measures to mitigate any risks; and
- (viii) Benefits to the state and the university from the project including design configuration, ownership arrangement, operations, and financial arrangements for the project based on the selection of project participants.

(b) The university shall report to the office of financial management and the energy and fiscal committees of the legislature on the development and implementation of this project, including consideration of the issues and the agency suggestions under subsection (2)(a) of this section, in December of 2001 and 2002.

Appropriation:

State Building Construction Account--State (~~(\$23,000,000)~~)

\$24,539,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL (~~(\$23,000,000)~~)

\$24,539,000

Sec. 907. 2001 2nd sp.s. c 8 s 668 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE UNIVERSITY WSU Pullman - Teaching and Learning Center: New Facility (98-2- 062)
The reapportionment in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State ((\$8,000,000))	<u>\$6,461,000</u>
Prior Biennia (Expenditures) \$22,870,175	
Future Biennia (Projected Costs) \$0	
TOTAL ((\$30,870,175))	<u>\$29,331,175</u>

Sec. 908. 2001 2nd sp.s. c 8 s 352 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION National Recreation Trails (NRTP) (02-4-006)

Appropriation:

Recreation Resources Account--Federal ((\$2,132,936))	<u>\$2,332,936</u>
Prior Biennia (Expenditures) \$0	
Future Biennia (Projected Costs) \$977,000	
TOTAL ((\$3,109,936))	<u>\$3,309,936</u>

NEW SECTION. Sec. 909. INLAND NORTHWEST REGIONAL SPORTS PROJECT.
2002 c 238 s 204 (uncodified) is repealed.

PART X MISCELLANEOUS

NEW SECTION. Sec. 1001. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1002. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending 2002 c 371 ss 112, 113, 114, 118, 119, 122, 125, 127, 128, 132, 133, 135, 137, 139, 143, 145, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 218, 219, 220, 221, 222, 224, 302, 303, 307, 308, 309, 401, 402, 501, 502, 504, 505, 506, 507, 509, 510, 511, 512, 513, 514, 515, 516, 518, 604, 605, 606, 607, 608, 609, 610, 612, 616, 617, 619, 701, 703, 704, 712, 719, 726, 727, and 802 (uncodified); amending 2002 c 238 ss 202, 109, and 223 (uncodified); amending 2001 2nd sp.s. c 8 ss 158, 172, 658, 668, and 352 (uncodified); amending 2001 2nd sp.s. c 7 s 506 (uncodified); adding new sections to 2001 2nd sp.s. c 7 (uncodified); repealing 2002 c 238 s 204 (uncodified); making appropriations; authorizing expenditures for capital expenditures; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rossi, Zarelli; Representatives Sommers, Fromhold and Sehlin.

MOTION

Senator Rossi moved that the Report of the Conference Committee on Substitute Senate Bill No. 5403 be adopted.
Debate ensued.

The President declared the question before the Senate to be the adoption of the Report of the Conference Committee on Substitute Senate Bill No. 5403.

The motion by Senator Rossi carried and the Report of the Conference Committee on Substitute Senate Bill No. 5403 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5403, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5403, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 14.

Excused: Senator Horn - 1.

SUBSTITUTE SENATE BILL NO. 5403, as recommended by the Conference Committee, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SECOND READING

HOUSE BILL NO. 1052, by Representative Nixon

Limiting the liability of certain persons who provide volunteer emergency repairs.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1052.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 1052 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Rossi was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1069, by House Committee on Finance (originally sponsored by Representatives Pflug, Gombosky, Anderson, Cairnes and Sullivan)

Authorizing a waiver of interest and penalties for property tax bills not sent to the taxpayer due to error by the county.

The bill was read the second time.

MOTION

On motion of Senator Fairley, the rules were suspended, Substitute House Bill No. 1069 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1069.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1069 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Rossi - 1.

SUBSTITUTE HOUSE BILL NO. 1069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:56 a.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Thursday, April 3, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTIETH DAY, APRIL 2, 2003

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

EIGHTY-FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Thursday, April 3, 2003
The Senate was called to order at 12:00 noon by President Pro Tempore Winsley. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 2003
SB 5545 Prime Sponsor, Senator Esser: Using fees to develop and maintain a web-based vital records system. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5545 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 1, 2003
SB 6029 Prime Sponsor, Senator Rossi: Funding the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Fairley, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

April 2, 2003
SB 6052 Prime Sponsor, Senator Johnson: Changing alternative route teacher certification provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

April 2, 2003
EHB 1090 Prime Sponsor, Representative Veloria: Extending the task force against trafficking of persons. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003
SHB 1175 Prime Sponsor, House Committee on Criminal Justice and Corrections: Making it a crime to traffic in persons. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 1, 2003

HB 1200 Prime Sponsor, Representative Conway: Correcting retirement system statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 1, 2003

SHB 1202 Prime Sponsor, House Committee on Appropriations: Allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 1, 2003

HB 1203 Prime Sponsor, Representative Conway: Providing optional service credit for substitute service to members of the school employees' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 1, 2003

SHB 1204 Prime Sponsor, House Committee on Appropriations: Creating the select committee on pension policy. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Brown, Doumit, Fairley, Hale, Honeyford, Johnson, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 1, 2003

HB 1206 Prime Sponsor, Representative Pflug: Making optional plan 3 member contributions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 1, 2003

HB 1207 Prime Sponsor, Representative Alexander: Providing a death benefit for certain public employees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

March 31, 2003

SHB 1233 Prime Sponsor, House Committee on Child and Family Service: Improving services for kinship caregivers. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

2SHB 1234 Prime Sponsor, House Committee on Appropriations: Establishing an industry cluster-based approach to economic development. Reported by Committee on Economic Development April 2, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

SHB 1257 Prime Sponsor, House Committee on Criminal Justice and Corrections: Using dogs for fighting. Reported by Committee on Judiciary April 2, 2003

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

SHB 1258 Prime Sponsor, House Committee on Criminal Justice and Corrections: Committing sexually violent predators. Reported by Committee on Children and Family Services and Corrections March 31, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove and McAuliffe.

Passed to Committee on Rules for second reading.

EHB 1363 Prime Sponsor, Representative McDermott: Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned. Reported by Committee on Education April 2, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

EHB 1395 Prime Sponsor, Representative Sullivan: Concerning the catering of alcoholic beverages at special events by nonprofit organizations. Reported by Committee on Commerce and Trade April 2, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Keiser and Mulliken.

Passed to Committee on Rules for second reading.

SHB 1464 Prime Sponsor, House Committee on Child and Family Service: Requiring department of social and health services to work with community-based and faith-based social services organizations. Reported by Committee on Children and Family Services and Corrections March 31, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove and McAuliffe.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1470 Prime Sponsor, House Committee on Education: Expanding "residency" for purposes of attending Washington public schools. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1495 Prime Sponsor, House Committee on Commerce and Labor: Changing provisions relating to the summary suspension of a liquor license pending revocation proceedings. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

April 2, 2003

ESHB 1509 Prime Sponsor, House Committee on Trade and Economic Development: Establishing the economic development commission. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 1, 2003

SHB 1512 Prime Sponsor, House Committee on Fisheries, Ecology and Parks: Allowing special hunts to reduce crop damage caused by wildlife. Reported by Committee on Parks, Fish and Wildlife

MAJORITY Recommendation: Do pass as amended. Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Jacobsen, Morton, Spanel and Swecker.

Passed to Committee on Rules for second reading.

March 31, 2003

EHB 1561 Prime Sponsor, Representative Orcutt: Eliminating certain department of social and health services' reporting requirements. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1579 Prime Sponsor, Representative O'Brien: Decriminalizing "fine only" criminal statutes. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

March 31, 2003

SHB 1609 Prime Sponsor, House Committee on Criminal Justice and Corrections: Requiring a plan to establish pilot regional correctional facilities. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1612 Prime Sponsor, Representative Hinkle: Requiring notification to parents of mental health treatment options for a minor child. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1619 Prime Sponsor, House Committee on Judiciary: Increasing penalties for driving while under the influence with children in the vehicle. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1631 Prime Sponsor, Representative McCoy: Regulating fire protection sprinkler system contractors. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1637 Prime Sponsor, Representative Wood: Promoting education on compulsive gambling. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair and Keiser.

Passed to Committee on Rules for second reading.

March 31, 2003

HB 1712 Prime Sponsor, Representative O'Brien: Revising provisions relating to registration of sex offenders and kidnapping offenders. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 1, 2003

EHB 1726 Prime Sponsor, Representative Haigh: Changing provisions relating to an employer's indebtedness to a deceased person for unpaid wages, labor, or services performed. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

March 31, 2003

HB 1727 Prime Sponsor, Representative O'Brien: Providing that no fee may be charged for death certificates of sex offenders supplied to law enforcement agencies. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003

ESHB 1742 Prime Sponsor, House Committee on Trade and Economic Development: Modifying public facilities district authority. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; Hale, Kohl-Welles, Asst Ranking Minority Member, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1746 Prime Sponsor, Representative Alexander: Requiring electrical contractors to be licensed before advertising. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

April 1, 2003

ESHB 1754 Prime Sponsor, House Committee on Agriculture and Natural Resources: Concerning the slaughter, preparation, and sale of certain poultry. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Agriculture. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 1, 2003

SHB 1788 Prime Sponsor, House Committee on State Government: Regulating job order contracting for public works. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1805 Prime Sponsor, House Committee on Judiciary: Changing the number of district court judges. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1826 Prime Sponsor, House Committee on Criminal Justice and Corrections: Including trafficking in persons in the criminal profiteering law. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1855 Prime Sponsor, House Committee on Child and Family Service: Clarifying licensed independent clinical social worker education and experience requirements. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003

2SHB 1973 Prime Sponsor, House Committee on Appropriations: Promoting tourism. Reported by Committee on Economic Development

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; Zarelli, Vice Chair; Hale, Kohl-Welles, Rossi, Schmidt, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 2000 Prime Sponsor, House Committee on Juvenile Justice and Family Law: Changing provisions pertaining to third-party custody proceedings involving the Indian Child Welfare Act. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 1, 2003

ESHB 2056 Prime Sponsor, House Committee on State Government: Modifying public works bidding provisions. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 2094 Prime Sponsor, House Committee on Criminal Justice and Corrections: Allowing detention of persons at outdoor music venues for investigation of drug and alcohol violations. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 1, 2003

SHB 2196 Prime Sponsor, House Committee on Appropriations: Revising and reporting on state agency allotments. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

November 2, 2002

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

I have the honor to submit the following reappointment, subject to your confirmation.
Judy Yu, reappointed November 1, 2002, for a term ending September 30, 2008, as a member of the Board of Trustees for Central Washington University.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5403.

INTRODUCTION AND FIRST READING

SB 6064 by Senator Horn

AN ACT Relating to transportation improvement and financing.

Referred to Committee on Highways and Transportation.

SB 6065 by Senator Horn

AN ACT Relating to transportation revenue.

Referred to Committee on Highways and Transportation.

SB 6066 by Senator Horn

AN ACT Relating to ferry systems.

Referred to Committee on Highways and Transportation.

SB 6067 by Senator Horn

AN ACT Relating to transportation funding and appropriations.

Referred to Committee on Highways and Transportation.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8654

By Senators Fraser and Morton

WHEREAS, Each year high schools from around Washington State participate in an academic decathlon where high school students compete against one another in the following ten academic areas: Math, economics, science or social studies, literature, fine arts, music, essay, speech, and interview and a super quiz covering social studies or science; and

WHEREAS, It is recognized that the Senate of the state of Washington has identified areas of essential learning; and

WHEREAS, It is recognized that these areas are fully covered in and encompass more academic subjects than those identified as important in essential learning in Washington; and

WHEREAS, It is recognized that the Senate of the state of Washington wants to reward academic accomplishment; and

WHEREAS, An academic decathlon team is composed of nine students with three members from each grade point level, who are given the opportunity to win gold, silver, or bronze medals in each of the ten academic areas; and

WHEREAS, An academic decathlon team's combined score determines the overall winner of the competition so that one team then becomes Washington State's Academic Decathlon Team for that year; and

WHEREAS, Each team member sacrifices free time after school and on weekends to practice and prepare for the academic decathlon; and

WHEREAS, The Olympia High School team, composed of Lauren Swiderski, Nick Halpern, Yogash Saletore, Mandi Maycumber, Elise Gowen, Palmer Buchholz, Colin Jones, John Bessey, and Jennifer Kinnamon, and coached by William Curtis, won the Washington State competition; and

WHEREAS, The Olympia High School team was crowned Washington State Academic Decathlon Team for 2003 and will represent the state at the national United States Academic Decathlon competition to be held April 23-26 in Erie, Pennsylvania; and

WHEREAS, The academic decathlon team from Timberline High School, composed of Jennifer Caldwell, Jhanteigh Kupihea, Michal Friend, Aimee Neece, Andrew Robinson, Britta Swanson, Adam Krell, Amanda DeLisle, Tristan Felchlin, Diane DelValle, and Quynh Tran, and coached by Richard Kistler, placed second in the Washington State competition; and

WHEREAS, The academic decathlon team from Curlew High School composed of Sarah Sutherland, Emily Sutherland, Sean Bishop, Doug Engstrom, Rachel Sherrer, David Drennan, and DJ Starr, and coached by Dr. Karen Schaaf, placed third in the Washington State competition; and

WHEREAS, The academic decathlon team from South Sound High School, composed of Samuel Ruetz, Benjamin Meyle, Roy Pulchalski, Evan Smith, Casey Hulbert, Denise Valentine, John Myers, Alex Laguna, and Brianna Carden, and coached by Linn Hergert, won the state super quiz competition;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor these outstanding teams for their exceptional accomplishments; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the principal of Olympia High School, the principal of Timberline High School, the principal of Curlew High School, the principal of South Sound High School, and the coaches of the academic decathlon teams representing these four schools.

MOTION

At 12:05 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Friday, April 4, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIRST DAY, APRIL 3, 2003

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

EIGHTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 4, 2003
The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Horn and Poulsen. On motion of Senator Hewitt, Senator Horn was excused. On motion of Senator Eide, Senator Poulsen was excused.

The Sergeant at Arms Color Guard, consisting of Pages Marlena Blonsky and Evan Fuller, presented the Colors. Lama Jamy Awg Tsultrim, a Tibetan Buddhist Teacher, from the Nalanda Institute Center of Buddhist Study and Meditation, in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5404 Prime Sponsor, Senator Rossi: Making 2003-05 operating appropriations. Reported by Committee on Ways and Means

April 3, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 5404 be substituted therefor and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair, Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan, and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and Betti Sheldon.

Passed to Committee on Rules for second reading.

April 3, 2003

2SHB 1003 Prime Sponsor, House Committee on Appropriations: Creating the research and technology transfer commission. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass as amended. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1013 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Requiring a performance audit of the utilities and transportation commission. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass. Signed by Senators Esser, Chair; Eide, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

April 3, 2003

HB 1088 Prime Sponsor, Representative Fromhold: Authorizing removal of vehicles from restricted parking zones. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1102 Prime Sponsor, Representative Murray: Revising the provision for exchange agreements for environmental mitigation sites. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 2, 2003

EHB 1109 Prime Sponsor, Representative Clibborn: Providing wildland fire fighting training. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1113 Prime Sponsor, House Committee on Agriculture and Natural Resources: Regarding irrigation district boards of joint control. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003

EHB 1152 Prime Sponsor, Representative Haigh: Revising funding of the archives division. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1213 Prime Sponsor, House Committee on State Government: Eliminating boards and commissions. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 2, 2003

E2SHB 1214 Prime Sponsor, House Committee on Appropriations: Making prescription drugs more available. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Referred to Committee on Ways and Means.

April 2, 2003

SHB 1232 Prime Sponsor, House Committee on Criminal Justice and Corrections: Requiring jail booking fees to be based on actual costs. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1291 Prime Sponsor, House Committee on Local Government: Providing for elections for flood control zone district supervisors. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1294 Prime Sponsor, Representative McDermott: Revising campaign finance reporting requirements for out-of-state political committees. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 2, 2003

ESHB 1299 Prime Sponsor, House Committee on Health Care: Providing for evidence-based health services purchasing by state purchased health care programs. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 2003

E2SHB 1336 Prime Sponsor, House Committee on Appropriations: Concerning watershed planning. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

April 2, 2003

ESHB 1337 Prime Sponsor, House Committee on Agriculture and Natural Resources: Concerning additional or replacement wells. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

April 3, 2003

HB 1352 Prime Sponsor, Representative Murray: Apportioning railroad crossing installation and maintenance costs. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 2, 2003

ESHB 1367 Prime Sponsor, House Committee on State Government: Authorizing the legislative accountability board to conduct expanded performance measure reviews. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Referred to Committee on Ways and Means.

April 3, 2003

EHB 1369 Prime Sponsor, Representative Romero: Requiring continuing education for land surveyors. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; and Mulliken.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1375 Prime Sponsor, Representative Dickerson: Eliminating basic health plan eligibility of persons holding student visas. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1391 Prime Sponsor, Representative Kagi: Adjusting procedures for postconviction DNA testing. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1444 Prime Sponsor, Representative Haigh: Protecting proprietary or confidential information acquired through state health services purchasing. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1531 Prime Sponsor, Representative Grant: Requiring the governor's signature on significant legislative rules. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Referred to Committee on Ways and Means.

April 3, 2003

EHB 1568 Prime Sponsor, Representative Darneille: Modifying physician assistant provisions. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

April 3, 2003

HB 1575 Prime Sponsor, Representative Conway: Expanding membership of the electrical board by appointment of one outside line worker. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

April 3, 2003

ESHB 1592 Prime Sponsor, House Committee on Transportation: Regulating special license plates. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1605 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Creating a statewide justice information network. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass as amended. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1655 Prime Sponsor, House Committee on Transportation: Providing for determination of disability for special parking privileges by advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 3, 2003

EHB 1691 Prime Sponsor, Representative Grant: Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass as amended. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1694 Prime Sponsor, House Committee on Health Care: Requiring the department of social and health services to inspect boarding homes at least every eighteen months. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1724 Prime Sponsor, House Committee on Child and Family Service: Conforming the department of services for the blind provisions with federal law. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1738 Prime Sponsor, House Committee on Commerce and Labor: Providing for recoupment of state employee salary and wage overpayments. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1753 Prime Sponsor, Representative Cody: Concerning nursing practices in community-based and in-home care. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1759 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing financial institution law parity. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

April 2, 2003

ESHB 1787 Prime Sponsor, House Committee on Child and Family Service: Establishing a 211 network. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 3, 2003

EHB 1808 Prime Sponsor, Representative Kenney: Requiring standards of review before changing lines of instruction at research universities. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, B. Sheldon and Shin.

MINORITY Recommendation: Do not pass. Signed by Senator Mulliken.

Referred to Committee on Ways and Means.

April 2, 2003

SHB 1838 Prime Sponsor, House Committee on Child and Family Service: Providing access to a telephonic reading service for blind or visually handicapped persons in the state of Washington. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 2, 2003

ESHB 1904 Prime Sponsor, House Committee on Child and Family Service: Revising standards for reporting incidents involving harm to vulnerable adults. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1967 Prime Sponsor, Representative Haigh: Allowing the state purchasing and material control director to receive electronic and web-based bids. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 2007 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Prohibiting unsolicited commercial text messages. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass as amended. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 2036 Prime Sponsor, House Committee on Finance: Authorizing additional tribes to enter into cigarette tax contracts with the governor. Reported by Committee on Commerce and Trade

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Referred to Committee on Ways and Means.

April 3, 2003

EHB 2045 Prime Sponsor, Representative Haigh: Establishing a work group to evaluate creating a centralized identification number system. Reported by Committee on Technology and Communications

MAJORITY Recommendation: Do pass as amended. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

April 2, 2003

EHB 2064 Prime Sponsor, Representative Woods: Studying methods of avoiding military base closure. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 2073 Prime Sponsor, Representative Schoesler: Disposing of local government records. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Horn, Kastama and McCaslin.

Passed to Committee on Rules for second reading.

April 3, 2003

ESHB 2076 Prime Sponsor, House Committee on Higher Education: Requiring a statewide strategic plan for higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 3, 2003

HB 2113 Prime Sponsor, Representative Morrell: Regarding refunds of federal financial aid to students who withdraw from institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Horn, Kohl-Welles, Mulliken, B. Sheldon and Shin.

Passed to Committee on Rules for second reading.

April 3, 2003

EHB 2146 Prime Sponsor, Representative Tom: Providing tax incentives for wood biomass fuel production, distribution, and sale. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Referred to Committee on Ways and Means.

April 2, 2003

HJM 4012 Prime Sponsor, Representative Miloscia: Encouraging counties and local governments to establish a Children's Advocacy Center. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 3, 2003

HJM 4014 Prime Sponsor, Representative Woods: Naming the "Maryann Mitchell Memorial Interchange." Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES
GUBERNATORIAL APPOINTMENTS

April 3, 2003

GA 9027 FRANK E. FENNERTY, JR., appointed February 8, 2002, for a term ending June 17, 2007, as a member of the Board of Industrial Insurance Appeals.
Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

Passed to Committee on Rules.

April 3, 2003

GA 9074 STUART McKEE. appointed April 22, 2002, for a term ending at the Governor's pleasure, as Director of the Department of Information Services.
Reported by Committee on Technology and Communications

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules.

April 3, 2003

GA 9086 JANICE NIEMI, appointed February 5, 2002, for a term ending June 30, 2008, as a member of the Gambling Commission.
Reported by Committee on Commerce and Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin and Mulliken.

Passed to Committee on Rules.

April 3, 2003

GA 9168 CHRIS MARR, appointed January 1, 2003, for a term ending September 30, 2009, as a member of the Board of Regents for Washington State University.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, Betti Sheldon and Shin.

Passed to Committee on Rules.

April 3, 2003

GA 9184 CRAIG W. COLE, appointed March 20, 2003, for a term ending September 20, 2007, as a member of the Board of Regents for the University of Washington.
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Carlson, Chair; Schmidt, Vice Chair; Kohl-Welles, Mulliken, Betti Sheldon and Shin.

Passed to Committee on Rules.

MOTIONS

On motion of Senator Sheahan, Engrossed Second Substitute House Bill No. 1336 was referred to the Committee on Rules.
On motion of Senator Sheahan, Engrossed House Bill No. 1808 was referred to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

April 2, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2097, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6068 by Senators Horn, Eide and Esser

AN ACT Relating to vehicle dealer documentary service fees; amending RCW 63.14.010 and 63.14.130; and reenacting and amending RCW 46.70.180.

Referred to Committee on Highways and Transportation.

SB 6069 by Senator McCaslin

AN ACT Relating to personal use trailer license fees; amending RCW 46.16.0621; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Highways and Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2097 by Representatives Murray and Rockefeller

Exercising sound business practices to enhance revenues for Washington State Ferries.

Referred to Committee on Highways and Transportation.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9147, Jose Veliz, as a member of the Board of Trustees for Clover Park Technical College District No. 29, was confirmed.

APPOINTMENT OF JOSE VELIZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West and Zarelli - 45.

Absent: Senators Thibaudeau and Winsley - 2.

Excused: Senators Horn and Poulsen - 2.

MOTION TO LIMIT DEBATE

Senator Sheahan: "Mr. President, pursuant to Rule 29, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate and also that members be prohibited from yielding their time. This motion shall be in effect through the remainder of the day."

The President declared the question before the Senate to be the motion by Senator Sheahan to limit debate through the remainder of the day.

The motion by Senator Sheahan carried and debate was limited to three minutes for the remainder of the day.

MOTION

At 10:15 a.m., on motion of Senator Shaahan, the Senate was declared to be at ease.

The Senate was called to order at 10:23 a.m. by PresidentOwen.

SECOND READING

Senate Bill No. 5404, by Senator Rossi (by request of Governor Locke)

Making appropriations for the 2003-05 operating budget.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5404 was substituted for Senate Bill No. 5404 and the substitute bill was placed on second reading and read the second time.

Senator McAuliffe moved that the following amendments by Senators McAuliffe, Rasmussen and Eide be considered simultaneously and be adopted:

On page 27, line 32, decrease the general fund--state appropriation for FY 2005 by \$40,000.

On page 27, after line 35, strike all material through line 37.

On page 28, line 1, strike all material through line 4.

On page 74, line 6, decrease the general fund--state appropriation for FY 2004 by \$157,000.

On page 74, line 7, decrease the general fund--state appropriation for FY 2005 by \$149,000.

On page 74, after line 24, strike all material through line 30.

On page 78, line 11, decrease the general fund--state appropriation for FY 2004 by \$159,000.

On page 78, line 12, decrease the general fund--state appropriation for FY 2005 by \$1,118,000.

On page 85, beginning on line 1, strike all material through line 6.

On page 98, line 33, increase the general fund--state appropriation for FY 2004 by \$738,000.

On page 98, line 34, increase the general fund--state appropriation for FY 2005 by \$900,000.

On page 99, line 9, after "maximum of", strike "1.75" and insert "2.0".

On page 99, after line 13, insert the following:

"(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington imagination network and future problem-solving programs."

On page 123, line 27, decrease the general fund--state appropriation for FY 2004 by \$25,000.

On page 123, line 28, decrease the general fund--state appropriation for FY 2005 by \$25,000.

On page 124, after line 12, strike all material through line 17.

Renumber the sections consecutively and correct any internal references and totals accordingly.

Debate ensued.

Senator McAuliffe demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators McAuliffe, Rasmussen and Eide on pages 27, 28, 74, 78, 85, 98, 99, 123 and 124, to Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll and the amendments, having failed to receive the constitutionally sixty percent majority, were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Excused: Senator Horn - 1.

MOTION

Senator Doumit moved that the following amendments by Senators Doumit, Hargrove and Fairley be considered simultaneously and be adopted:

On page 34, line 34, increase the general fund--state appropriation for fiscal year 2004 by \$2,831,000 and adjust the totals accordingly.

On page 34, line 35, increase the general fund--state appropriation for fiscal year 2005 by \$2,975,000 and adjust the totals accordingly.

On page 34, line 36, increase the general fund--federal appropriation by \$5,806,000 and adjust the totals accordingly.

On page 44, line 22, increase the general fund--federal appropriation by \$44,603,000 and adjust the totals accordingly.

On page 44, line 24, increase the health services account appropriation by \$39,945,000 and adjust the totals accordingly.

On page 45, strike everything after "(3)" on line 22 through "level." on line 25, and insert the following: "The department shall continue to extend (a) medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level, and (b) children's health insurance program eligibility to children residing in households with incomes between 200 percent and 250 percent of the federal poverty level."

On page 150, beginning on line 28, strike all material through "\$50,000,000" on line 29.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Doumit, Hargrove and Fairley on pages 34, 44, 45 and 150, to Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll and the amendments, having failed to receive the constitutionally sixty percent majority, were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Excused: Senator Horn - 1.

MOTION

Senator Thibaudeau moved that the following amendments be considered simultaneously and be adopted:

On page 38, line 14, increase the general fund--state appropriation for fiscal year 2004 by \$159,000 and adjust the totals accordingly.

On page 38, line 15, increase the general fund--state appropriation for fiscal year 2005 by \$429,000 and adjust the totals accordingly.

On page 38, line 16, increase the general fund--federal appropriation by \$588,000 and adjust the totals accordingly.

On page 40, line 4, increase the general fund--state appropriation for fiscal year 2004 by \$775,000 and adjust the totals accordingly.

On page 40, line 5, increase the general fund--state appropriation for fiscal year 2005 by \$2,835,000 and adjust the totals accordingly.

On page 40, line 6, increase the general fund--federal appropriation by \$5,476,000 and adjust the totals accordingly.

On page 44, line 20, increase the general fund--state appropriation for fiscal year 2004 by \$207,000 and adjust the totals accordingly.

On page 44, line 21, increase the general fund--state appropriation for fiscal year 2005 by \$871,000 and adjust the totals accordingly.

On page 44, line 22, increase the general fund--federal appropriation by \$1,460,000 and adjust the totals accordingly.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Thibaudeau on pages 38, 40, and 44, to Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll and the amendments, having failed to receive the constitutionally sixty percent majority, were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Excused: Senator Horn - 1.

MOTION

Senator Thibaudeau moved that the following amendments be considered simultaneously and be adopted:

On page 38, after "below" on line 23, strike "175 percent" and insert "200 percent".

On page 40, after "below" on line 20, strike "175 percent" and insert "200 percent".

On page 48, line 26, increase the health services account appropriation by \$7,209,000 and adjust the totals accordingly.

On page 48, after "below" on line 35, strike "175 percent" and insert "200 percent".

On page 49, after "(4)" on line 15, strike "\$162,500,000" and insert "\$167,300,000".

On page 49, after "and" on line 16, strike "\$91,000,000" and insert "\$93,500,000".

On page 49, after "below" on line 19, strike "175 percent" and insert "200 percent".

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Thibaudeau on pages 38, 40, 48 and 49, to Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll and the amendments, having failed to receive the constitutionally sixty percent majority, were not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 21.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

Excused: Senator Horn - 1.

MOTION

On motion of Senator Zarelli, the following amendment by Senators Zarelli and Fairley was adopted:

On page 39, on line 5, after "purpose." insert "To the extent that the required expenditure level must be met by funding new services, expansion of the high school transition program shall be the first priority."

MOTION

Senator Regala moved that the following amendments by Senators Regala and Fairley be considered simultaneously and be adopted:

On page 44, line 20, increase the general fund--state appropriation for fiscal year 2004 by \$67,610,000 and adjust the totals accordingly.

On page 44, line 21, increase the general fund--state appropriation for fiscal year 2005 by \$74,948,000 and adjust the totals accordingly.

On page 44, line 23, decrease the general fund--private/local appropriation by \$60,073,000 and adjust the totals accordingly.

On page 44, line 24, decrease the health services account appropriation by \$55,100,000 and adjust the totals accordingly.

On page 46, beginning on line 4, strike all material through line 18.

Renumber the sub-sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Regala and Fairley on page 44, lines 20, 21, 23 and 24 and page 46, line 4, to Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll and the amendments, having failed to receive the constitutionally sixty percent majority, were not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 21.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

Excused: Senator Horn - 1.

MOTION

Senator Fairley moved that the following amendments by Senators Fairley and Hargrove be considered simultaneously and be adopted:

On page 44, line 20, increase the general fund--state appropriation for fiscal year 2004 by \$22,097,000 and adjust the totals accordingly.

On page 44, line 21, increase the general fund--state appropriation for fiscal year 2005 by \$24,379,000 and adjust the totals accordingly.

On page 45, beginning on line 26, strike all material through "act." on line 29.

Renumber the sub-sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Fairley and Hargrove on page 44, lines 20 and 21, and page 45, line 26, to Substitute Senate Bill No. 5404.

The motion by Senator Fairley failed on a rising vote, the amendments, having failed to receive the constitutionally sixty percent majority.

MOTION

On motion of Senator Hargrove, the following amendments by Senators Hargrove and Rossi were considered simultaneously and were adopted:

On page 69, line 10, strike "\$3,215,000" and insert "\$2,159,500"

On page 69, line 11, strike "\$9,415,000" and insert "\$8,359,500"

MOTION

Senator Doumit moved that the following amendments be considered simultaneously and be adopted:

On page 97, line 28, increase the general fund--state appropriation for FY 2004 by \$6,022,000.

On page 97, line 29, increase the general fund--state appropriation for FY 2005 by \$11,333,000.

Adjust the total accordingly.

On page 158, line 20, strike section 913.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Doumit on page 97, lines 28 and 29, and page 158, line 20, to Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll and the amendments, having failed to receive the constitutionally sixty percent majority, were not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Excused: Senator Horn - 1.

MOTION

Senator McAuliffe moved that the following amendment be adopted:

On page 108, after line 18, insert:

"NEW SECTION. Sec. 516 FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE FLEXIBLE

EDUCATION FUNDS

General Fund--State Appropriation (FY 2004)	\$ 20,680,000
General Fund--State Appropriation (FY 2005)	. . . \$ 20,689,000
Total Appropriation \$ 41,369,000

The appropriation in this section is subject to the following conditions and limitations:

(1) State flexible education funds for the 2003-04 and 2004-05 school years shall be allocated at a maximum rate of \$21.55 per full-time equivalent student in grades K-12. For the purpose of this section, "FTE student" refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year. The funds shall be distributed to school districts at ten percent per month for the months of September through June.

(2) Funds are provided for local education program enhancements to improve student learning as identified by each school district, including the following programs: Paraprofessional training; mentor/beginning teacher assistance; principal assessment and mentorships; superintendent and principal internships; school safety; truancy; contracting with educational centers; and complex needs.

(3) Funds provided under this section shall not be used for salary increases or additional compensation for existing teaching duties.

(4) Funding provided under this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe on page 108, line 18, to Substitute Senate Bill No. 5404.

The motion by Senator McAuliffe failed and the amendments, having failed to receive the constitutionally sixty percent majority, were not adopted.

MOTION

Senator Kohl-Welles moved that the following amendments be considered simultaneously and be adopted:

On page 113, line 1, after "(6)", strike all material down through "Further, the" on line 12, and insert "The".

On page 115, line 20, increase the state general fund state appropriation for fiscal year 2004 by \$3,382,000.

On page 115, line 21, increase the state general fund state appropriation for fiscal year 2005 by \$3,684,000.

Adjust the total appropriation accordingly.

On page 119, line 20, increase the state general fund state appropriation for fiscal year 2004 by \$4,765,000.

On page 119, line 21, increase the state general fund state appropriation for fiscal year 2005 by \$5,193,000.

Adjust the total appropriation accordingly.

On page 120, line 37, increase the state general fund state appropriation for fiscal year 2004 by \$2,147,000.

On page 121, line 1, increase the state general fund state appropriation for fiscal year 2005 by \$2,340,000.

Adjust the total appropriation accordingly.

On page 122, line 28, increase the state general fund state appropriation for fiscal year 2004 by \$324,000.

On page 122, line 29, increase the state general fund state appropriation for fiscal year 2005 by \$353,000.

Adjust the total appropriation accordingly.

On page 123, line 7, increase the state general fund state appropriation for fiscal year 2004 by \$201,000.

On page 123, line 8, increase the state general fund state appropriation for fiscal year 2005 by \$209,000.

Adjust the total appropriation accordingly.

On page 123, line 27, increase the state general fund state appropriation for fiscal year 2004 by \$126,000.

On page 123, line 28, increase the state general fund state appropriation for fiscal year 2005 by \$137,000.

Adjust the total appropriation accordingly.

On page 124, line 37, increase the state general fund state appropriation for fiscal year 2004 by \$407,000.

On page 125, line 1, increase the state general fund state appropriation for fiscal year 2005 by \$443,000.

Adjust the total appropriation accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on pages 113, 115, 119, 120, 121, 122, 123, 124 and 125 to Substitute Senate Bill No. 5404.

The motion by Senator McAuliffe failed and the amendments, having failed to receive the constitutionally sixty percent majority, were not adopted.

MOTION

Senator Winsley moved that the following amendments be considered simultaneously and be adopted:

On page 29, on line 35, decrease the amount by \$873,000

Adjust the total accordingly

On page 47, on line 21, increase the amount by \$636,000

On page 47, on line 22, increase the amount by \$662,000

On page 47, on line 23, increase the amount by \$873,000

Adjust the total accordingly

On page 159, after line 4, insert the following:

"Sec. 914. RCW and 2002 c 294 § 3 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional (~~five-dollar~~)fifteen dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170.

For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees.

For recording instruments, a surcharge as provided in RCW 36.22.178."

Debate ensued.

Senator Franklin demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Winsley on pages 29, 47, and 159, to Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll and the amendments, having received the constitutionally sixty percent majority, were adopted by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 40.

Voting nay: Senators Benton, Esser, McCaslin, Mulliken, Roach, Rossi, Stevens and Zarelli - 8.

Excused: Senator Horn - 1.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute Senate Bill No. 5404 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Sheahan, Hale, and Parlette demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5404.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5404 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Johnson, Morton, Oke, Parlette, McCaslin, Mulliken, Roach, Rasmussen, Reardon, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 28.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Shin, Spanel, Thibaudeau - 20.

Excused: Senator Horn - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Elizabeth Kohl, Mother of Senator Kohl-Welles, who was seated in back of the Chamber.

HAPPY BIRTHDAY WISHES

The President extended Happy Birthday wishes to Senators Fairley and Franklin.

PERSONAL PRIVILEGE

Senator Prentice: "A point of personal privilege, Mr. President. I would like to thank all of the members and staff and all of you who have expressed concern about the condition of my husband. He is now at Mount St. Vincent in a very fine nursing home, where I used to be the director of nurses. He is not a bit happy about it; I am on my way to see him. There is one bit of good news today. I just got a call and my daughter and the three grandkids are already in town--they came in from Phoenix. I'll give you another report, but for now, he is grumbling, but then that is not unusual for husbands, is it? He is starting physical therapy and he is going to get better before we bring him home. Thank you all, very, very much."

MOTION

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

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed SUBSTITUTE SENATE BILL NO. 5403, and the same is herewith transmitted.

April 4, 2003

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The Speaker has signed:
HOUSE BILL NO. 1052,
SUBSTITUTE HOUSE BILL NO. 1069, and the same are herewith transmitted.

April 4, 2003

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1052,
SUBSTITUTE HOUSE BILL NO. 1069.

MOTION

On motion of Senator Sheahan, Rule 46 was dispensed with for the remainder of the day.

EDITOR'S NOTE: Rule 46 states ' No committee shall sit during the daily session of the senate unless by special leave.'

MOTION

At 12:22 p.m. on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 5:37 p.m. by President Owen.

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

REPORTS OF STANDING COMMITTEES

SB 5341 Prime Sponsor, Senator Winsley: Establishing a quality maintenance fee on nursing facilities. Reported by
Committee on Ways and Means April 3, 2003

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5341 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Brown.

Passed to Committee on Rules for second reading.

SB 6017 Prime Sponsor, Senator Stevens: Modifying general assistance provisions. Reported by Committee on Ways and
Means April 3, 2003

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6017 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

SB 6057 Prime Sponsor, Senator Parlette: Revising basic health care plan enrollment provisions. Reported by Committee
on Ways and Means April 3, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

SB 6058 Prime Sponsor, Senator Oke: Modifying the distribution of state property taxes. Reported by Committee on Ways
and Means April 3, 2003

MAJORITY Recommendation: That Substitute Senate Bill No. 6058 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

SB 6059 Prime Sponsor, Senator Oke: Modifying teacher cost-of-living provisions. Reported by Committee on Ways and
Means April 3, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Sheahan and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

April 3, 2003

SB 6060 Prime Sponsor, Senator Mulliken: Increasing the time period local governments have to develop or amend a shoreline master program. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1000 Prime Sponsor, House Committee on Local Government: Regulating the authority of metropolitan municipal corporations to acquire property. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; McCaslin, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 1009 Prime Sponsor, House Committee on Juvenile Justice and Family Law: Prohibiting sale of violent computer and video games to minors. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove and McAuliffe.

MINORITY Recommendation: Do not pass. Signed by Senator Parlette, Vice Chair.

Passed to Committee on Rules for second reading.

April 4, 2003

EHB 1010 Prime Sponsor, Representative Dickerson: Changing provisions relating to discharge of a minor from a mental health facility. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1028 Prime Sponsor, House Committee on Juvenile Justice and Family Law: Studying programs for at-risk youth intervention. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 1033 Prime Sponsor, House Committee on Judiciary: Clarifying the restrictions concerning occupational licenses. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass as amended. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1041 Prime Sponsor, House Committee on Judiciary: Authorizing mental health advance directives. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1058 Prime Sponsor, House Committee on Child and Family Service: Addressing educational attainment for foster children. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1085 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing confidentiality to certain insurance commissioner examinations. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

April 4, 2003

2SHB 1095 Prime Sponsor, House Committee on Appropriations: Limiting the impact on small forest landowners caused by forest road maintenance and abandonment requirements. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford and Oke.

Referred to Committee on Ways and Means.

April 2, 2003

HB 1119 Prime Sponsor, Representative Ruderman: Regulating mail to constituents. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1129 Prime Sponsor, House Committee on State Government: Allowing public officials to provide information on the impact of ballot propositions. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1150 Prime Sponsor, Representative Hatfield: Selling single premium credit insurance. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 2003

ESHB 1151 Prime Sponsor, House Committee on Judiciary: Regulating the keeping of dangerous wild animals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1153 Prime Sponsor, House Committee on State Government: Managing confidential records. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1154 Prime Sponsor, Representative Haigh: Funding oral history and archives activities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 1158 Prime Sponsor, House Committee on State Government: Enhancing voting systems certification. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1160 Prime Sponsor, House Committee on State Government: Harmonizing election crimes and penalties. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1170 Prime Sponsor, Representative Romero: Limiting restrictions on residential day-care facilities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1189 Prime Sponsor, House Committee on Health Care: Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1196 Prime Sponsor, Representative Simpson: Including hospital districts in the definition of "local government" for chapter 39.96 RCW. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1210 Prime Sponsor, Representative O'Brien: Enacting the Washington Antiterrorism Act of 2003. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Thibaudeau.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1211 Prime Sponsor, House Committee on Commerce and Labor: Modifying accountability requirements under the public accountancy act. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Referred to Committee on Ways and Means.

April 4, 2003

SHB 1222 Prime Sponsor, House Committee on State Government: Requiring voting devices to be accessible to individuals with disabilities. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1239 Prime Sponsor, House Committee on Fisheries, Ecology and Parks: Creating a geoduck management task force. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1278 Prime Sponsor, House Committee on Finance: Listing property for tax purposes. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 2, 2003

SHB 1295 Prime Sponsor, House Committee on Health Care: Eliminating barriers to initial licensure in health professions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1296 Prime Sponsor, Representative Moeller: Making corrections to the department of health's professional and facilities licensing provisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 1317 Prime Sponsor, House Committee on Agriculture and Natural Resources: Creating a trust water rights program. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Oke and Regala.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

April 4, 2003

E2SHB 1338 Prime Sponsor, House Committee on Appropriations: Providing additional certainty for municipal water rights. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove, Honeyford and Oke.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

April 3, 2003

HB 1361 Prime Sponsor, Representative Linville: Increasing the powers of the state agricultural commodity commissions. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

April 4, 2003

EHB 1376 Prime Sponsor, Representative Romero: Exempting the use of certain water storage facilities from the water code permitting requirements. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford and Oke.

Passed to Committee on Rules for second reading.

April 3, 2003

E2SHB 1418 Prime Sponsor, House Committee on Appropriations: Regarding construction projects in state waters. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Referred to Committee on Ways and Means.

April 4, 2003

EHB 1427 Prime Sponsor, Representative Lantz: Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 2, 2003

HB 1430 Prime Sponsor, Representative Miloscia: Requiring state agencies to prepare housing impact statements. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1442 Prime Sponsor, House Committee on Commerce and Labor: Revising provisions for sale of timeshares. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1473 Prime Sponsor, Representative Hudgins: Specifying when vacancies in certain public offices may be filled. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1526 Prime Sponsor, Representative Linville: Revising provisions relating to cost-reimbursement agreements between state agencies and permit applicants. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 1530 Prime Sponsor, House Committee on Judiciary: Changing rules for venue for declaratory judgments under the administrative procedure act. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson and Roach.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1550 Prime Sponsor, House Committee on State Government: Revising the duties of and renaming the office of permit assistance. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1569 Prime Sponsor, House Committee on State Government: Excluding certain information supplied by a bidder on a public bid from public disclosure. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; McCaslin and Reardon.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1571 Prime Sponsor, House Committee on Juvenile Justice and Family Law: Enhancing enforcement of child support obligations. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1580 Prime Sponsor, Representative Lantz: Revising provisions of the personality rights act. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Haugen, Johnson, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1608 Prime Sponsor, House Committee on Local Government: Concerning the accommodation of housing and employment growth under local comprehensive plans. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass as amended. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1622 Prime Sponsor, House Committee on State Government: Clarifying the definition of "research." Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Franklin, Keiser and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Brandland and Parlette.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1634 Prime Sponsor, House Committee on Commerce and Labor: Changing the residential property seller disclosure statement. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1635 Prime Sponsor, Representative Pettigrew: Revising reporting requirements for income and resources under the public assistance program. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 1640 Prime Sponsor, House Committee on Agriculture and Natural Resources: Authorizing water banking within the trust water program. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Oke and Regala.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1642 Prime Sponsor, House Committee on Judiciary: Modifying medical information exchange and disclosure provisions. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1670 Prime Sponsor, Representative McDermott: Adjusting the definition of "election cycle." Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1676 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing civil and criminal penalties for the unlawful transaction of insurance or health coverage. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

April 3, 2003

HB 1677 Prime Sponsor, Representative Shabro: Authorizing a county to exempt certain property used in agriculture from taxation. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass as amended and be referred to Committee on Ways and Means. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Referred to Committee on Ways and Means.

April 4, 2003

ESHB 1689 Prime Sponsor, House Committee on Agriculture and Natural Resources: Implementing the federal permit requirements for municipal separate storm sewer system permits. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1707 Prime Sponsor, House Committee on Local Government: Revising environmental review provisions to improve the development approval process and enhance economic development. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1734 Prime Sponsor, House Committee on Local Government: Updating the state building code. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass as amended. Signed by Senators Mulliken, Chair; Kline, Morton and T. Sheldon.

MINORITY Recommendation: Do not pass as amended. Signed by Senator McCaslin.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1755 Prime Sponsor, House Committee on Local Government: Creating alternative means for annexation of unincorporated islands of territory. Reported by Committee on Land Use and Planning

MAJORITY Recommendation: Do pass as amended. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1767 Prime Sponsor, House Committee on Judiciary: Permitting a forensic competency examination to be conducted in a jail, detention or correctional facility, or appropriate community setting by one examiner. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

2SHB 1784 Prime Sponsor, House Committee on Appropriations: Improving coordination of services for children's mental health. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 3, 2003

HB 1786 Prime Sponsor, Representative Veloria: Modifying mobile home landlord-tenant provisions. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

April 2, 2003

ESHB 1827 Prime Sponsor, House Committee on Health Care: Requiring information on meningitis immunization for college students. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1840 Prime Sponsor, House Committee on Financial Institutions and Insurance: Authorizing nonprofit corporations to participate in self-insurance risk pools. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

April 4, 2003

2SHB 1841 Prime Sponsor, House Committee on Appropriations: Establishing funding criteria for prevention and early intervention services. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 1844 Prime Sponsor, House Committee on Financial Institutions and Insurance: Criminalizing possession of instruments or equipment of financial fraud. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1849 Prime Sponsor, House Committee on Health Care: Creating a list of health care providers willing to serve as volunteer resources during an emergency or disaster. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser, Parlette and Thibaudeau.

Passed to Committee on Rules for second reading.

April 3, 2003

ESHB 1852 Prime Sponsor, House Committee on Higher Educ: Facilitating collaboration among health care work force stakeholders to address the health care personnel shortage. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 1854 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Allowing cities and public utility districts to purchase energy, including the capability to produce energy, from the agency. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Oke and Regala.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 1872 Prime Sponsor, House Committee on Financial Institutions and Insurance: Providing for linked deposit loans for assistive technology. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Referred to Committee on Ways and Means.

April 4, 2003

HB 1878 Prime Sponsor, Representative Dickerson: Providing the courts access to information in third-party custody petitions. Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 1882 Prime Sponsor, Representative Grant: Modifying local improvement district provisions. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

EHB 1926 Prime Sponsor, Representative Lantz: Limiting the use of expert witnesses. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

April 3, 2003

EHB 1927 Prime Sponsor, Representative Lantz: Concerning mandatory mediation and arbitration of health care claims. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Franklin, Keiser and Parlette.

Passed to Committee on Rules for second reading.

April 3, 2003

ESHB 1928 Prime Sponsor, House Committee on Judiciary: Changing provisions relating to parties liable for damages in actions under chapter 7.70 RCW. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass as amended. Signed by Senators Deccio, Chair; Winsley, Vice Chair; Brandland, Keiser and Parlette.

MINORITY Recommendation: Do not pass as amended. Signed by Senator Franklin.

Passed to Committee on Rules for second reading.

ESHB 1933 Prime Sponsor, House Committee on Local Government: Declaring shoreline management act legislative intent. Reported by Committee on Land Use and Planning April 3, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Mulliken, Chair; Kline, McCaslin, Morton and T. Sheldon.

Passed to Committee on Rules for second reading.

HB 1980 Prime Sponsor, Representative Boldt: Changing work activity provisions under the TANF program. Reported by Committee on Children and Family Services and Corrections April 4, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules for second reading.

HB 1996 Prime Sponsor, Representative Morrell: Clarifying the eligibility for local funds of building operation and maintenance costs of housing projects eligible to receive housing trust funds. Reported by Committee on Financial Services, Insurance and Housing April 3, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

2SHB 2012 Prime Sponsor, House Committee on Education: Creating a special services pilot program. Reported by Committee on Education April 4, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Passed to Committee on Rules for second reading.

SHB 2027 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Regulating the sale of cigarettes. Reported by Committee on Technology and Communications April 3, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules for second reading.

SHB 2040 Prime Sponsor, House Committee on Financial Institutions and Insurance: Establishing liability for taxes on unlawful or delinquent insurers or taxpayers. Reported by Committee on Financial Services, Insurance and Housing April 4, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Benton, Chair; Keiser, Prentice, Roach and Zarelli.

Passed to Committee on Rules for second reading.

EHB 2067 Prime Sponsor, Representative Schoesler: Permitting withdrawals of public ground waters. Reported by Committee on Natural Resources, Energy and Water April 4, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Oke and Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 2088 Prime Sponsor, House Committee on Agriculture and Natural Resources: Revising provisions relating to storm water rates and charges. Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: Do pass as amended. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove and Honeyford.

MINORITY Recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 2100 Prime Sponsor, Representative Romero: Adding an ex officio member to the building code council. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

2SHB 2124 Prime Sponsor, House Committee on Appropriations: Regarding high school graduation requirements. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Carlson, Finkbeiner, Rasmussen and Schmidt.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Eide and McAuliffe.

Passed to Committee on Rules for second reading.

April 4, 2003

SHB 2132 Prime Sponsor, House Committee on Financial Institutions and Insurance: Securing public building or construction contracts. Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

April 4, 2003

HB 2183 Prime Sponsor, Representative Ericksen: Adjusting the amount allowed for unbid sewer and water projects. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama, McCaslin and Reardon.

Passed to Committee on Rules for second reading.

April 4, 2003

ESHB 2195 Prime Sponsor, House Committee on Education: Regarding state assessment standards. Reported by Committee on Education

MAJORITY Recommendation: Do pass as amended. Signed by Senators Johnson, Chair; Zarelli, Vice Chair; Carlson, Finkbeiner and Schmidt.

MINORITY Recommendation: Do not pass as amended. Signed by Senators Eide and McAuliffe.

Passed to Committee on Rules for second reading.

April 3, 2003

SHB 2202 Prime Sponsor, House Committee on Commerce and Labor: Providing for cosmetology apprenticeships.
Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: Do pass as amended. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon and Roach.

Passed to Committee on Rules for second reading.

April 3, 2003

HJM 4018 Prime Sponsor, Representative Blake: Requesting Congress to enter trade agreements that are more fair to domestic agricultural businesses. Reported by Committee on Agriculture

MAJORITY Recommendation: Do pass as amended. Signed by Senators Swecker, Chair; Brandland, Vice Chair; Rasmussen and Sheahan.

Passed to Committee on Rules for second reading.

April 4, 2003

HJR 4206 Prime Sponsor, Representative Hudgins: Amending the Constitution to provide for vacancies that occur after the general election. Reported by Committee on Government Operations and Elections

MAJORITY Recommendation: Do pass as amended. Signed by Senators Roach, Chair; Stevens, Vice Chair; Kastama and Reardon.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

April 4, 2003

GA 9006 ALARIC BIEN, appointed December 10, 2001, for a term ending December 5, 2005, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules.

April 4, 2003

GA 9007 DOROTHY BLAKE, reappointed December 10, 2001, for a term ending December 5, 2005, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules.

April 4, 2003

GA 9057 SUZANNE LEICHMAN, reappointed December 14, 2001, for a term ending December 5, 2005, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules.

April 4, 2003

GA 9101 JEROME REMICH, appointed December 10, 2001, for a term ending December 5, 2003, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules.

April 4, 2003

GA 9141 CAROL DOTLICH, reappointed March 15, 2002, for a term ending December 5, 2003, as a member of the Western State Hospital Advisory Board.
Reported by Committee on Children and Family Services and Corrections

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Passed to Committee on Rules.

MOTION

At 5:38 p.m., on motion of Senator Sheahan, the Senate adjourned until 9:00 a.m., Monday, April 7, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SECOND DAY, APRIL 4, 2003

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

EIGHTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 7, 2003

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Brown, Fairley, Hargrove, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Tim Sheldon, Swecker and Zarelli. On motion of Senator Eide, Senators Fairley, Poulsen and Reardon were excused. On motion of Senator Hewitt, Senators Benton, McCaslin, Parlette, Roach and Rossi were excused.

The Sergeant at Arms Color Guard, consisting of Pages Ben Hollingsworth and Zachary Ross, presented the Colors. Dr. Charlotte Beeler-Petty, pastor of the Risen Faith Fellowship in Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SJM 8022 by Senators Honeyford, Kohl-Welles, Johnson, McAuliffe, Sheahan, Rasmussen, Doumit, Morton, Hargrove, Parlette, T. Sheldon, Brandland, Eide, Schmidt, B. Sheldon, Mulliken, Hewitt, Prentice, West, McCaslin, Deccio, Hale, Swecker, Jacobsen, Shin, Esser, Oke, Kastama, Haugen, Franklin, Regala, Benton, Poulsen, Fairley, Fraser, Brown, Winsley, Roach, Thibaudeau, Kline, Reardon, Stevens, Zarelli, Spanel and Finkbeiner

Requesting just compensation to Washington state for the impact of federal land ownership on the state's ability to fund public education.

Referred to Committee on Ways and Means.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Betti Sheldon, Gubernatorial Appointment No. 9153, Arturo Garcia-Flores, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

APPOINTMENT OF ARTURO GARCIA-FLORES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 28; Nays, 0; Absent, 13; Excused, 8.

Voting yea: Senators Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Thibaudeau, West and Winsley - 28.

Absent: Senators Brown, Hargrove, Horn, Johnson, Morton, Mulliken, Oke, Prentice, Rasmussen, Regala, Sheldon, T., Swecker and Zarelli - 13.

Excused: Senators Benton, Fairley, McCaslin, Parlette, Poulsen, Reardon, Roach and Rossi - 8.

MOTION

On motion of Senator Eide, Senators Rasmussen, Regala and Tim Sheldon were excused.

MOTION

On motion of Senator Hewitt, Senators Johnson, Mulliken, and Zarelli were excused.

MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9156, Paul Hutton, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF PAUL HUTTON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 35; Nays, 0; Absent, 1; Excused, 13.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Oke, Prentice, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 35.

Absent: Senator Kline - 1.

Excused: Senators Benton, Fairley, Johnson, McCaslin, Mulliken, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Sheldon, T. and Zarelli - 13.

MOTION

On motion of Senator Hale, the following resolution was adopted:

SENATE RESOLUTION 8656

By Senators Hale, Hewitt, T. Sheldon, Rasmussen, Franklin, Fraser, McAuliffe, Kastama and Kohl-Welles

WHEREAS, On June 29, 2002, Amanda Beers was named Miss Washington to represent Washington State in the Miss America Pageant; and

WHEREAS, Despite being born with fifty percent hearing, Amanda has proven to be remarkable by any standards, achieving success as a classical pianist and as a passionate, articulate spokesperson for people with hearing loss; and

WHEREAS, There are more than twenty-eight million deaf and hard of hearing citizens in the United States, and children with moderate hearing impairments can miss up to fifty percent of classroom conversations, thus hampering their educations; and

WHEREAS, Amanda has made a lifetime commitment to increase awareness about deaf and hard of hearing issues, to promote legislation to make hearing aids more available, and to assist those with hearing loss;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that Amanda Beers be honored for her leadership, dedication, and dream of ensuring early detection of hearing problems in children; and

BE IT FURTHER RESOLVED, That Danny and Julie Beers, her parents, be commended for their strong support of Amanda's efforts.

Senators Hale and Betti Sheldon spoke to Senate Resolution 8656.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Amanda Beers, Miss Washington, who was seated on the rostrum. With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

MOTION

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

SECOND READING

HOUSE BILL NO. 1435, by Representative Armstrong, Linville, Schoesler, McDermott, Hinkle, Wood, Newhouse, Grant, Quall, Holmquist and Condotta

Concerning the fruit and vegetable district fund.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1435 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1435.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1435 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Benton, Fairley, McCaslin, Poulsen, Reardon and Roach - 6.

HOUSE BILL NO. 1435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1101, by Representatives Schoesler, Linville, Grant, Rockefeller, Holmquist, Sump and Mielke (by request of Department of Agriculture)

Forwarding grain when an emergency storage situation exists.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1101 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1101.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1101 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Benton, Fairley, McCaslin, Poulsen, Reardon and Roach - 6.

HOUSE BILL NO. 1101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 9:38 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 11:28 a.m. by President Owen.

MOTION

On motion of Senator Sheahan, Rule 46 was dispensed with for the remainder of the day.

EDITOR'S NOTE: Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

HAPPY BIRTHDAY WISHES

The President wished Deputy Secretary of the Senate Paul Campos, and Senator Dave Schmidt a Very Happy Birthday.

CONDOLENCES TO FORMER SENATOR RAY MOORE

The President announced that Virginia Moore, wife of former Senator Ray Moore, passed away on Saturday. Condolences were expressed for Senator Moore.

MOTION

At 11:30 a.m., on motion of Senator Sheahan, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:07 p.m. by President Owen.

The being no objection, the President declared the Senate to be at ease.

The Senate was called to order at 6:30 p.m. by President Owen.

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

REPORTS OF STANDING COMMITTEES

April 7, 2003

SB 5071 Prime Sponsor, Senator Reardon: Revising business and occupation taxation for certain aviation businesses. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5071 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5181 Prime Sponsor, Senator Benton: Extending the expiration date on the tax credit for software companies in rural counties. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5181 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5182 Prime Sponsor, Senator Benton: Extending the expiration date for the rural county information technology tax credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Fraser and Regala.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5319 Prime Sponsor, Senator Tim Sheldon: Authorizing sales and use tax exemptions for call centers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5319 as recommended by the Committee on Economic Development, be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5338 Prime Sponsor, Senator Horn: Making 2003-05 transportation appropriations. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5338 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5363 Prime Sponsor, Senator Hale: Providing an ongoing funding source for the community economic revitalization board's financial assistance programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5364 Prime Sponsor, Senator Zarelli: Promoting economic development and community revitalization. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5364 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fraser, Hale, Johnson, Parlette, Poulsen, Regala, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5423 Prime Sponsor, Senator Swecker: Modifying the taxation of physical fitness services. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5423 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5529 Prime Sponsor, Senator Esser: Removing the expiration date on the research and development business and occupation tax credit. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan, B. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Fraser and Regala.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5531 Prime Sponsor, Senator Finkbeiner: Removing the expiration date for the high-technology research and development sales and use tax deferral program. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5531 be substituted therefor, and the second substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach, Sheahan, B. Sheldon and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Fraser and Regala.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5583 Prime Sponsor, Senator Haugen: Promoting economic development through tax credits and exemptions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5614 Prime Sponsor, Senator Tim Sheldon: Extending the expiration date on the rural county sales and use tax deferral program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 5725 Prime Sponsor, Senator Zarelli: Providing tax incentives to support the state's semiconductor cluster. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Fraser and Regala.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 6028 Prime Sponsor, Senator Brandland: Modifying the business and occupation taxation of manufacturing flax seed into flax oil. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senator Fraser.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 6051 Prime Sponsor, Senator Kohl-Welles: Decreasing the payment period for excise taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6051 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Fairley, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 6056 Prime Sponsor, Senator Haugen: Adjusting fees, taxes, and penalties for pilots and aircraft. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senator Mulliken.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 6061 Prime Sponsor, Senator Horn: Authorizing transportation funding. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6061 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair; and Esser.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 6062 Prime Sponsor, Senator Horn: Authorizing bonds for transportation funding. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 6063 Prime Sponsor, Senator Horn: Adjusting vehicle-related business fees. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

SB 6068 Prime Sponsor, Senator Horn: Allowing car dealers to charge documentary service fees. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Kastama, Mulliken, Oke and Prentice.

Passed to Committee on Rules for second reading.

April 7, 2003

SJM 8005 Prime Sponsor, Senator Benton: Requesting Congress to permanently repeal the estate tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

April 7, 2003

SJM 8006 Prime Sponsor, Senator Benton: Requesting Congress to pass President Bush's economic growth and tax relief plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

Passed to Committee on Rules for second reading.

April 7, 2003

SJM 8022 Prime Sponsor, Senator Honeyford: Requesting just compensation to Washington state for the impact of federal land ownership on the state's ability to fund public education. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

SHB 1036 Prime Sponsor, House Committee on Transportation: Modifying subagent authority to process mail-in vehicle registration renewals. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Mulliken, Oke and Prentice.

Passed to Committee on Rules for second reading.

April 7, 2003

HB 1064 Prime Sponsor, Representative Eickmeyer: Authorizing the use of signs, banners, or decorations over highways under limited circumstances. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

2SHB 1095 Prime Sponsor, House Committee on Appropriation: Limiting the impact on small forest landowners caused by forest road maintenance and abandonment requirements. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

April 7, 2003

HB 1110 Prime Sponsor, Representative Newhouse: Increasing the monthly pensions for volunteer fire fighters and reserve officers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

HB 1114 Prime Sponsor, Representative Hinkle: Extending school or playground speed zones. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

HB 1205 Prime Sponsor, Representative Conway: Addressing the department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

2SHB 1240 Prime Sponsor, House Committee on Finance: Providing tax incentives for biodiesel and alcohol fuel production. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

2SHB 1241 Prime Sponsor, House Committee on Finance: Providing tax incentives for the distribution and retail sale of biodiesel and alcohol fuels. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

SHB 1250 Prime Sponsor, House Committee on Agriculture and Natural Resources: Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Natural Resources, Energy and Water. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

April 7, 2003

HB 1379 Prime Sponsor, Representative Ericksen: Authorizing agreements for traffic control. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

EHB 1388 Prime Sponsor, Representative Woods: Providing incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Oke and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

E2SHB 1418 Prime Sponsor, House Committee on Appropriations: Regarding construction projects in state waters. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Roach, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

April 7, 2003

ESHB 1463 Prime Sponsor, House Committee on Transportation: Allowing advertising on bus shelters. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

HB 1519 Prime Sponsor, Representative Wood: Calculating the death benefits for members of the teachers' retirement system, school employees' retirement system, and public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

HB 1531 Prime Sponsor, Representative Grant: Requiring the governor's signature on significant legislative rules. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette and Sheahan.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley and B. Sheldon.

Passed to Committee on Rules for second reading.

April 7, 2003

SHB 1624 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Modifying provisions of the Washington telephone assistance program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Technology and Communications. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Parlette, Poulsen, Regala, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

EHB 1808 Prime Sponsor, Representative Kenney: Requiring standards of review before changing lines of instruction at research universities. Reported by Committee on Ways and Means

April 7, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

ESHB 1853 Prime Sponsor, House Committee on Transportation: Providing passenger ferry service. Reported by Committee on Highways and Transportation

April 7, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

HB 1858 Prime Sponsor, Representative Morris: Regarding taxation of persons providing chemical dependency services. Reported by Committee on Ways and Means

April 7, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette, Roach and Sheahan.

Passed to Committee on Rules for second reading.

HB 1905 Prime Sponsor, Representative Gombosky: Providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations. Reported by Committee on Ways and Means

April 7, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

HB 2001 Prime Sponsor, Representative Murray: Providing property tax exemptions for nonprofit organizations supporting artists. Reported by Committee on Ways and Means

April 7, 2003

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Poulsen, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

SHB 2033 Prime Sponsor, House Committee on Transportation: Requiring regional transportation investment district tax revenue to be allocated proportionally among member counties. Reported by Committee on Highways and Transportation

April 7, 2003

MAJORITY Recommendation: Do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

Passed to Committee on Rules for second reading.

April 7, 2003

SHB 2036 Prime Sponsor, House Committee on Finance: Authorizing additional tribes to enter into cigarette tax contracts with the governor. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Rules without recommendation. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 7, 2003

EHB 2146 Prime Sponsor, Representative Tom: Providing tax incentives for wood biomass fuel production, distribution, and sale. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Natural Resources, Energy and Water. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Doumit, Hale, Honeyford, Johnson, Parlette and Sheahan.

Passed to Committee on Rules for second reading.

MOTION

At 6:31 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Tuesday, April 8, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-FIFTH DAY, APRIL 7, 2003

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

EIGHTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 8, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Doumit, Haugen, McCaslin, Prentice, Stevens and Zarelli. On motion of Senator Eide, Senators Doumit, Haugen and Prentice were excused. On motion of Senator Hewitt, Senators McCaslin and Stevens were excused.

The Sergeant at Arms Color Guard, consisting of Pages Leigh Heagle and Wilderson Tobey, presented the Colors. Reverend Rusty Carlson, pastor of the Parkland Christian Church, and the son of Senator Don Carlson, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 7, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2198, and the same is herewith transmitted.

INTRODUCTION AND FIRST READING OF HOUSE BILL

SHB 2198 by House Committee on Appropriations (originally sponsored by Representatives Cooper, Delvin and Simpson)

Removing the allocation of excess earnings from section 6 of Initiative Measure No. 790.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Thibaudeau, the following resolution was adopted:

SENATE RESOLUTION 8642

By Senators Thibaudeau, Kastama, Franklin, Fraser, Kohl-Welles, McAuliffe, Spanel and Rasmussen

***WHEREAS, One of Washington's most beautiful landmarks is the State Capitol Campus; and
WHEREAS, The campus, built before 1920, comprises fifty buildings, which are spread out over
four hundred and twenty acres and cover more than five million square feet; and
WHEREAS, The Olmsted Brothers created the landscape design of the capitol grounds in 1928;
and***

***WHEREAS, The Capitol Campus hosts 650,000 visitors annually; and
WHEREAS, The campus consists of buildings and lands owned by the state including East, West,
and North Capitol campuses; Sylvester, Heritage, and Centennial parks; Deschutes Parkway; Capitol Lake;
the Old Capitol Building; and the Tumwater and Lacey campuses; and***

***WHEREAS, The custodial and grounds maintenance personnel are dedicated to preserving and
protecting the heritage of state buildings, land furnishings, and landscape architecture of the Capitol
Campus and its satellite campuses; and***

***WHEREAS, These two hundred and thirty-three employees represent state government,
consistently reflecting the importance, elegance, and stature of state government facilities; and***

***WHEREAS, Often unseen, the Capitol Facilities Staff always provide friendly, efficient, and quality
service in a timely manner; and***

***WHEREAS, From blooming tulips, to freshly cut grass--from falling leaves to rain-slicked streets--
the custodial and maintenance staff work tirelessly, ensuring the Capitol Campus remains a kaleidoscope
of colors throughout the changing seasons;***

***NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the two hundred
and thirty-three men and women of the Department of General Administration's Division of Capitol
Facilities, commending their dedication and stewardship in maintaining a beautiful and safe environment
for state employees and visitors; and***

***BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the
Secretary of the Senate to Robert Fukai, Director of General Administration, and Bill Moore, Assistant
Director of the Division of Capitol Facilities.***

Senators Thibaudeau and Jacobsen spoke to Senate Resolution 8642.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Capitol Facilities Staff, who were seated in the back of the Chamber: Bob Fukai, Director of General Administration; Lu Ann Taylor, GA Services Coordinator; and Vickie Cahill and Paul Martin from the Cherberg Building.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9152, Kay Field, as a member of the Board of Trustees for Edmonds Community College District No. 23, was confirmed.

APPOINTMENT OF KAY FIELD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 43.

Absent: Senator Zarelli - 1.

Excused: Senators Doumit, Haugen, McCaslin, Prentice and Stevens - 5.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1195, by House Committee on Judiciary (originally sponsored by Representatives Delvin, Dunshee, Hinkle, Lovick, Mastin, Armstrong, Sump, Fromhold, Quall, Hatfield, Blake, Lantz, Mielke and McMahan)

Limiting the liability of landowners for unintentional injuries incurred while rock climbing.

The bill was read the second time.

MOTION

On motion of Senator Brandland, the rules were suspended, Substitute House Bill No. 1195 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1195.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1195 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Stevens and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 1195, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1380, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Ericksen, Sump, Mielke, Ahern, Clements, Hatfield, Pearson, Buck, Sullivan and Carrell)

Criminalizing interference with certain mining rights and activities.

The bill was read the second time.

MOTION

On motion of Senator Morton, the following Committee on Natural Resources, Energy and Water striking amendment was adopted: Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The definitions in this section apply throughout section 2 of this act unless the context clearly requires otherwise.

(1) "Bedrock sluice" means a wood or metal flume or trough that is permanently attached to the bedrock of the creek and is equipped with transverse riffles across the bottom of the unit and used to recover heavy mineral sands.

(2) "Dredge" means a subsurface hose from one and one-half to ten inches in diameter that is powered by an engine and is used to draw up auriferous material that is then separated in the sluice portion of the unit.

(3) "Flume" means a trough used to convey water.

(4) "Mining claim" means a portion of the public lands claimed for the valuable minerals occurring in those lands and for which the mineral rights are obtained under federal law or a right that is recognized by the United States bureau of land management and given an identification number.

(5) "Quartz mill" means a facility for processing ores or gravel.

(6) "Rocker box" means a unit constructed of a short trough attached to curved supports that allow the unit to be rocked from side to side.

(7) "Sluice box" means a portable unit constructed of a wood or metal flume or trough equipped with transverse riffles across the bottom of the unit and that is used to recover heavy mineral sands.

NEW SECTION. Sec. 2. (1) A person commits the crime of mineral trespass if the person intentionally and without the permission of the claim holder or person conducting the mining operation:

(a) Interferes with a lawful mining operation or stops, or causes to be stopped, a lawful mining operation;

(b) Enters a mining claim posted as required in chapter 78.08 RCW and disturbs, removes, or attempts to remove any mineral from the claim site;

(c) Tampers with or disturbs a flume, rocker box, bedrock sluice, sluice box, dredge, quartz mill, or other mining equipment at a posted mining claim; or

(d) Defaces a location stake, side post, corner post, landmark, monument, or posted written notice within a posted mining claim.

(2) Mineral trespass is a class C felony.

NEW SECTION. Sec. 3. (1) Section 2 of this act does not apply to conduct that would otherwise constitute an offense when it is required or authorized by law or judicial decree or is performed by a public servant in the reasonable exercise of official powers, duties, or functions.

(2) As used in subsection (1) of this section, "laws or judicial decrees" includes but is not limited to:

(a) Laws defining duties and functions of public servants;

(b) Laws defining duties of private citizens to assist public servants in the performance of certain of their functions; and

(c) Judgments and orders of courts.

Sec. 4. RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)

XVI

Homicide by abuse (RCW 9A.32.055)

XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)

XIV

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(I))

Possession of Ephedrine or any of its Salts or Isomers or Salts of Isomers, Pseudoephedrine or any of its Salts or Isomers or Salts of Isomers, Pressurized Ammonia Gas, or Pressurized Ammonia Gas Solution with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (except when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(I))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(I))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or

nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (section 2 of this act)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 5. RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

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Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)

XIV

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)
IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (section 2 of this act)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 6. RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	<i>Arson and Malicious Mischief</i>	
A	<i>Arson 1 (9A.48.020)</i>	B +
B	<i>Arson 2 (9A.48.030)</i>	C
C	<i>Reckless Burning 1 (9A.48.040)</i>	D
D	<i>Reckless Burning 2 (9A.48.050)</i>	E
B	<i>Malicious Mischief 1 (9A.48.070)</i>	C
C	<i>Malicious Mischief 2 (9A.48.080)</i>	D
D	<i>Malicious Mischief 3 (<\$50 is E class) (9A.48.090)</i>	E
E	<i>Tampering with Fire Alarm Apparatus (9.40.100)</i>	E
A	<i>Possession of Incendiary Device (9.40.120)</i>	B +
	<i>Assault and Other Crimes Involving Physical Harm</i>	

	<i>Assault 1 (9A.36.011)</i>	<i>B +</i>
<i>A</i>		
	<i>Assault 2 (9A.36.021)</i>	<i>C +</i>
<i>B +</i>		
	<i>Assault 3 (9A.36.031)</i>	<i>D +</i>
<i>C +</i>		
	<i>Assault 4 (9A.36.041)</i>	<i>E</i>
<i>D +</i>		
	<i>Drive-By Shooting (9A.36.045)</i>	<i>C +</i>
<i>B +</i>		
	<i>Reckless Endangerment (9A.36.050)</i>	<i>E</i>
<i>D +</i>		
	<i>Promoting Suicide Attempt (9A.36.060)</i>	<i>D +</i>
<i>C +</i>		
	<i>Coercion (9A.36.070)</i>	<i>E</i>
<i>D +</i>		
	<i>Custodial Assault (9A.36.100)</i>	<i>D+</i>
<i>C +</i>		
	<i>Burglary and Trespass</i>	
	<i>Burglary 1 (9A.52.020)</i>	<i>C +</i>
<i>B +</i>		
	<i>Residential Burglary (9A.52.025)</i>	<i>C</i>
<i>B</i>		
	<i>Burglary 2 (9A.52.030)</i>	<i>C</i>
<i>B</i>		
	<i>Burglary Tools (Possession of) (9A.52.060)</i>	<i>E</i>
<i>D</i>		
	<i>Criminal Trespass 1 (9A.52.070)</i>	<i>E</i>
<i>D</i>		
	<i>Criminal Trespass 2 (9A.52.080)</i>	<i>E</i>
<i>E</i>		

<u>C</u>	<u>Mineral Trespass (Section 2 of this act)</u>	<u>C</u>
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D +
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (I) or (ii))	B +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam B Counterfeit Substances (69.50.401(b)(1) (I) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C

C	<i>Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))</i>	C
C	<i>Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))</i>	C
	<i>Firearms and Weapons</i>	
	<i>Theft of Firearm (9A.56.300)</i>	C
B		
	<i>Possession of Stolen Firearm (9A.56.310)</i>	C
B		
	<i>Carrying Loaded Pistol Without Permit (9.41.050)</i>	E
E		
	<i>Possession of Firearms by Minor (<18) (9.41.040(1)(b)(iii))</i>	C
C		
	<i>Possession of Dangerous Weapon (9.41.250)</i>	E
D +		
	<i>Intimidating Another Person by use of Weapon (9.41.270)</i>	E
D		
	<i>Homicide</i>	
	<i>Murder 1 (9A.32.030)</i>	A
A +		
	<i>Murder 2 (9A.32.050)</i>	B +
A +		
	<i>Manslaughter 1 (9A.32.060)</i>	C +
B +		
	<i>Manslaughter 2 (9A.32.070)</i>	D +
C +		
	<i>Vehicular Homicide (46.61.520)</i>	C +
B +		

Kidnapping

Kidnap 1 (9A.40.020) ***B +***
A

Kidnap 2 (9A.40.030) ***C +***
B +

Unlawful Imprisonment (9A.40.040) ***D +***
C +

Obstructing Governmental Operation

Obstructing a Law Enforcement Officer (9A.76.020) ***E***
D

Resisting Arrest (9A.76.040) ***E***
E

Introducing Contraband 1 (9A.76.140) ***C***
B

Introducing Contraband 2 (9A.76.150) ***D***
C

Introducing Contraband 3 (9A.76.160) ***E***
E

Intimidating a Public Servant (9A.76.180) ***C +***
B +

Intimidating a Witness (9A.72.110) ***C +***
B +

Public Disturbance

Riot with Weapon (9A.84.010) ***D +***
C +

Riot Without Weapon (9A.84.010) ***E***
D +

E	<i>Failure to Disperse (9A.84.020)</i>	E
E	<i>Disorderly Conduct (9A.84.030)</i>	E
	<i>Sex Crimes</i>	
A	<i>Rape 1 (9A.44.040)</i>	B +
A-	<i>Rape 2 (9A.44.050)</i>	B +
C +	<i>Rape 3 (9A.44.060)</i>	D +
A-	<i>Rape of a Child 1 (9A.44.073)</i>	B +
B +	<i>Rape of a Child 2 (9A.44.076)</i>	C +
B	<i>Incest 1 (9A.64.020(1))</i>	C
C	<i>Incest 2 (9A.64.020(2))</i>	D
D +	<i>Indecent Exposure (Victim <14) (9A.88.010)</i>	E
E	<i>Indecent Exposure (Victim 14 or over) (9A.88.010)</i>	E
B +	<i>Promoting Prostitution 1 (9A.88.070)</i>	C +
C +	<i>Promoting Prostitution 2 (9A.88.080)</i>	D +
E	<i>O & A (Prostitution) (9A.88.030)</i>	E
B +	<i>Indecent Liberties (9A.44.100)</i>	C +

A-	<i>Child Molestation 1 (9A.44.083)</i>	B +
B	<i>Child Molestation 2 (9A.44.086)</i>	C +
	<i>Theft, Robbery, Extortion, and Forgery</i>	
B	<i>Theft 1 (9A.56.030)</i>	C
C	<i>Theft 2 (9A.56.040)</i>	D
D	<i>Theft 3 (9A.56.050)</i>	E
B	<i>Theft of Livestock (9A.56.080)</i>	C
C	<i>Forgery (9A.60.020)</i>	D
A	<i>Robbery 1 (9A.56.200)</i>	B +
B +	<i>Robbery 2 (9A.56.210)</i>	C +
B +	<i>Extortion 1 (9A.56.120)</i>	C +
C +	<i>Extortion 2 (9A.56.130)</i>	D +
C	<i>Identity Theft 1 (9.35.020(2)(a))</i>	D
D	<i>Identity Theft 2 (9.35.020(2)(b))</i>	E
D	<i>Improperly Obtaining Financial Information (9.35.010)</i>	E
B	<i>Possession of Stolen Property 1 (9A.56.150)</i>	C

C	<i>Possession of Stolen Property 2 (9A.56.160)</i>	D
D	<i>Possession of Stolen Property 3 (9A.56.170)</i>	E
C	<i>Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2))</i>	D
	Motor Vehicle Related Crimes	
E	<i>Driving Without a License (46.20.005)</i>	E
B+	<i>Hit and Run - Death (46.52.020(4)(a))</i>	C+
C	<i>Hit and Run - Injury (46.52.020(4)(b))</i>	D
D	<i>Hit and Run-Attended (46.52.020(5))</i>	E
E	<i>Hit and Run-Unattended (46.52.010)</i>	E
C	<i>Vehicular Assault (46.61.522)</i>	D
C	<i>Attempting to Elude Pursuing Police Vehicle (46.61.024)</i>	D
E	<i>Reckless Driving (46.61.500)</i>	E
D	<i>Driving While Under the Influence (46.61.502 and 46.61.504)</i>	E
	Other	
B	<i>Bomb Threat (9.61.160)</i>	C

C	Escape 1¹ (9A.76.110)	C
C	Escape 2¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

180 WEEKS TO AGE 21 YEARS

A +

103 WEEKS TO 129 WEEKS

A

15-36

52-65

80-100

103-129

A-

WEEKS

WEEKS

WEEKS

WEEKS

EXCEPT

30-40

WEEKS FOR

15-17

YEAR OLDS

B +

15-36

52-65

80-100

103-129

Current

Offense

Category

WEEKS

WEEKS

WEEKS

WEEKS

LOCAL

52-65

B

15-36 WEEKS

WEEKS

SANCTIONS (LS)

LS

C +

15-36 WEEKS

LS

15-36 WEEKS

C

Local Sanctions:

0 to 30 Days

D +	LS	0 to 12 Months Community Supervision				
			0 to 150 Hours Community Restitution			
D	LS	\$0 to \$500 Fine				
E	LS					
			1	2	3	4 or more
			0			

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION C MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. Sec. 7. Section 4 of this act expires July 1, 2004.

NEW SECTION. Sec. 8. Section 5 of this act takes effect July 1, 2004.

NEW SECTION. Sec. 9. Sections 1 through 3 of this act are each added to chapter 78.44 RCW."

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

On page 1, line 1 of the title, after "trespass;" strike the remainder of the title and insert "reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357; adding new sections to chapter 78.44 RCW; prescribing penalties; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1380, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1380, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1380, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Stevens and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 1380, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1271, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Anderson, Morris and Wood)

Enhancing interoperability of emergency communications.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1271 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1271.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1271 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Stevens and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 1271, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1233, by House Committee on Children and Family Services (originally sponsored by Representatives Pettigrew, Boldt, Moeller, Kagi, Lovick, Orcutt, Dickerson, Chase, Darneille, Eickmeyer, O'Brien, Roach, Armstrong, Flannigan, Jarrett, Clibborn, Lantz, Kenney, Benson, Shabro, Nixon, Morrell, Mielke and Haigh)

Improving services for kinship caregivers.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the following Committee on Children and Family Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of this section, "kin" means persons related by blood or marriage, including marriages that have been dissolved.

(2) The department shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department shall request that the juvenile court require parents to disclose to the department all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department shall encourage the parents to disclose to the department all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

NEW SECTION. Sec. 2. (1) The department of social and health services shall collaborate with one or more nonprofit community-based agencies to develop a grant proposal for submission to potential funding sources, including governmental entities and private foundations, to establish a minimum of two pilot projects to assist kinship caregivers with understanding and navigating the system of services

for children in out-of-home care. The proposal must seek to establish at least one project in eastern Washington and one project in western Washington, each project to be managed by a participating community-based agency.

(2) The kinship care navigators funded through the proposal shall be responsible for at least the following:

- (a) Understanding the various state agency systems serving kinship caregivers;
- (b) Working in partnership with local community service providers;
- (c) Tracking trends, concerns, and other factors related to kinship caregivers; and
- (d) Assisting in establishing stable, respectful relationships between kinship caregivers and department staff.

(3) Implementation of the kinship care navigator pilot projects is contingent upon receipt of nonstate or private funding for that purpose.

(4) For the purposes of this section, "kinship" has the same meaning as "kin" given in section 1(1) of this act.

(5) This section expires January 1, 2007.

NEW SECTION. Sec. 3. (1) The department of social and health services shall report to the legislature and the governor on the implementation of the kinship care navigator pilot projects with recommendations on statewide implementation of the pilot projects one year following implementation of the pilot projects. The report shall: Include data that demonstrates whether the pilot project reduced actual barriers to access to services; identify statutory and administrative barriers for kin who give care; and recommend ways to reduce or eliminate the barriers without adverse consequences to children placed with kin.

(2) This section expires January 1, 2007.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood or marriage, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more program or service would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor the implementation of recommendations contained in the 2002 kinship care report;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(3) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(4) The kinship care oversight committee shall report to the legislature and the governor on the status of kinship care issues by December 1, 2004.

(5) This section expires January 1, 2005."

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

On page 1, line 1 of the title, after "caregivers;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; creating new sections; and providing expiration dates."

MOTION

On motion of Senator Sheahan, the rules were suspended, Substitute House Bill No. 1233, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1233, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1233, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Stevens and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 1233, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845, by House Committee on State Government (originally sponsored by Representatives Newhouse, Schual-Berke, Benson, Kirby, Linville, Moeller, Chase, Bush, Upthegrove, Veloria, McIntire, Skinner, Mielke and Rockefeller)

Exempting bank account, social security, and credit card numbers from public disclosure.

The bill was read the second time.

MOTION

On motion of Senator Benton, the following Committee on Financial Services, Insurance and Housing striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (I) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(I) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (I) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(I) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (I) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers (~~supplied to an agency for the purpose of electronic transfer of funds~~), except when disclosure is expressly required by or governed by other law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(I) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(I) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(c) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(I) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(I) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(2) Except for information described in subsection (1)(c)(I) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

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

On page 1, line 2 of the title, after "disclosure;" strike the remainder of the title and insert "and reenacting and amending RCW 42.17.310."

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute House Bill No. 1845, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1845, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1845, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Stevens and Zarelli - 2

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466, by House Committee on Education (originally sponsored by Representatives Quall, Tom, Haigh, Talcott, McDermott, Anderson, Linville, Rockefeller, Ericksen, Upthegrove, Jarrett, Dunshee, Nixon, Kessler, Ruderman, Eickmeyer, Cox, Lovick, Hunt, Grant, Woods, Wallace, Pflug, Kenney and Fromhold)

Promoting environmental, natural science, wildlife, forestry, and agricultural education.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute House Bill No. 1466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1466.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1466 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Stevens - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1079, by Representatives Kenney, Cox, Fromhold, Jarrett, McIntire, Chandler, Miloscia, Quall, Sullivan, Veloria, Chase, Hunt, Pettigrew, Darneille, Conway, Cody, DeBolt, Delvin, Hudgins, Lantz, McDermott, Haigh, Kagi and Mastin

Expanding the definition of resident student for higher education purposes.

The bill was read the second time.

MOTION

Senator Carlson moved that the following Committee on Higher Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.012 and 2002 c 186 s 2 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

- (1) The term "institution" shall mean a public university, college, or community college within the state of Washington.
- (2) The term "resident student" shall mean:
 - (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;
 - (b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;
 - (c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;
 - (d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;
 - (e) Any person who has completed the full senior year of high school and obtained a high school diploma, both at a Washington public high school or private high school approved under chapter 28A.195 RCW, or a person who has received the equivalent of a diploma; who has lived in Washington for at least three years immediately prior to receiving the diploma or its equivalent; who has continuously lived in the state of Washington after receiving the diploma or its equivalent and until such time as the individual is admitted to an institution of higher education under subsection (1) of this section; and who provides to the institution an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses;
 - (f) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;
 - ~~((g))~~ (g) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state;
 - ~~((g))~~ (h) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;
 - ~~((h))~~ (i) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or
 - ~~((h))~~ (j) A student who meets the requirements of RCW 28B.15.0131: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.
- (3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)~~((h))~~ (e) or (i) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

NEW SECTION. Sec. 2. It is the intent of the legislature to ensure that students who receive a diploma from a Washington state high school or receive the equivalent of a diploma in Washington state and who have lived in Washington for at least three years prior to receiving their diploma or its equivalent are eligible for in-state tuition rates when they enroll in a public institution of higher education in Washington state.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

MOTION

Senator Parlette moved that the following amendment by Senators Parlette, Honeyford, Hale, Hewitt, Haugen and Thibaudeau to the Committee on Higher Education striking amendment be adopted:

On page 4, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 28B.15 RCW to read as follows:

The provisions of RCW 28B.15.012(2)(e) apply only to families of those who hold or entered the United States with work visas, temporary protected status visas, or green cards, or who have received amnesty from the federal government."

Renumber the remaining section consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Parlette, Honeyford, Hale, Hewitt, Haugen and Thibaudeau to the committee striking amendment to Engrossed House Bill No. 1079.

The motion by Senator Parlette carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Higher Education striking amendment, as amended, to Engrossed House Bill No. 1079.

Debate ensued.

The motion by Senator Carlson carried and the committee striking amendment, as amended was adopted.

There being no objection, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28B.15.012; creating a new section; providing an effective date; and declaring an emergency."

On page 4, line 8 of the title amendment, after "28B.15.012;" insert "adding a new section to chapter 28B.15 RCW;"

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed House Bill No. 1079, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1079, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1079, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Stevens - 1.

ENGROSSED HOUSE BILL NO. 1079, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Brandland: "A point of personal privilege, Mr. President. After hearing Senator Carlson and the impact of what ever it is that has impacted his voice, I did notice that it shortened his speech dramatically and I would encourage him to continue that for the rest of the session."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1455, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Santos, Kenney, Benson, Schual-Berke, Quall, O'Brien, Cooper, Berkey, Dunshee, Haigh, Morris, Sullivan, Skinner, Miloscia, Veloria, Delvin, Hatfield, Simpson and Wallace) (by request of Department of Financial Institutions)

Licensing and regulating money transmission and currency exchange.

The bill was read the second time.

MOTION

On motion of Senator Benton, the following amendments by Senators Benton and Prentice were considered simultaneously and were adopted:

On page 30, line 24, after "POWERS." strike all material through "act." on line 27.

On page 30, line 28, after "this chapter" insert "that are clearly required"

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1455, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1455, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1455, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Stevens - 1.

SUBSTITUTE HOUSE BILL NO. 1455, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Rossi was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1759, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke and Benson)

Providing financial institution law parity.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1759.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1759 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Rossi and Stevens - 2.

SUBSTITUTE HOUSE BILL NO. 1759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1126, by Representatives Schoesler and Linville

Allowing seed testing fees to increase in excess of the fiscal growth factor set out in chapter 43.135 RCW.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the following Committee on Agriculture striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 15.49 RCW to read as follows:

Fees established under this chapter pertaining to laboratory testing and seed certification may be increased by the department by rule during the fiscal year ending June 30, 2004, in excess of the fiscal growth factor as determined under chapter 43.135 RCW.

NEW SECTION. Sec. 2. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

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

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "adding a new section to chapter 15.49 RCW; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1126, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1126, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1126, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Rossi and Stevens - 2.

HOUSE BILL NO. 1126, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

SECOND READING

HOUSE BILL NO. 1937, by Representatives Murray, Holmquist, Romero and Hankins

Excluding power wheelchairs from motor vehicle regulation.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Power wheelchair" means any self-propelled vehicle capable of traveling no more than fifteen miles per hour, usable indoors, designed as a mobility aid for individuals with mobility impairments, and operated by such an individual.

Sec. 2. RCW 46.04.320 and 2002 c 247 s 2 are each amended to read as follows:

"Motor vehicle" (~~shall~~) means every vehicle (~~which~~) that is self-propelled and every vehicle (~~which~~) that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. An electric personal assistive mobility device is not considered a motor vehicle. A power wheelchair is not considered a motor vehicle.

Sec. 3. RCW 46.04.330 and 2002 c 247 s 3 are each amended to read as follows:

"Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor, a power wheelchair, an electric personal assistive mobility device, and a moped.

The Washington state patrol may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

Sec. 4. RCW 46.04.332 and 2002 c 247 s 4 are each amended to read as follows:

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor that produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped, a power wheelchair, or an electric personal assistive mobility device.

Sec. 5. RCW 46.04.400 and 1990 c 241 s 1 are each amended to read as follows:

"Pedestrian" means any person who is afoot or who is using a wheelchair, a power wheelchair, or a means of conveyance propelled by human power other than a bicycle.

Sec. 6. RCW 46.04.670 and 2002 c 247 s 5 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. mopeds shall not be considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall not be considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW. Electric personal assistive mobility devices are not considered vehicles or motor vehicles for the purposes of chapter 46.12, 46.16, 46.29, 46.37, or 46.70 RCW.

Sec. 7. RCW 46.20.500 and 2002 c 247 s 6 are each amended to read as follows:

(1) No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

Sec. 8. RCW 47.04.010 and 1975 c 62 s 50 are each amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

(12) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

- (13) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;
- (14) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;
- (15) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;
- (16) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;
- (17) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;
- (18) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;
- (19) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;
- (20) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;
- (21) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;
- (22) "Pedestrian." Any person afoot or who is using a wheelchair, power wheelchair as defined in section 1 of this act, or a means of conveyance propelled by human power other than a bicycle;
- (23) "Person." Every natural person, firm, copartnership, corporation, association, or organization;
- (24) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;
- (25) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;
- (26) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;
- (27) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;
- (28) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;
- (29) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;
- (30) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;
- (31) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;
- (32) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;
- (33) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;
- (34) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;
- (35) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;
- (36) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;
- (37) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;
- (38) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;
- (39) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

(40) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting power wheelchairs, as defined in section 1 of this act, or devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary."

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

On line 1 of the title, after "wheelchairs;" strike the remainder of the title and insert "amending RCW 46.04.320, 46.04.330, 46.04.332, 46.04.400, 46.04.670, 46.20.500, and 47.04.010; and adding a new section to chapter 46.04 RCW."

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 1937, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1937, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1937, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Rossi and Stevens - 3

HOUSE BILL NO. 1937, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1416, by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Mielke, O'Brien, Boldt, McMahan, Schindler and Woods)

Adjusting the time of restoration of a juvenile's driving privilege.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1416 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1416.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1416 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Eide, Keiser, Kohl-Welles, McAuliffe, Reardon and Sheldon, B. - 6.

Excused: Senators Rossi and Stevens - 2.

SUBSTITUTE HOUSE BILL NO. 1416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564, by House Committee on Local Government (originally sponsored by Representatives Alexander, Fromhold, Mielke, Kessler and Buck)

Clarifying county treasurer fiscal provisions.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute House Bill No. 1564 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1564.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1564 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Rossi and Stevens - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1445, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Kenney, Fromhold and Clements)

Regulating motor vehicle manufacturer and dealer relationships.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1445.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1445 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Rossi and Stevens - 2.

SUBSTITUTE HOUSE BILL NO. 1445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1930, by House Committee on Finance (originally sponsored by Representatives Morris, Cairnes, Gombosky and Ericksen)

Enacting procedural enhancements to the master settlement agreement.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1930 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Thibaudeau: "Senator Honeyford, does this mean that these companies will participate in the settlement, in the sense that they will participate, to the extent that they will pay for part?"

Senator Honeyford: "That is the intent of this bill to make sure that they comply with the escrow requirements, so they put their money in, so they are helping to pay--yes."

Senator Thibaudeau: "Thank you very much."

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1930.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1930 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Poulsen - 1.

Excused: Senators Rossi and Stevens - 2.

SUBSTITUTE HOUSE BILL NO. 1930, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, by House Committee on Local Government (originally sponsored by Representatives Schindler, Romero, Crouse, Mielke, Cox, O'Brien, Benson, Berkey, Ericksen, Jarrett, Ahern and Rockefeller)

Restricting utility assessments and charges for certain mobile home parks.

The bill was read the second time.

MOTION

On motion of Senator West, the following amendment was adopted:

Beginning on page 1, line 10, strike all of subsection (2) and insert the following:

"(2) Cities, towns, and counties are prohibited from requiring existing mobile home parks to pay a sewer service availability charge, standby charge, consumption charge, or any other similar types of charges associated with available but unused sewer service, including any interest or penalties for nonpayment or enforcement charges, until the mobile home park connects to the sewer service. When a mobile home park connects to a sewer, cities, towns and counties may only charge mobile home parks prospectively from the date of connection for their sewer service. This act is remedial in nature and applies retroactively to 1993."

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute House Bill No. 1524, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1524, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1524, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Schmidt, Sheahan, Sheldon, T., Swecker, West, Winsley and Zarelli - 31.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 16.

Excused: Senators Rossi and Stevens - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1619, by House Committee on Judiciary (originally sponsored by Representatives Lovick, Delvin, Kirby, Dickerson, Ahern, Nixon, Wallace, Romero, Haigh, Sullivan, Pettigrew, Chase, O'Brien, Lantz, Quall, Miloscia, Berkey, Dunshee, Blake, Hudgins, Cooper, Moeller, Morrell, Schual-Berke, Edwards, Simpson, Bush, Eickmeyer, Murray, Kessler, Conway, Darneille, Kenney, Upthegrove and Rockefeller)

Increasing penalties for driving while under the influence with children in the vehicle.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.61.5055 and 1999 c 324 s 5, 1999 c 274 s 6, and 1999 c 5 s 1 are each reenacted and amended to read as follows:

(1) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(I) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(I), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(I) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(I), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(2) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(I) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(I) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(3) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or more prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(I) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(I) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; and

(iii) By a court-ordered restriction under RCW 46.20.720.

(4) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and

(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.

(5) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers (~~at the time of the offense~~).

~~((5))~~ (6) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

~~((6))~~ (7) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(I) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) If the person's alcohol concentration was at least 0.15, or if by reason of the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(I) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years. For purposes of this subsection, the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

~~((7))~~ (8) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

~~((8))~~ (9)(a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (I) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock or other biological or technical device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(I) and (ii) or (a)(I) and (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

~~((9))~~ (10) A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

~~((10))~~ (11) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(4).

~~((11))~~ (12) For purposes of this section:

(a) A "prior offense" means any of the following:

(I) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(I), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522; and

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years of the arrest for the current offense."

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

On page 1, line 2 of the title, after "vehicle;" strike the remainder of the title and insert "reenacting and amending RCW 46.61.5055; and prescribing penalties."

MOTION

On motion of Senator McCaslin, the rules were suspended, Substitute House Bill No. 1619, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1619, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1619, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Rossi and Stevens - 2.

SUBSTITUTE HOUSE BILL NO. 1619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Regala: "I rise for a point of personal privilege. Mr. President and fellow members of the Senate, I have been listening all morning to Senator Carlson and you may recall that often during my legislative experience, I have totally lost my voice, so I have great sympathy for my colleague across the aisle. I am wondering if maybe for today, we might suspend the rules a little bit and allow Senator Carlson to vote with a little signal card that says either 'aye' or 'nay.' I know if he continues to use that very bad voice, he is going to have a tough time getting it back."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Jarrett, Chase, Veloria, Kessler and Upthegrove)

Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the rules were suspended, Engrossed Substitute House Bill No. 1277 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1277.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1277 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Rossi and Stevens - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2118, by House Committee on Commerce and Labor (originally sponsored by Representatives Newhouse and Sullivan)

Authorizing approved microbrewers to sell beer at farmers markets.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the following Committee on Commerce and Trade striking amendment was not adopted:

"**Sec. 1.** RCW 66.24.244 and 1998 c 126 s 3 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer of its own production. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) The board may issue an endorsement to this license allowing for on-premises consumption of beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.

(4) The microbrewer obtaining such endorsement must determine, at the time the endorsement is issued, whether the licensed premises will be operated either as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (5) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (5) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection (5):

(I) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(c) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer."

MOTION

Senator Hewitt moved that the following striking amendment by Senators Hewitt and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.240 and 2000 c 142 s 2 are each amended to read as follows:

(1) There shall be a license for domestic breweries; fee to be two thousand dollars for production of sixty thousand barrels or more of malt liquor per year.

(2) Any domestic brewery, except for a brand owner of malt beverages under RCW 66.04.010(5), licensed under this section may also act as a distributor and/or retailer for beer of its own production. Any domestic brewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) Any domestic brewery licensed under this section may contract- produce beer for a brand owner of malt beverages defined under RCW 66.04.010(5), and this contract-production is not a sale for the purposes of RCW 66.28.170 and 66.28.180.

(4)(a) A domestic brewery licensed under this section and qualified for a reduced rate of taxation pursuant to RCW 66.24.290(3)(b) may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a domestic brewery will sell beer at a qualifying farmers market, the domestic brewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the domestic brewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the domestic brewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection do not include the tasting or sampling privilege of a domestic brewery. The domestic brewery may not store beer at a farmers market beyond the hours that the domestic brewery offers bottled beer for sale. The domestic brewery may not act as a distributor from a farmers market location.

(e) Before a domestic brewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any domestic brewery with an endorsement approved under this subsection to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (I) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved domestic brewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved domestic brewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (4)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(I) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers;

(c) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

Sec. 2. RCW 66.24.244 and 1998 c 126 s 3 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer of its own production. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) The board may issue an endorsement to this license allowing for on-premises consumption of beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.

(4) The microbrewer obtaining such endorsement must determine, at the time the endorsement is issued, whether the licensed premises will be operated either as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

(5)(a) A microbrewery licensed under this section may apply to the board for an endorsement to sell bottled beer of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars.

(b) For each month during which a microbrewery will sell beer at a qualifying farmers market, the microbrewery must provide the board or its designee a list of the dates, times, and locations at which bottled beer may be offered for sale. This list must be received by the board before the microbrewery may offer beer for sale at a qualifying farmers market.

(c) The beer sold at qualifying farmers markets must be produced in Washington.

(d) Each approved location in a qualifying farmers market is deemed to be part of the microbrewery license for the purpose of this title. The approved locations under an endorsement granted under this subsection (5) do not constitute the tasting or sampling privilege of a microbrewery. The microbrewery may not store beer at a farmers market beyond the hours that the microbrewery offers bottled beer for sale. The microbrewery may not act as a distributor from a farmers market location.

(e) Before a microbrewery may sell bottled beer at a qualifying farmers market, the farmers market must apply to the board for authorization for any microbrewery with an endorsement approved under this subsection (5) to sell bottled beer at retail at the farmers market. This application shall include, at a minimum: (I) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved microbrewery may sell bottled beer; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled beer may be sold. Before authorizing a qualifying farmers market to allow an approved microbrewery to sell bottled beer at retail at its farmers market location, the board shall notify the persons or entities of the application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and any additional rules necessary to implement this section.

(g) For the purposes of this subsection (5):

(I) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers:

(c) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers:

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

NEW SECTION. Sec. 3. A new section is added to chapter 66.28 RCW to read as follows:

Licensed beer distributors may not buy or sell beer, for purposes of distribution, at farmers market locations authorized by the board pursuant to this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hewitt and Kohl-Welles to Substitute House Bill No. 2118.

The motion by Senator Hewitt carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "markets;" strike the remainder of the title and insert "amending RCW 66.24.240 and 66.24.244; and adding a new section to chapter 66.28 RCW."

MOTION

On motion of Senator Hewitt, the rules were suspended, Substitute House Bill No. 2118, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2118, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2118, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Hargrove, Haugen, Oke and Spanel - 4.

Excused: Senators Rossi and Stevens - 2.

SUBSTITUTE HOUSE BILL NO. 2118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1100, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville, Schoesler, Grant, Rockefeller and Sump) (by request of Department of Agriculture)

Regulating the sale, processing, or purchase of agricultural products.

The bill was read the second time.

MOTION

Senator Swecker moved that the following Committee on Agriculture striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 20.01.010 and 1991 c 174 s 1 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

- (1) "Director" means the director of agriculture or ~~((his))~~ a duly authorized representative.
- (2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.
- (3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, grass seed, lawn seed, turf seed, forage seed, cereal seed, oil seed, fiber seed, forb seed, flower seed, and other kinds of crop seed commonly recognized within this state as agricultural seed or vegetable seed, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock.
- (4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.
- (5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.
- (6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.
- (7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.
- (8) "Limited dealer" means any person ~~((operating))~~ who buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product and who operates under the alternative bonding provision in RCW 20.01.211.
- (9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.
- (10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, credit card, or bankdraft may be used for the payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.
- (11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.
- (12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.
- (13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt with in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(18) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(19) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

(20) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(21) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

(22) "Licensee" means any person or business licensed under this chapter as a commission merchant, dealer, limited dealer, broker, cash buyer, or agent.

Sec. 2. RCW 20.01.130 and 1993 sp.s. c 24 s 929 are each amended to read as follows:

All fees and other moneys received by the department under ~~((the provisions of))~~ this chapter shall be paid to the director and ~~((shall be))~~ used solely for the purpose of carrying out ~~((the provisions of))~~ this chapter and the rules adopted ~~((hereunder or for departmental administrative expenses during the 1993-95 biennium))~~ under this chapter. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

Sec. 3. RCW 20.01.140 and 1959 c 139 s 14 are each amended to read as follows:

Any change in the organization of any firm, association, exchange, corporation, or partnership licensed under ~~((the provisions of))~~ this chapter shall be reported to the director and the licensee's surety or sureties within thirty days.

Sec. 4. RCW 20.01.211 and 1983 c 305 s 5 are each amended to read as follows:

(1) In lieu of the bonding provision required by RCW 20.01.210, any dealer who buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product may file a bond in an amount equal to the dealer's maximum monthly purchases, divided by ~~((fifteen))~~ twelve, but the minimum bond ~~((provided by))~~ under this section shall be ~~((in a minimum of seven thousand five hundred))~~ no less than ten thousand dollars.

(2) Any dealer using the bonding provisions of this section shall file an affidavit with the director that sets forth the dealer's maximum monthly purchases from or payments to consignors. The affidavit shall be filed at the time of application and with each renewal.

(3) Any dealer bonded under this section who is found to be in violation of this chapter shall be required to comply with the bonding requirements of RCW 20.01.210 for a minimum of two years.

Sec. 5. RCW 20.01.240 and 1986 c 178 s 12 are each amended to read as follows:

(1) ~~((Except as provided in subsection (2) of this section,))~~ Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer shall file a claim with the director. ~~((Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.))~~

~~(2) Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer in hay or straw, shall file a claim with the director within twenty days of the licensee's default. In the case of a claim against the bond of a commission merchant or unlimited dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw. Upon verifying the consignor's claim either through investigation or, if necessary, an administrative action, the director shall, within ten working days of the filing of the claim, make demand for payment of the claim by the licensee's surety without regard to any other potentially valid claim. Any subsequent claim will likewise result in a demand against the licensee's surety, subject to the availability of any remaining bond proceeds.)~~

(2) In the case of a claim against the bond of a commission merchant or dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw or at a date agreed to by both the consignor and commission merchant or dealer in written contract. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw.

(3) Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

(4) For claims against a bond that have been filed by consignors prior to the sixty-day deadline established in RCW 20.01.250, the director shall investigate the claims and, within thirty days of verifying the claims, demand payment for the valid claims by the licensee's surety. The director shall distribute the proceeds of the valid bond claims to the claimants on a pro rata basis within the limits of the claims and the availability of the bond proceeds. If a claim is filed after the sixty-day deadline established in RCW 20.01.250, the director may investigate the claim and may demand payment for a valid claim. The director shall distribute the proceeds of any such payment made by the surety to the claimant on a first-to-file, first-to-be-paid basis within the limits of the claim and the availability of any bond proceeds remaining after the pro rata distribution. All distributions made by the director under this subsection are subject to RCW 20.01.260.

Sec. 6. RCW 20.01.320 and 1959 c 139 s 32 are each amended to read as follows:

The director on his or her own motion or upon the verified complaint of any interested party may investigate, examine, or inspect (1) any transaction involving solicitation, receipt, sale, or attempted sale of agricultural products by any person or persons acting or assuming to act as a commission merchant, dealer, broker, cash buyer, or agent; (2) the failure to make proper and true account of sales and settlement thereof as required under this chapter ~~((and/or))~~ or rules ~~((and regulations))~~ adopted ~~((hereunder))~~ under this chapter; (3) the intentional making of false statements as to conditions and quantity of any agricultural products received or in storage; (4) the intentional making of false statements as to market conditions; (5) the failure to make payment for products within the time required by this chapter; (6) any and all other injurious transactions. In furtherance of ~~((any))~~ an investigation, examination, or inspection, the director or ~~((his))~~ an authorized representative~~((r))~~ may examine that portion of the ledgers, books, accounts, memoranda and other documents, agricultural products, scales, measures, and other articles and things used in connection with the business of ~~((such))~~ the person relating to the transactions involved. For the purpose of ~~((such))~~ the investigation the director shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage, and transportation facilities or any other place where agricultural products are kept, stored, handled, or transported. If the director is denied access, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to the premises and records. The court may upon the application issue the search warrant for the purposes requested. The director may also, for the purpose of ~~((such))~~ the investigation, issue subpoenas to compel the attendance of witnesses, as provided in RCW 20.01.170, ~~((and/or))~~ or the production of books or documents, anywhere in the state.

Sec. 7. RCW 20.01.410 and 1971 ex.s. c 182 s 12 are each amended to read as follows:

(1) A copy of a manifest of cargo, on a form prescribed by the director, shall be carried on any vehicle transporting agricultural products purchased by a dealer or cash buyer, or consigned to a commission merchant from the consignor thereof when prescribed by the director. A bill of lading may be carried in lieu of a manifest of cargo for an agricultural product other than hay or straw.

(2) Except as provided in subsection (3) of this section, the commission merchant, dealer, or cash buyer of agricultural products shall issue a copy of ~~((such))~~ the manifest or bill of lading to the consignor of ~~((such))~~ the agricultural products and the original shall be retained by the licensee for a period of ~~((one))~~ three years during which time it shall be surrendered upon request to the director. ~~((Such))~~ The manifest of cargo ~~((shall be))~~ is valid only when signed by the licensee or his or her agent and the consignor or his or her authorized representative of ~~((such))~~ the agricultural products.

(3) The commission merchant or dealer of hay or straw shall issue a copy of a manifest to the consignor. The original copy shall be retained by the commission merchant or dealer for a period of three years during which time it shall be surrendered upon request to the director. The manifest of cargo is valid only when signed by the licensee or his or her agent and the consignor or his or her authorized representative of hay or straw.

(4) Manifest forms will be provided to licensees at the actual cost for the manifests plus necessary handling costs incurred by the department.

Sec. 8. RCW 20.01.460 and 1989 c 354 s 43 are each amended to read as follows:

(1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) ~~((and (3)))~~ through (4) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

(a) Imposes false charges for handling or services in connection with agricultural products.

(b) Makes fictitious sales or is guilty of collusion to defraud the consignor.

(c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(d) With the intent to defraud the consignor, fails to comply with the requirements set forth under RCW 20.01.010(10), 20.01.390, or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410, or 20.01.610 has committed a civil infraction.

(4) Unlawful issuance of a check or draft may be prosecuted under RCW 9A.56.060.

Sec. 9. RCW 20.01.490 and 1986 c 178 s 5 are each amended to read as follows:

Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty. No monetary penalty so assessed may exceed ~~((one))~~ five thousand dollars. The director shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and shall submit the schedule to the proper courts. Whenever a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter shall be punishable as a misdemeanor.

Sec. 10. RCW 20.01.610 and 1986 c 178 s 14 are each amended to read as follows:

The director or ~~((his))~~ appointed officers may stop a vehicle transporting ~~((hay or straw))~~ agricultural products upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so has committed a civil infraction.

NEW SECTION. Sec. 11. The department of agriculture shall study the subject of establishing an indemnity fund to provide financial recovery for producers of agricultural seeds, including those who produce the seeds under bailment contracts, in cases where the producers are not paid in full for the sale of their seeds or are not paid in full under bailment contracts for producing the seeds. The examination shall include an identification of potential means of providing moneys for such an indemnity fund and how the costs of providing and maintaining such a fund would be borne. The department shall establish an advisory committee composed of representatives of growers of and dealers in the types of agricultural seeds grown in this state to assist it in the study. If general agreement among the members of the advisory committee and the department cannot be reached regarding establishing such a fund, the department and the committee shall examine alternative means of providing such financial recovery for producers of agricultural seeds.

The department shall report the recommendations resulting from the study, including any recommended legislation in bill form, to the governor and to the appropriate committees of the legislature by December 1, 2003."

MOTION

On motion of Senator Swecker, the following amendment to the Committee on Agriculture striking amendment was adopted:

On page 11, after line 2 of the amendment, insert the following:

"The director and appointed officers shall work to ensure that vehicles carrying perishable agricultural products are detained no longer than is absolutely necessary for a prompt assessment of compliance with this chapter. If a vehicle carrying perishable agricultural products is found to be in violation of this chapter, the director or appointed officers shall promptly issue necessary notices of civil infraction, as provided in RCW 20.01.482 and 20.01.484, and shall allow the vehicle to continue toward its destination without further delay."

The President declared the question before the Senate to be the adoption of the Committee on Agriculture striking amendment, as amended to Substitute House Bill No. 1100.

The motion by Senator Swecker carried and the committee striking amendment, as amended, was adopted.

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

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 20.01.010, 20.01.130, 20.01.140, 20.01.211, 20.01.240, 20.01.320, 20.01.410, 20.01.460, 20.01.490, and 20.01.610; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1100, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1100, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1100, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Rossi and Stevens - 2.

SUBSTITUTE HOUSE BILL NO. 1100, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1117, by Representatives Linville, Schoesler and Grant (by request of Department of Agriculture)

Moving a web site address from statute to rule.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1117 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1117.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1117 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Rossi and Stevens - 2.

HOUSE BILL NO. 1117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business

MESSAGE FROM THE HOUSE

April 7, 2003

MR. PRESIDENT:

The Speaker has signed:
House Bill No. 1101,
House Bill No. 1435, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1101,
HOUSE BILL NO. 1435.

MOTION

At 11:00 a.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Wednesday, April 9, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate
JOURNAL OF THE SENATE

EIGHTY-SIXTH DAY, APRIL 8, 2003

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

EIGHTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 9, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator Brown. On motion of Senator Eide, Senator Brown was excused.

The Sergeant at Arms Color Guard, consisting of Pages Rebecca Bertram and Paul Greene, presented the Colors. Reverend Dr. Anna Joy Grace, pastor of the Unity Church in Olympia, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6070 by Senators Jacobsen, Prentice, Shin, Franklin, Fraser, Regala, Thibaudeau, Winsley, Rasmussen and Kohl-Welles

AN ACT Relating to exempting veterans from Initiative Measure No. 200; and amending RCW 49.60.400.
Referred to Committee on Government Operations and Elections.

SB 6071 by Senators Shin, Sheahan, Jacobsen, Rasmussen, B. Sheldon, Brandland, Doumit, Hewitt, Eide, Prentice, Kohl-Welles, Oke, Kline, Roach, Finkbeiner, Winsley, Reardon, Fairley, McCaslin, Thibaudeau, Benton, Fraser, Franklin, Regala and Mulliken.

AN ACT Relating to veterans of the Afghanistan conflict and the Persian Gulf War II; amending RCW 28B.15.628; and reenacting and amending RCW 41.04.005.
Referred to Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

March 6, 2003

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

I have the honor to submit the following appointment, subject to your confirmation.
Michael G. Heuer, appointed March 6, 2003, for a term ending September 30, 2007, as a member of Board of Trustees for Lower Columbia Community College District No. 13.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 8651

By Senators Spanel, Haugen, Fraser, Stevens and Rasmussen

***WHEREAS, Every April, the beautiful Skagit Valley debuts brilliant colors of spring; and
WHEREAS, The Skagit Valley is the second largest producer of tulips in the world; and
WHEREAS, Every year, the Skagit Valley Tulip Festival involves the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, Conway, and Upper Skagit Valley; and
WHEREAS, 2003 will mark the festival's Twentieth Anniversary, and beginning this year the Skagit Valley Tulip Festival will be held during the entire month of April instead of the usual three weekends; and
WHEREAS, This year's Tulip Festival Ambassadors, Lindsey Oosterhof and Michael Elhardt, will ably and personably perform their responsibilities as representatives of this festival; and
WHEREAS, Highlights of the festival include the Annual Kiwanis Salmon Barbeque, Downtown Mount Vernon Street Fair, Anacortes Quilt Walk, and much more, including last year's added attraction, the Country Market; and
WHEREAS, More than half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event and contributing to the economy of Skagit Valley; and
WHEREAS, This nationally acclaimed celebration creates a spirit of communal pride for residents of Skagit Valley;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate salute the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, Tulip Festival Committee, community leaders, and corporate sponsors for the success of this important event; and
BE IT FURTHER RESOLVED, That the Senate encourage all Washington residents to take time to enjoy this spectacular display, which reflects the fullness of life in the valley and the valley's wonderful people; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Skagit Valley Tulip Festival Executive Director Audrey Smith and the Tulip Festival Ambassadors.***

Senators Spanel and Haugen spoke to Senate Resolution 8651.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Audrey Smith, the Tulip Festival Executive Director, and Lindsey Oosterhof and Michael Elhardt, the Tulip Ambassadors, who were seated on the rostrum.

PERSONAL PRIVILEGE

Senator Tim Sheldon: "A point of personal privilege, Mr. President. I know we have all watched the events unfold on the television this morning. I just wanted to say thanks to the constituents that we all have and that I have that are in the military--especially the young kids that are doing a job that is probably dangerous and sometimes with no great reward. I know that we all have constituents in Fort Lewis and McChord and Oak Harbor, Fairchild, Everett, just to name a few places that today have brought us a lot of pride. Sometimes, we just don't say thanks to those young kids that are risking their lives for us. I think it is a point of personal privilege that I would like to just say and I know that everyone else shares with the tremendous day today and a tremendous event. Thank you."

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2172, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Sullivan, Morris, Benson, Rockefeller, Wood and Hudgins)

Promoting the purchase of fuel cells for the use of distributive generation at state-owned facilities.

The bill was read the second time.

MOTION

On motion of Senator Morton, the following Committee on Natural Resources, Energy and Water striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

- (a) As a consumer of energy resources and a committed steward of public health and environmental quality, Washington state government is well-positioned to be a leader in promoting and using clean energy technologies, including fuel cells;
- (b) The use of batteries and internal combustion engines in state facilities for emergency and back-up power, and to power remote equipment for communications, security lighting, cameras and sensors, signaling, environmental monitoring, and similar applications can adversely impact the environment.
- (2) The legislature declares that:
 - (a) Fuel cells operating directly on hydrogen emit only water and heat and can be used indoors and outdoors without harming the environment or people;
 - (b) Fuel cells provide reliable and high digital quality direct current power that meets uninterruptible and premium power supply requirements;
 - (c) Commercial fuel cells can be highly efficient when used in a cogeneration application; and
 - (d) On a life-cycle cost basis, small fuel cells can offer a better economic value to the state than batteries and internal combustion engines.

NEW SECTION. Sec. 2. A new section is added to chapter 43.19 RCW to read as follows:

- (1) State agencies, when planning for the construction of a state facility, must consider the utilization of fuel cells as a primary source of energy for a facility that requires a source of uninterrupted electric power.
- (2) When planning the procurement of back-up power systems and remote power sources, state agencies must consider the use of fuel cells as an alternative to purchasing and utilizing batteries or internal combustion engines.
- (3) The director of the department of general administration shall assist state agencies in identifying, evaluating, and developing potential fuel cell applications at their facilities. The department shall notify state agencies of these potential applications and provide technical and analytical support. The department shall recover costs for this assistance through written agreements, including reimbursement from third parties participating in the projects, for any costs and expenses incurred in providing assistance.
- (4) State agencies may use financing contracts under chapter 39.94 RCW to provide all or part of the funding for the procurement and installation of fuel cells for the purposes of this section. The department of general administration shall determine the eligibility of projects for financing contracts. The repayments of the financing contracts shall be sufficient to pay, when due, the principal and interest on the contracts.
- (5) For the purposes of this section, (a) "fuel cell" means an electrochemical reaction that generates electric energy by combining atoms of hydrogen and oxygen in the presence of a catalyst; and (b) "state facilities" has the same meaning as provided in RCW 43.19.450.
- (6) State agencies are also authorized to consider and use other renewable or alternative energy sources to the same extent as provided for fuel cells under subsections (1) through (4) of this section."

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

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 43.19 RCW; and creating a new section."

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 2172, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2172, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2172, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

SUBSTITUTE HOUSE BILL NO. 2172, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1348, by Representatives Flannigan and Moeller (by request of Office of the Code Reviser)

Making technical corrections.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 1348 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1348.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1348 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

HOUSE BILL NO. 1348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Mika Mulliken, granddaughter of Senator Mulliken, who was seated on the rostrum.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1848, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway and Chandler)

Exempting the installation, maintenance, and repair of certain medical devices from electrician licensing requirements.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1848 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1848.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1848 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Honeyford - 1.

Excused: Senator Brown - 1.

SUBSTITUTE HOUSE BILL NO. 1848, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1045, by Representatives Miloscia, Chandler and Upthegrove

Modifying water-sewer district bidding provisions.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1045 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1045.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1045 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

HOUSE BILL NO. 1045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1086, by House Committee on Transportation (originally sponsored by Representatives Morris, Pearson, Sullivan, Miloscia and Kristiansen)

Moving mobile homes by mobile home park owners.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 1086 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1086.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1086 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Absent: Senator Zarelli - 1.

Excused: Senator Brown - 1.

SUBSTITUTE HOUSE BILL NO. 1086, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Mielke)

Encouraging the use of biodiesel by state agencies.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 1242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1242 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Brown - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Benton: "I rise to a point of personal privilege, Mr. President. I want to join with Senator Sheldon's remarks this morning. Many of you do not know, but my father is a retired naval officer, who served in the liberation of France and was involved in the invasion of Normandy. Some of you do know that. Both of my older brothers served in Vietnam, one a naval aviator who flew ninety-three combat missions, and the other who was decorated by the President of the United States for bravery for serving in the One-hundred and First Airborne Division. So, I come from an extremely patriotic and military background in my family. Quite often times, I wear my patriotism on my sleeve, as you know.

"You don't have to come from that kind of background to be extremely proud of what we saw today and yesterday. When you see one-hundred fifty children ranging in age from eight to fourteen, many of whom have been in prison for five years, because they refused to join a political party--being released by the fifth Marine Division--and the joy of their parents and their families to have their children back--children in prison for not joining a political party. When you see the joy of the Iraq people being liberated this morning, it is awfully hard to contain your pride and your enthusiasm for what America has been able to accomplish in three very short weeks. Six weeks it took to liberate Kuwait--three weeks to liberate the country of Iraq. For that, I think every American should be extremely proud this morning on what we have been able to accomplish. Thank you Mr. President."

Further remarks on the war in Iraq ensued.

SECOND READING

HOUSE BILL NO. 1631, by Representatives McCoy, Cooper, Conway, Romero, Lovick, Simpson and Kenney

Regulating fire protection sprinkler system contractors.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, House Bill No. 1631 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1631.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1631 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Zarelli was excused.

MOTION

On motion of Senator Sheahan, Senators Hewitt and Rossi were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1219, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson, Anderson, Upthegrove, Rockefeller and Simpson) (by request of Governor Locke)

Addressing violations connected with the offer, sale, or purchase of securities.

The bill was read the second time.

MOTION

On motion of Senator Benton, the following Committee on Financial Services, Insurance and Housing striking amendment was adopted: Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.320.110 and 2002 c 371 s 912 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in section 2 of this act, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

~~((Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the digital government revolving account. During the 2001-2003 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund and appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 43.320 RCW to read as follows:

(1) The securities prosecution fund is created in the custody of the state treasurer and shall consist of all fines received by the division of securities under RCW 21.20.400(2), 21.20.110, and 21.20.395 and all undistributed funds from orders of disgorgement and restitution under RCW 21.20.110(8) and 21.20.390(6). No appropriation is required to permit expenditures from this fund, but the account is subject to allotment procedures under chapter 43.88 RCW.

(2) Expenditures from this fund may be used solely for administering the fund and for payment of costs, expenses, and charges incurred in the preparation, initiation, and prosecution of criminal charges for violations of chapters 21.20, 21.30, 19.100, and 19.110 RCW. Only the director or the director's designee may authorize expenditures from the fund.

(3) Applications for fund expenditures must be submitted by the attorney general or the proper prosecuting attorney to the director. The application must clearly identify the alleged criminal violations identified in subsection (2) of this section and indicate the purpose for which the funds will be used. The application must also certify that any funds received will be expended only for the purpose requested. Funding requests must be approved by the director prior to any expenditure being incurred by the requesting attorney general or prosecuting attorney. At the conclusion of the prosecution, the attorney general or prosecuting attorney shall provide the director with an accounting of fund expenditures, a summary of the case, and certify his or her compliance with any rules adopted by the director relating to the administration of the fund.

(4) If the balance of the securities prosecution fund reaches three hundred fifty thousand dollars, all fines received by the division of securities under RCW 21.20.400(2), 21.20.110, and 21.20.395 and all undistributed funds from orders of disgorgement and restitution under RCW 21.20.110(8) and 21.20.390(6) shall be deposited in the financial services regulation fund until such time as the balance in the fund falls below three hundred fifty thousand dollars, at which time the fines received by the division of securities under RCW 21.20.400(2), 21.20.110, and 21.20.395 and all undistributed funds from orders of disgorgement and restitution under RCW 21.20.110(8) and 21.20.390(6) shall be deposited to the securities prosecution fund until balance in the fund once again reaches three hundred fifty thousand dollars.

Sec. 3. RCW 21.20.400 and 1979 ex.s. c 68 s 28 are each amended to read as follows:

(1) Any person who willfully violates any provision of this chapter except RCW 21.20.350, or who willfully violates any rule or order under this chapter, or who willfully violates RCW 21.20.350 knowing the statement made to be false or misleading in any material respect, ~~((shall upon conviction be fined not more than five thousand dollars or imprisoned not more than ten years, or both; but no))~~ is guilty of a class B felony punishable under RCW 9A.20.021(1)(b). However, a person may not be imprisoned for the violation of any rule or order if that person proves that he or she had no knowledge of the rule or order.

(2) Any person who knowingly alters, destroys, shreds, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding under this chapter, is guilty of a class B felony punishable under RCW 9A.20.021(1)(b) or punishable by a fine of not more than five hundred thousand dollars, or both. The fines paid under this subsection shall be deposited into the securities prosecution fund.

(3) No indictment or information may be returned under this chapter more than (a) five years after the ((alleged)) violation, or (b) three years after the actual discovery of the violation, whichever date of limitation is later.

Sec. 4. RCW 21.20.110 and 2002 c 65 s 4 are each amended to read as follows:

(1) The director may by order deny, suspend, revoke, restrict, condition, or limit any application or registration of any broker-dealer, salesperson, investment adviser representative, or investment adviser; or censure or fine the registrant or an officer, director, partner, or person ~~((occupying))~~ performing similar functions for a registrant; if the director finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer, director, or person ~~((occupying))~~ performing similar functions:

(a) Has filed an application for registration under this section which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(b) Has willfully violated or willfully failed to comply with any provision of this chapter or a predecessor act or any rule or order under this chapter or a predecessor act, or any provision of chapter 21.30 RCW or any rule or order thereunder;

(c) Has been convicted, within the past ten years, of any misdemeanor involving a security, or a commodity contract or commodity option as defined in RCW 21.30.010, or any aspect of the securities, commodities, business investments, franchises, business opportunities, insurance, banking, or finance business, or any felony involving moral turpitude;

(d) Is permanently or temporarily enjoined or restrained by any court of competent jurisdiction in an action brought by the director, a state, or a federal government agency from engaging in or continuing any conduct or practice involving any aspect of the securities, commodities, business investments, franchises, business opportunities, insurance, banking, or finance business;

(e) Is the subject of an order entered after notice and opportunity for hearing:

(i) By the securities administrator of a state or by the Securities and Exchange Commission denying, revoking, barring, or suspending registration as a broker-dealer, salesperson, investment adviser, or investment adviser representative;

(ii) By the securities administrator of a state or by the Securities and Exchange Commission (~~sanctioning~~) against a broker-dealer (~~or an~~), salesperson, investment adviser, or an investment adviser representative;

(iii) By the Securities and Exchange Commission or self-regulatory organization suspending or expelling the registrant from membership in a self-regulatory organization; or

(iv) By a court adjudicating a United States Postal Service fraud;

The director may not commence a revocation or suspension proceeding more than one year after the date of the order relied on. The director may not enter an order on the basis of an order under another state securities act unless that order was based on facts that would constitute a ground for an order under this section;

(f) Is the subject of an order, adjudication, or determination, after notice and opportunity for hearing, by the Securities and Exchange Commission, the Commodities Futures Trading Commission, the Federal Trade Commission, or a securities or insurance regulator of any state that the person has (~~willfully~~) violated the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodities Exchange Act, the securities, insurance, or commodities law of any state, or a federal or state law under which a business involving investments, franchises, business opportunities, insurance, banking, or finance is regulated;

(g) Has engaged in dishonest or unethical practices in the securities or commodities business;

(h) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; but the director may not enter an order against an applicant or registrant under this subsection (1)(h) without a finding of insolvency as to the applicant or registrant;

(i) Has not complied with a condition imposed by the director under RCW 21.20.100, or is not qualified on the basis of such factors as training, experience, or knowledge of the securities business, except as otherwise provided in subsection (2) of this section;

(j) Has failed to supervise reasonably a salesperson or an investment adviser representative, or employee, if the salesperson, investment adviser representative, or employee was subject to the person's supervision and committed a violation of this chapter or a rule adopted or order issued under this chapter. For the purposes of this subsection, no person fails to supervise reasonably another person, if:

(i) There are established procedures, and a system for applying those procedures, that would reasonably be expected to prevent and detect, insofar as practicable, any violation by another person of this chapter, or a rule or order under this chapter; and

(ii) The supervising person has reasonably discharged the duties and obligations required by these procedures and system without reasonable cause to believe that another person was violating this chapter or rules or orders under this chapter;

(k) Has failed to pay the proper filing fee within thirty days after being notified by the director of a deficiency, but the director shall vacate an order under this subsection (1)(k) when the deficiency is corrected;

(l) Within the past ten years has been found, after notice and opportunity for a hearing to have:

(i) (~~Willfully~~) Violated the law of a foreign jurisdiction governing or regulating the business of securities, commodities, insurance, or banking;

(ii) Been the subject of an order of a securities regulator of a foreign jurisdiction denying, revoking, or suspending the right to engage in the business of securities as a broker-dealer, agent, investment adviser, or investment adviser representative; or

(iii) Been suspended or expelled from membership by a securities exchange or securities association operating under the authority of the securities regulator of a foreign jurisdiction;

(m) Is the subject of a cease and desist order issued by the Securities and Exchange Commission or issued under the securities or commodities laws of a state; or

(n) Refuses to allow or otherwise impedes the director from conducting an audit, examination, or inspection, or refuses access to any branch office or business location to conduct an audit, examination, or inspection.

(2) The director, by rule or order, may require that an examination, including an examination developed or approved by an organization of securities administrators, be taken by any class of or all applicants. The director, by rule or order, may waive the examination as to a person or class of persons if the administrator determines that the examination is not necessary or appropriate in the public interest or for the protection of investors.

(3) The director may issue a summary order pending final determination of a proceeding under this section upon a finding that it is in the public interest and necessary or appropriate for the protection of investors.

(4) The director may not impose a fine under this section except after notice and opportunity for hearing. The fine imposed under this section may not exceed (~~five~~) ten thousand dollars for each act or omission that constitutes the basis for issuing the order. If a petition for judicial review has not been timely filed under RCW 34.05.542(2), a certified copy of the director's order requiring payment of the fine may be filed in the office of the clerk of the superior court in any county of this state. The clerk shall treat the order of the director in the same manner as a judgment of the superior court. The director's order so filed has the same effect as a judgment of the superior court and may be recorded, enforced, or satisfied in like manner.

(5) Withdrawal from registration as a broker-dealer, salesperson, investment adviser, or investment adviser representative becomes effective thirty days after receipt of an application to withdraw or within such shorter period as the administrator determines, unless a revocation or suspension proceeding is pending when the application is filed. If a proceeding is pending, withdrawal becomes effective upon such conditions as the director, by order, determines. If no proceeding is pending or commenced and withdrawal automatically becomes effective, the administrator may nevertheless commence a revocation or suspension proceeding under subsection (1)(b) of this section within one year after withdrawal became effective and enter a revocation or suspension order as of the last date on which registration was effective.

(6) A person who, directly or indirectly, controls a person not in compliance with any part of this section may also be sanctioned to the same extent as the noncomplying person, unless the controlling person acted in good faith and did not directly or indirectly induce the conduct constituting the violation or cause of action.

(7) In any action under subsection (1) of this section, the director may charge the costs, fees, and other expenses incurred by the director in the conduct of any administrative investigation, hearing, or court proceeding against any person found to be in violation of any provision of this section or any rule or order adopted under this section.

(8) In any action under subsection (1) of this section, the director may enter an order requiring an accounting, restitution, and disgorgement, including interest at the legal rate under RCW 4.56.110(3). The director may by rule or order provide for payments to investors, rates of interest, periods of accrual, and other matters the director deems appropriate to implement this subsection.

(9) The director shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic

upon the director's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

Sec. 5. RCW 21.20.390 and 1995 c 46 s 7 are each amended to read as follows:

Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, the director may in his or her discretion:

(1) Issue an order directing the person to cease and desist from continuing the act or practice and to take appropriate affirmative action within a reasonable period of time, as prescribed by the director, to correct conditions resulting from the act or practice including, without limitation, a requirement to provide restitution (~~(- PROVIDED, THAT)~~). Reasonable notice of and opportunity for a hearing shall be given (~~(- PROVIDED, FURTHER, THAT)~~). The director may issue a ~~((temporary))~~ summary order pending the hearing which shall remain in effect until ten days after the hearing is held and which shall become final if the person to whom notice is addressed does not request a hearing within ~~((fifteen))~~ twenty days after the receipt of notice; or

(2) The director may without issuing a cease and desist order, bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order ~~((hereunder))~~ adopted under this chapter. The court may grant such ancillary relief, including a civil penalty, restitution, and disgorgement, as it deems appropriate. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The director may not be required to post a bond. If the director prevails, the director shall be entitled to a reasonable attorney's fee to be fixed by the court.

(3) Whenever it appears to the director that any person who has received a permit to issue, sell, or otherwise dispose of securities under this chapter, whether current or otherwise, has become insolvent, the director may petition a court of competent jurisdiction to appoint a receiver or conservator for the defendant or the defendant's assets. The director may not be required to post a bond.

(4) The director may bring an action for restitution or damages on behalf of the persons injured by a violation of this chapter, if the court finds that private civil action would be so burdensome or expensive as to be impractical.

(5) In any action under this section, the director may charge the costs, fees, and other expenses incurred by the director in the conduct of any administrative investigation, hearing, or court proceeding against any person found to be in violation of any provision of this section or any rule or order adopted under this section.

(6) In any action under subsection (1) of this section, the director may enter an order requiring an accounting, restitution, and disgorgement, including interest at the legal rate under RCW 4.56.110(3). The director may by rule or order provide for payments to investors, interest rates, periods of accrual, and other matters the director deems appropriate to implement this subsection.

Sec. 6. RCW 21.20.395 and 1998 c 15 s 18 are each amended to read as follows:

(1) A person who, in an administrative action by the director, is found to have knowingly or recklessly violated any provision of this chapter, or any rule or order under this chapter, may be fined, after notice and opportunity for hearing, in an amount not to exceed ~~((five))~~ ten thousand dollars for each violation.

(2) A person who, in an administrative action by the director, is found to have knowingly or recklessly violated an administrative order issued under RCW 21.20.110 or 21.20.390 shall pay an administrative fine in an amount not to exceed twenty-five thousand dollars for each violation.

(3) The fines paid under subsections (1) and (2) of this section shall be deposited into the securities prosecution fund.

(4) If a petition for judicial review has not been timely filed under RCW 34.05.542(2), a certified copy of the director's order requiring payment of the fine may be filed in the office of the clerk of the superior court in any county of this state. The clerk shall treat the order of the director in the same manner as a judgment of the superior court. The director's order so filed has the same effect as a judgment of the superior court and may be recorded, enforced, or satisfied in like manner.

Sec. 7. RCW 9A.20.021 and 1982 c 192 s 10 are each amended to read as follows:

(1) Felony. Unless a different maximum sentence for a classified felony is specifically established by statute, no person convicted of a classified felony shall be punished by confinement or fine exceeding the following:

(a) For a class A felony, by confinement in a state correctional institution for a term of life imprisonment, or by a fine in an amount fixed by the court of fifty thousand dollars, or by both such confinement and fine;

(b) For a class B felony, by confinement in a state correctional institution for a term of ten years, or by a fine in an amount fixed by the court of twenty thousand dollars, or by both such confinement and fine;

(c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.

(2) Gross misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

(4) This section applies to only those crimes committed on or after July 1, 1984."

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

On page 1, line 2 of the title, after "securities;" strike the remainder of the title and insert "amending RCW 43.320.110, 21.20.400, 21.20.110, 21.20.390, 21.20.395, and 9A.20.021; adding a new section to chapter 43.320 RCW; and prescribing penalties."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1219, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1219, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1219, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators Hewitt, Rossi and Zarelli - 3.

SUBSTITUTE HOUSE BILL NO. 1219, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Sullivan, Wood, Crouse, Morris and Schoesler)

Establishing a biodiesel pilot project for school transportation.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 1243 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1243.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1243 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators Hewitt, Rossi and Zarelli - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1356, by Representatives Dunshee, Sommers, DeBolt and Alexander (by request of Utilities and Transportation Commission)

Updating utilities and transportation commission regulatory fees.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.24.010 and 1994 c 83 s 1 are each amended to read as follows:

Every public service company subject to regulation by the commission shall, on or before the date specified by the commission for filing annual reports under RCW 80.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars: PROVIDED, That the ((fee shall in no case be less than one dollar)) commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section.

The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows:

Electrical, gas, water, telecommunications, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Any payment of the fee imposed by this section made after its due date shall include a late fee of two percent of the amount due. Delinquent fees shall accrue interest at the rate of one percent per month.

Sec. 2. RCW 81.24.010 and 1996 c 196 s 1 are each amended to read as follows:

(1) Every company subject to regulation by the commission, except auto transportation companies, steamboat companies, ~~((wharfingers or warehousemen,))~~ and motor freight carriers~~((, and storage warehousemen))~~ shall, on or before the date specified by the commission for filing annual reports under RCW 81.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one-tenth of one

percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to one and one-half percent of its intrastate gross operating revenue. ~~((However, the fee shall in no case be less than one dollar))~~ The commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section. Any railroad association that qualifies as a not-for-profit charitable organization under the federal internal revenue code section 501(c)(3) is exempt from the fee required under this subsection.

(2) The percentage rates of gross operating revenue to be paid in any one year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Railroad, express, sleeping car, and toll bridge companies shall constitute class two. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Sec. 3. RCW 81.24.020 and 1997 c 215 s 1 are each amended to read as follows:

~~((By May 1st of each year))~~ On or before the date specified by the commission for filing annual reports under RCW 81.04.080, every auto transportation company must file with the commission a statement showing its gross operating revenue from intrastate operations for the preceding year and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue. ~~((However, the fee paid shall in no case be less than two dollars and fifty cents.))~~ The commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section.

The percentage rate of gross operating revenue to be paid in any period may be decreased by the commission by general order entered before the fifteenth day of the month preceding the month in which the fee is due.

Sec. 4. RCW 81.24.030 and 1993 c 427 s 10 are each amended to read as follows:

Every commercial ferry shall, on or before ~~((the first day of April of each year))~~ the date specified by the commission for filing annual reports under RCW 81.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee of two-fifths of one percent of the amount of gross operating revenue: PROVIDED, That the ~~((fee so paid shall in no case be less than five dollars))~~ commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section. The percentage rate of gross operating revenue to be paid in any year may be decreased by the commission by general order entered before March 1st of such year.

Sec. 5. RCW 81.77.080 and 1989 c 431 s 24 are each amended to read as follows:

Every solid waste collection company shall, on or before ~~((the 1st day of April of each year))~~ the date specified by the commission for filing annual reports under RCW 81.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one percent of the amount of gross operating revenue: PROVIDED, That the ~~((fee shall in no case be less than one dollar))~~ commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before March 1st of any year in which it determines that the moneys then in the solid waste collection companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund."

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

On line 2 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 80.24.010, 81.24.010, 81.24.020, 81.24.030, and 81.77.080."

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 1356, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1356, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1356, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1356, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Kohl-Welles: "Mr. President, a point of personal privilege. I would like to respond to something that was said earlier about the media and Iraq. I understand that the comments that were made earlier were very heartfelt. I think we are all feeling very emotional right now with what is going on in Iraq and concern about our servicemen and women over there, but I think, with all due respect to the Senator who made the remarks--complete due respect that I have--I think it is very important to us to acknowledge that those in the media and the press, who have gone over to Iraq are also risking their lives to provide us with news. It is really quite incredible. We are getting real time information observing what is going on. There have been lives lost from the media, not just American representatives of the media--the press, but also those in other

countries. Not only have those lives been lost, but there are hundreds and hundreds of people over there who are still risking their lives in a very unsafe situation. One of the things that has made our country so strong and so compelling is that we have our Bill of Rights and we have the freedom of the press, which is envied all over the world. Thank you.”

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2039, by House Committee on Judiciary (originally sponsored by Representatives Fromhold, Carrell, Pettigrew, Cairnes, Lantz, Moeller, Newhouse, Armstrong, Grant, Quall, Woods, Roach, Hankins, Morris, Ericksen, Crouse, Condotta, Talcott, Holmquist, McMahan, Clements, Bailey, Clibborn, Kessler, Campbell, Hunter, Chandler, Gombosky, Schoesler, Ruderman, Miloscia, Kirby, Hinkle and Kenney)

Providing affirmative defenses for activities defined under RCW 4.16.300.

The bill was read the second time.

MOTION

Senator Kline moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 4.16 RCW to read as follows:

(1) Persons engaged in any activity defined in RCW 4.16.300 may be excused, in whole or in part, from any obligation, damage, loss, or liability for those defined activities under the principles of comparative fault for the following affirmative defenses:

(a) To the extent it is caused by an unforeseen act of nature that caused, prevented, or precluded the activities defined in RCW 4.16.300 from meeting the applicable building codes, regulations, and ordinances in effect at the commencement of construction. For purposes of this section an "unforeseen act of nature" means any weather condition, earthquake, or manmade event such as war, terrorism, or vandalism, in excess of the design criteria expressed by the applicable building codes, regulations, and ordinances in effect at the time of the original construction;

(b) To the extent it is caused by a homeowner's unreasonable failure to minimize or prevent those damages in a timely manner, including the failure of the homeowner to give timely notice to the builder and to allow reasonable and timely access for inspections and repairs as required by chapter 64.50 RCW;

(c) To the extent it is caused by the homeowner or his or her agent, employee, subcontractor, independent contractor, or consultant by virtue of their failure to follow the builder's or manufacturer's maintenance recommendations, or commonly accepted homeowner maintenance obligations. In order to rely upon this defense as it relates to a builder's recommended maintenance schedule, the builder shall show that the homeowner had written notice of the schedule, the schedule was reasonable at the time it was issued, and the homeowner failed to substantially comply with the written schedule;

(d) To the extent it is caused by the homeowner or his or her agent's or an independent third party's alterations, ordinary wear and tear, misuse, abuse, or neglect, or by the structure's use for something other than its intended purpose;

(e) As to a particular violation for which the builder has obtained a valid release from the party making the claim;

(f) To the extent that the builder's repair corrected the alleged violation or defect;

(g) To the extent that a cause of action does not accrue within the statute of repose pursuant to RCW 4.16.310 or that an actionable cause as set forth in RCW 4.16.300 is not filed within the applicable statute of limitations. In contract actions the applicable contract statute of limitations expires, regardless of discovery, six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in RCW 4.16.300, whichever is later;

(h) As to any causes of action to which this section does not apply, all applicable affirmative defenses are preserved.

(2) This section does not apply to any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect."

Debate ensued.

The President declared the question before the senate to be the adoption of the striking amendment by Senator Kline to Substitute House Bill No. 2039.

The motion by Senator Kline failed and the striking amendment was not adopted.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 2039 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2039.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2039 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Decchio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senators Fairley, Fraser, Kline and Thibaudeau - 4.

SUBSTITUTE HOUSE BILL NO. 2039, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President--and this is a point of personal privilege. For years, I have tried to get the majority leader--I think I skipped Senator Brown for the last two years, but Senator McDonald twice while he was in control. I have talked to Senator West and I talked to Senator Snyder when he was at the head of the majority party. One of the complaints that I have and have had for years, is the amount of amendments offered on the floor. I suggested from time to time that we adopt, what I understand is the Oregon system, where no amendments are offered on the floor. They go back to the committee. Take for example, the last amendment by Senator Kline and I am not criticizing him in any way, but he is an attorney--and Senator Esser is an attorney--wherever he is--he is still an attorney. There he is--there are two attorneys disagreeing on an amendment. Now, we have a Senate Rule that prior to hearing a bill, we have a five day notice to the public--and I was thinking about saying that we were conning the public, but I didn't want to use that term. I think we are misleading the public. We can suspend that rule. The chairman can ask for a vote to suspend the rule and occasionally we do. But, there is no five day rule on any amendment that we offer before this body. The public has never seen it and probably most members of this body have never seen it. So, it is all new to us. Sometimes we understand it and most of the time, we probably don't. If you look at that last amendment and you understand it, well, bless your heart, because you are a lot smarter than I am. I accepted Esser's word on it and I didn't ask Kline, because I know he proposed the amendment. Congratulations to him on his intelligence and his perception of the law as he sees it.

"I think we would serve the public well--and your constituency--if we didn't accept amendments on the floor. If we have amendments, we go back to the committee where they will be discussed by members of the committee, as are other bills, five day suspension or not. Then, that body can either accept the amendment or reject it. At least the public is involved in it. Most of the public we see are lobbyists--paid lobbyists, but non-the-less, if you are going to serve your constituency, you should understand what you are voting for. Now, this isn't bad today, but you will get into some bills and your will have, I don't know, fifty amendments on here. How in the world, can you keep up with those amendments? The fact is, you can't. I don't think anybody here can, because we are speeding this process along to get these bills out, for whatever reason you have to get these bills out. I would implore those of you, and if there is anybody that supports me on this issue, that you talk to leadership and you consider, if nothing else, a pilot project--that one session we don't accept amendments on the floor. If there is an amendment, we send it back. If you want to have a sixty percent rule, that is fine with me, but to continually add amendments on the floor, I think is asinine and I don't think we are treating the public fair. Put them back into committee and when you are in committee, vote them up or down, but take care of it there. Then, the public knows what we are doing. I don't know if that will speed up the process or slow down the process--whichever way is good--depending on your philosophy with what we should do with all of these bills we get before the body.

"Anyway, I have cleansed my blood vessels for today. I feel much better in having stated this before the body. I don't how long I have been carrying on. You are probably sick and tired of hearing about this, but I would appreciate each one of you thinking about this and giving it some consideration as to how nice it would be to come to the floor and vote a bill up or down, instead of looking and trying to keep up and going out and talking to lobbyists for or against these amendments. Anyway, I feel much better and I thank you."

MOTION TO LIMIT DEBATE

Senator Sheahan: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time for the remainder of the day."

The President declared the question before the Senate to be the motion by Senator Sheahan to limit debate for the remainder of the day.

The motion by Senator Sheahan carried and debate was limited for the remainder of the day.

SECOND READING

ENGROSSED HOUSE BILL NO. 2030, by Representatives Kessler, Cairnes, Talcott, McDonald, Schindler, Shabro, Pearson and Holmquist (by request of Governor Locke)

Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness.

The bill was read the second time.

MOTION

Senator Doumit moved that the following amendment be adopted:

On page 3, after line 21, strike all material down through "annually." on line 23 and insert the following:

"(b) Except for cities with populations of less than sixty thousand, a uniform, minimum small business tax threshold of at least the equivalent of twenty thousand dollars in gross income annually. Cities with populations of less than sixty thousand must have a uniform, minimum small business tax threshold of at least the equivalent of two thousand dollars in gross income annually. Minimum thresholds may be applied proportionally for taxpayers reporting on a quarterly or monthly basis."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Doumit on page 3, after line 21, to Engrossed House Bill No. 2030.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Doumit on page 3, line 21, to Engrossed House Bill No. 2030 and the amendment was adopted by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 27.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 22.

MOTION

On motion of Senator Sheahan, further consideration of Engrossed House Bill No. 2030 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 2140, by Representatives Grant and Linville

Reaffirming the role of the state conservation commission.

The bill was read the second time.

MOTION

Senator Swecker moved that the following Committee on Agriculture striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Commission" means the Washington state conservation commission created in section 2 of this act.
- (2) "District" or "conservation district" means a governmental subdivision of this state created according to chapter 89.08 RCW.
- (3) "Board" and "supervisors" mean the board of supervisors of a conservation district.
- (4) "Land occupier" or "occupier of land" has the same meaning as in RCW 89.08.020.
- (5) "District elector" or "voter" has the same meaning as in RCW 89.08.020.
- (6) "Renewable natural resources," "natural resources," or "resources" has the same meaning as in RCW 89.08.020.
- (7) "Conservation" has the same meaning as in RCW 89.08.020.
- (8) "Farm and agricultural land" has the same meaning as in RCW 89.08.020.

Sec. 2. RCW 89.08.030 and 1987 c 180 s 1 are each amended to read as follows:

(1) There is hereby established to serve as an agency of the state ~~((and)) the state conservation commission. The commission is authorized~~ to perform the functions conferred upon it by law~~((,))~~. ~~The ((state conservation)) commission((, which)) shall succeed to all powers, duties and property of the state soil and water conservation committee.~~

(2) The commission shall consist of ten members, five of whom are ex officio. Two members shall be appointed by the governor~~((, one of whom shall be a landowner or operator of a farm. At least two of the three elected members shall be landowners or operators of a farm and shall be elected as herein provided)). Three members shall be elected as provided in subsection (4) of this section.~~

(3) ~~At least one of the appointed members shall be a landowner or operator of a farm. The appointed members shall serve for a term of four years.~~

(4) ~~At least two of the three elected members shall be landowners or operators of a farm. The three elected members shall be elected for three-year terms, with one ((shall be)) elected each year by the district supervisors at their annual statewide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, with the specific boundaries to be determined by district supervisors. ((At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.))~~

(5) Unexpired term vacancies in the office of appointed commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected commission members shall be filled by the regional vice president of the Washington association of conservation districts who is serving that part of the state where the vacancy occurs, ~~((such)) for a term to continue only until district supervisors can fill the unexpired term by electing the commission member.~~

(6) The director of the department of ecology, the director of the department of agriculture, the commissioner of public lands, the president of the Washington association of conservation districts, and the dean of the college of agriculture at Washington State University shall be ex officio members of the commission. An ex officio member of the commission shall hold office so long as he or she retains the office by virtue of which he or she is a member of the commission. Ex officio members may delegate their authority.

(7) The commission may invite appropriate officers of cooperating organizations~~((,)) and state and federal agencies to serve as advisers to the conservation commission.~~

Sec. 3. RCW 89.08.040 and 1984 c 287 s 112 are each amended to read as follows:

(1) Members of the commission shall be compensated in accordance with RCW 43.03.240 and shall be entitled to travel expenses in accordance with RCW 43.03.050 and 43.03.060 incurred in the discharge of their duties.

(2) The commission shall keep a record of its official actions, shall adopt a seal, which shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under ~~this chapter ((184, Laws of 1973 1st ex. sess)) and chapter 89.08 RCW.~~

(3) ~~The ((state department of ecology)) office of financial management~~ is empowered to pay the travel expenses of the elected and appointed members of the ~~((state conservation))~~ commission, and the salaries, wages and other expenses of such administrative officers or other employees as may be required under the provisions of this chapter.

Sec. 4. RCW 89.08.050 and 1973 1st ex.s. c 184 s 6 are each amended to read as follows:

(1) The commission may employ an administrative officer~~((,)) and such temporary or permanent technical experts and ((such)) other agents and employees((, permanent and temporary)) as it may require~~((, and)). The commission shall determine ((their)) the~~ qualifications, duties, and compensation of its administrative officer, technical experts, agents, and employees. The commission may call upon the attorney general for ~~((such))~~ legal services as it may require.~~

~~((H))~~ (2) The commission shall have authority to delegate to its chairman, to one or more of its members, to one or more agents or employees such duties and powers as it deems proper. ~~((H))~~

~~(3)~~ The commission shall be supplied with suitable office accommodations at the central office of the department of ecology, and shall be furnished the necessary supplies and equipment.

~~(4)~~ The commission shall organize annually and select a chairman from among its members, who shall serve for one year from the date of his or her selection.

~~(5)~~ A majority of the commission shall constitute a quorum ~~((and))~~. All actions of the commission shall be by a majority vote of the members present and voting at a meeting at which a quorum is present.

Sec. 5. RCW 89.08.060 and 1973 1st ex. s. c 184 s 7 are each amended to read as follows:

Upon request of the commission, for the purpose of carrying out any of ~~((its))~~ the commission's functions, the supervising officer of any state agency or state institution of learning may, insofar as may be possible under available appropriations and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission, members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the commission may request.

Sec. 6. RCW 89.08.070 and 1973 1st ex. s. c 184 s 8 are each amended to read as follows:

~~((In addition to the duties and powers hereinafter conferred upon))~~ The commission~~((-it))~~ shall have the ~~((following duties and powers))~~ duty and power to:

~~(1)~~ ~~((To))~~ Offer such assistance as may be appropriate to the supervisors of conservation districts ~~((organized under the provisions of chapter 184, Laws of 1973 1st ex. sess., in the carrying))~~ to carry out ~~((of))~~ any of their powers and programs~~((:))~~;

~~((a-to))~~ ~~(2)~~ Assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under chapter ~~((184, Laws of 1973 1st ex. sess.))~~ 89.08 RCW;

~~((b-to))~~ ~~(3)~~ Review district programs;

~~((c-to))~~ ~~(4)~~ Coordinate the programs of the several districts and resolve any conflicts in such programs;

~~((d-to))~~ ~~(5)~~ Facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties, and other public agencies~~((:))~~;

~~((2-To))~~ ~~(6)~~ Keep the supervisors of each of the several conservation districts ~~((organized under the provisions of chapter 184, Laws of 1973 1st ex. sess.))~~ informed of the activities and experience of all other districts ~~((organized hereunder))~~, and ~~((to))~~ facilitate an interchange of advice and experience ~~((between such))~~ among districts and cooperation ~~((between))~~ among them~~((:))~~;

~~((3-To))~~ ~~(7)~~ Review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with any state, federal, interstate, or other public or private agency, organization, or individual, and advise the districts concerning such agreements or forms of agreements~~((:))~~;

~~((4-To))~~ ~~(8)~~ Secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state in the work of such districts~~((:))~~;

~~((5-To))~~ ~~(9)~~ Recommend the inclusion in annual and longer term budgets and appropriation legislation of the state of Washington of funds necessary for appropriation by the legislature to finance the activities of the commission and the conservation districts; ~~((to))~~ administer the provisions of any law ~~((hereinafter))~~ enacted by the legislature appropriating funds for expenditure in connection with the activities of conservation districts; ~~((to))~~ distribute to conservation districts funds, equipment, supplies and services received by the commission for that purpose from any source, subject to ~~((such))~~ any applicable conditions ~~((as shall be made applicable thereto))~~ in any state or federal statute or local ordinance making available such funds, property or services; ~~((to))~~ issue regulations establishing guidelines and suitable controls to govern the use by conservation districts of such funds, property and services; and ~~((to))~~ review all budgets, administrative procedures and operations of such districts and advise the districts concerning their conformance with applicable laws and regulations~~((:))~~;

~~((6-To))~~ ~~(10)~~ Encourage the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts~~((:))~~ and facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources~~((:))~~;

~~((7-To))~~ ~~(11)~~ Disseminate information throughout the state concerning the activities and programs of the conservation districts ~~((organized hereunder, and to))~~; encourage the formation of such districts in areas ~~((where))~~ in which their organization is desirable; ~~((to))~~ and make available information concerning the needs and the work of the conservation districts and the commission to the governor, the legislature, executive agencies of the government of this state, political subdivisions of this state, cooperating federal agencies, and the general public~~((:))~~;

~~((8))~~ ~~(12)~~ Receive, pursuant to procedures developed mutually by the commission and other state and local agencies ~~((that are))~~ authorized to plan or administer activities significantly affecting the conservation of renewable natural resources, ~~((to receive))~~ from such agencies for review and comment suitable descriptions of their plans, programs and activities for purposes of coordination with district conservation programs; ~~((to))~~ and arrange for and participate in conferences necessary to avoid conflict among such plans and programs, to call attention to omissions, and to avoid duplication of effort~~((:))~~;

~~((9-To))~~ ~~(13)~~ Compile information and make studies, summaries and analysis of district programs in relation to each other and to other resource conservation programs on a statewide basis~~((:))~~;

~~((10-To))~~ ~~(14)~~ Assist conservation districts in obtaining legal services from state and local legal officers~~((:))~~;

~~((11-To))~~ ~~(15)~~ Require annual reports from conservation districts, the form and content of which shall be developed by the commission~~((:))~~; and

~~((12-To))~~ ~~(16)~~ Establish by regulations, with the assistance and advice of the state auditor's office, adequate and reasonably uniform accounting and auditing procedures ~~((which shall))~~ that must be used by conservation districts.

Sec. 7. RCW 89.08.450 and 1995 c 378 s 1 are each amended to read as follows:

The legislature declares that it is the goal of the state of Washington to preserve and restore the natural resources of the state and, in particular, fish and wildlife and their habitat. It is further the policy of the state insofar as possible to utilize the commission and conservation districts in these efforts and the volunteer organizations who have demonstrated their commitment to these goals.

To this end, it is the intent of the legislature to minimize the expense and delays caused by unnecessary bureaucratic process in securing permits for projects that preserve or restore native fish and wildlife habitat.

Sec. 8. RCW 89.08.460 and 1995 c 378 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 89.08.460 through 89.08.510 (as recodified by this act) unless the context clearly requires otherwise~~((, the definitions in this section shall apply throughout RCW 89.08.450 through 89.08.510))~~.

(1) "Watershed restoration plan" means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county, or a conservation district, that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed, and for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant, adverse environmental impact, a detailed statement under RCW 43.21C.031 must be prepared on the plan.

(2) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

(a) A project that involves ~~((less))~~ fewer than ten miles of streamreach, in which ~~((less))~~ fewer than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed, or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure other than a bridge or culvert or instream habitat enhancement structure associated with the project is ~~((less))~~ fewer than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.

Sec. 9. RCW 89.08.470 and 1998 c 249 s 13 are each amended to read as follows:

(1) ~~((By January 1, 1996,))~~ The ~~((Washington conservation))~~ commission shall develop, in consultation with other state agencies, tribes, and local governments, a consolidated application process for permits for a watershed restoration project developed by an agency or sponsored by an agency on behalf of a volunteer organization. The consolidated process shall include a single permit application form for use by all responsible state and local agencies. The commission shall encourage use of the consolidated permit application process by any federal agency responsible for issuance of related permits. The permit application forms to be consolidated shall include, at a minimum, applications for: (a) Approvals related to water quality standards under chapter 90.48 RCW; (b) hydraulic project approvals under chapter ~~((75-20))~~ 77.55 RCW; and (c) section 401 water quality certifications under 33 U.S.C. Sec. 1341 and chapter 90.48 RCW.

(2) If a watershed restoration project is also a fish habitat enhancement project that meets the criteria of RCW ~~((75-20-350))~~ 77.55.290(1), the project sponsor shall instead follow the permit review and approval process established in RCW ~~((75-20-350))~~ 77.55.290 with regard to state and local government permitting requirements. The sponsor shall ~~((se))~~ notify state and local permitting authorities.

Sec. 10. RCW 89.08.480 and 1995 c 378 s 4 are each amended to read as follows:

Each agency of the state and unit of local government that claims jurisdiction or the right to require permits, other approvals, or fees as a condition of allowing a watershed restoration project to proceed shall:

(1) Designate an office or official as a designated recipient of project applications; and ~~((shall))~~

(2) Inform the ~~((conservation))~~ commission of the designation.

Sec. 11. RCW 89.08.490 and 1995 c 378 s 5 are each amended to read as follows:

All agencies of the state and local governments shall accept the single application developed under RCW 89.08.470 ~~((as recodified by this act))~~. Unless the procedures under RCW 89.08.500 ~~((as recodified by this act))~~ are invoked, the application shall be processed without charge and permit decisions shall be issued within forty-five days of the receipt of a complete application.

Sec. 12. RCW 89.08.500 and 1995 c 378 s 6 are each amended to read as follows:

The applicant or any state agency, tribe, or local government with permit processing responsibility may request that the office of permit assistance ~~((center))~~ created ~~((by chapter 347, Laws of 1995))~~ in chapter 43.42 RCW appoint a project facilitator to develop in consultation with the applicant and permit agencies a coordinated process for permit decisions on the application. The process may incorporate procedures for coordinating state permits under ~~((chapter 347, Laws of 1995))~~ chapter 43.42 RCW. The ~~((center))~~ office shall adopt a target of completing permit decisions within forty-five days of receipt of a complete application.

~~((If House Bill No. 1724 is not enacted by June 30, 1995, this section shall be null and void.))~~

Sec. 13. RCW 89.08.510 and 1995 c 378 s 7 are each amended to read as follows:

State agencies, tribes, and local governments responsible for permits or other approvals of watershed restoration projects as defined in RCW 89.08.460 ~~((as recodified by this act))~~ may develop general permits or permits by rule to address some or all projects required by an approved watershed restoration plan, or for types of watershed restoration projects. Nothing in this chapter ~~((378, Laws of 1995))~~ precludes local governments, state agencies, and tribes from working out other cooperative permitting agreements outside the procedures of ~~((this chapter (378, Laws of 1995)))~~.

Sec. 14. RCW 89.08.520 and 2001 c 227 s 3 are each amended to read as follows:

(1) In administering grant programs to improve water quality and protect habitat, the commission shall require grant recipients to incorporate the environmental benefits of the project into their grant applications ~~((and))~~. The commission shall utilize the statement of environmental ~~((benefits))~~ benefits in its grant prioritization and selection process.

(2) The commission shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program. The commission shall work with the districts to develop uniform performance measures across participating districts.

(3) To the extent possible, the commission should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The commission shall consult with affected interest groups in implementing this section.

Sec. 15. RCW 89.08.530 and 2002 c 280 s 2 are each amended to read as follows:

(1) The agricultural conservation easements program is created. The ~~((state conservation))~~ commission shall manage the program and adopt rules as necessary to implement the legislature's intent.

(2) The commission shall report to the legislature on an on-going basis regarding potential funding sources for the purchase of agricultural conservation easements under the program and recommend changes to existing funding authorized by the legislature.

(3) All funding for the program shall be deposited into the agricultural conservation easements account created in RCW 89.08.540 ~~((as recodified by this act))~~. Expenditures from the account shall be made to local governments and private nonprofits on a match or no match required basis at the discretion of the commission.

(4) Easements purchased with money from the agricultural conservation easements account run with the land.

Sec. 16. RCW 89.08.540 and 2002 c 280 s 3 are each amended to read as follows:

(1) The agricultural conservation easements account is created in the custody of the state treasurer. All receipts from legislative appropriations, other sources as directed by the legislature, and gifts, grants, or endowments from public or private sources must be deposited into the account. Expenditures from the account may be used only for the purchase of easements under the agricultural conservation easements program. Only the ~~((state conservation))~~ commission, or the executive director of the commission on the commission's behalf, may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The commission is authorized to receive and expend gifts, grants, or endowments from public or private sources that are made available, in trust or otherwise, for the use and benefit of the agricultural conservation easements program.

Sec. 17. RCW 89.08.010 and 1973 1st ex. s. c 184 s 2 are each amended to read as follows:

~~((It is hereby declared, as a matter of legislative determination))~~ The legislature finds that:

(1) ~~((That))~~ The lands of the state of Washington are among the basic assets of the state, and ~~((that))~~ the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; ~~((that))~~

(2) Improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the lands of this state by wind and water; ~~((that))~~

(3) The breaking of natural grass, plant, and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; ~~((that))~~

(4) The topsoil is being blown and washed off of lands(~~(-that))~~ and there has been an accelerated washing of sloping lands; (~~(that))~~
(5) These processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; (~~(that))~~

(6) Failure by any land occupier to conserve the soil and control erosion upon his or her lands may cause a washing and blowing of soil from his or her lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible(~~(-and that))~~;

(7) Extensive denuding of land for development creates critical erosion areas that are difficult to effectively regenerate, and the resulting sediment causes extensive pollution of streams, ponds, lakes, and other waters(~~(-))~~;

~~((2)-That))~~ (8) The consequences of (~~(such))~~ soil erosion in the form of soil blowing and soil washing are the:

(a) Silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors, and loading of the air with soil particles; (~~(the))~~

(b) Loss of fertile soil material in dust storms; (~~(the))~~

(c) Piling up of soil on lower slopes and its deposit over alluvial plains; (~~(the))~~

(d) Reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills;

(e) Deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields;

(f) Loss of soil and water which causes destruction of food and cover for wildlife; (~~(a))~~

(g) Blowing and washing of soil into streams, which silts over spawning beds(~~(-))~~ and destroys water plants, diminishing the food supply of fish; (~~(a))~~

(h) Diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; (~~(an))~~

(i) Increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; and

(j) Impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric power, municipal water supply, irrigation developments, farming and grazing(~~(-))~~;

~~((3)-That))~~ (9) To conserve soil resources and control and prevent soil erosion and prevent flood water and sediment damages, and further agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued(~~(-))~~ and that appropriate soil-conserving land-use practices, and works of improvement for flood prevention of agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water be adopted and (~~(carried-out))~~ implemented; (~~(that))~~ and

(10) Among the procedures necessary for widespread adoption(~~(-))~~ are the:

(a) Carrying on of engineering operations (~~(such-as))~~ including but not limited to the construction of terraces, terrace outlets, check-dams, desilting basins, flood water retarding structures, channel floodways, dikes, ponds, and ditches(~~(-and the like))~~; (~~(the))~~

(b) Utilization of strip cropping, contour cultivating, and contour furrowing;

(c) Land irrigation;

(d) Seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses;

(e) Forestation and reforestation;

(f) Rotation of crops;

(g) Soil stabilizations with trees, grasses, legumes, and other thick-growing, soil-holding crops, retardation of run-off by increasing absorption of rainfall; and

(h) Retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

~~((4) Whereas, there is a pressing need for the conservation of renewable resources in all areas of the state, whether urban, suburban, or rural, and that the benefits of resource practices, programs, and projects, as carried out by the state conservation commission and by the conservation districts, should be available to all such areas; therefore, it is hereby declared to be the policy of the legislature to provide for the conservation of the renewable resources of this state, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment damages, and for furthering agricultural and nonagricultural phases of conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state. To this end all incorporated cities and towns heretofore excluded from the boundaries of a conservation district established pursuant to the provisions of the state conservation district law, as amended, may be approved by the conservation commission as being included in and deemed a part of the district upon receiving a petition for annexation signed by the governing authority of the city or town and the conservation district within the exterior boundaries of which it lies in whole or in part or to which it lies closest.))~~

NEW SECTION. Sec. 18. A new section is added to chapter 89.08 RCW to read as follows:

(1) The legislature finds that there is a pressing need for the conservation of renewable resources in all areas of the state, whether urban, suburban, or rural. The legislature also finds that the benefits of resource practices, programs, and projects, as carried out by the commission and by the conservation districts, should be available to all such areas. Therefore, the legislature declares it is the policy of the state to provide for the:

(a) Conservation of the renewable resources of this state;

(b) Control and prevention of soil erosion;

(c) Prevention of flood water and sediment damages; and

(d) Furthering of agricultural and nonagricultural phases of conservation, development, utilization, and disposal of water.

(2) The legislature further declares that providing for the objectives identified in subsection (1) of this section will enhance the state's ability to:

(a) Preserve natural resources;

(b) Control floods;

(c) Prevent impairment of dams and reservoirs;

(d) Assist in maintaining the navigability of rivers and harbors;

(e) Preserve wildlife;

(f) Protect the tax base and public lands; and

(g) Promote the health, safety, and general welfare of the people of this state.

NEW SECTION. Sec. 19. A new section is added to chapter 89.08 RCW to read as follows:

All incorporated cities and towns previously excluded from the boundaries of a conservation district may be approved by the commission as being included in and deemed a part of the district upon receiving a petition for annexation signed by the governing authority of the city or town and the conservation district within the exterior boundaries of which it lies in whole or in part or to which it lies closest.

Sec. 20. RCW 89.08.020 and 1999 c 305 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly (~~indicates~~) requires otherwise (~~as used in this chapter~~).

(1) "Agricultural lands" includes the lands defined as "farm and agricultural lands" in subsection (7) of this section and any of the following lands:

(a) Farm woodlots fewer than twenty and more than five acres and the land on which appurtenances necessary to production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products; and

(b) Any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land meeting the definition of either "agricultural lands" or "farm and agricultural lands" under this section.

(2) "Board" and "supervisors" mean the board of supervisors of a conservation district.

(3) "Commission" (~~(and "state conservation commission")~~) means the (~~agency created hereunder~~. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission";) Washington state conservation commission created in section 2 of this act.

(4) "Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of flood water and sediment damages, and the disposal of excess surface waters.

(5) "Conservation district" or "district" (~~(or "conservation district")~~) means a governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of this chapter (~~(184, Laws of 1973 1st ex. sess., for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under chapter 184, Laws of 1973 1st ex. sess. shall be known as conservation districts and shall have all the powers and duties set out in chapter 184, Laws of 1973 1st ex. sess. All references in chapter 184, Laws of 1973 1st ex. sess. to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts"~~);

"Board" and "supervisors" mean the board of supervisors of a conservation district;);

(6) "District elector" or "voter" means a registered voter in the county in which the district is located who resides within the district boundary or in the area affected by a petition.

(7) "Farm and agricultural land" includes the lands defined as "agricultural lands" in subsection (1) of this section and any of the following lands:

(a) Land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses;

(b) Any parcel of land five acres or more but fewer than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or

(c) Any parcel of land fewer than five acres devoted primarily to agricultural uses that has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

(8) "Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever (~~(which)~~) that holds title to, or is in possession of, any lands lying within a district organized under the provisions of this chapter (~~(184, Laws of 1973 1st ex. sess.)~~), whether as owner, lessee, renter, tenant, or otherwise(;)).

(~~"District elector" or "voter" means a registered voter in the county where the district is located who resides within the district boundary or in the area affected by a petition;~~

~~"Due")~~ (9) "Notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning county and municipal affairs. (~~(Any hearing held pursuant to due notice may be postponed from time to time without a new notice;)~~)

(10) "Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space(;

~~"Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.~~

~~"Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands").~~

NEW SECTION. Sec. 21. A new section is added to chapter 89.08 RCW to read as follows:

All districts created under this chapter shall be known as conservation districts and shall have all the powers and duties set out in this chapter. All references in this chapter to "districts" or "soil and water conservation districts" shall be deemed to be references to "conservation districts" or "districts" as defined in this chapter.

Sec. 22. RCW 89.08.080 and 1999 c 305 s 2 are each amended to read as follows:

(~~To form a conservation district~~;) (1) Twenty percent of the voters within the area to be affected may file a petition with the commission (~~(asking)~~) requesting that the area be organized into a district.

(2) The petition shall:

(a) Give the name of the proposed district(;-);

(b) State that ((#)) the district is needed in the interest of the public health, safety, and welfare(;-);

(c) Give a general description of the area proposed to be organized; and

(d) Request that the commission determine that ((#)) the district be created(;-) and that ((#)) the commission define the district boundaries (~~(thereof)~~) and call an election on the question of creating the district.

(3) If more than one petition is filed covering parts of the same area, the commission may consolidate all or any of them.

Sec. 23. RCW 89.08.090 and 1973 1st ex. s. c 184 s 10 are each amended to read as follows:

(1) Within thirty days after a petition is filed, the commission shall (~~(give due)~~) issue notice of the time and place of a public hearing thereon. At the hearing all interested persons shall be heard.

(2) If it appears to the commission that additional land should be included in the district, the hearing shall be adjourned (~~(and)~~). The commission shall issue a new notice (~~(given)~~) covering the entire area and set a new date (~~(fixed)~~) for further hearing, unless waiver of notice by the owners of the additional land is filed with the commission.

(~~No district shall include any portion of a railroad right of way, or another similar district. The lands included in a district need not be contiguous.~~) (3) Any hearing held by a district pursuant to notice as defined in RCW 89.08.020 may be postponed from time to time without a new notice.

NEW SECTION. Sec. 24. A new section is added to chapter 89.08 RCW to read as follows:

No district shall include any portion of a railroad right of way, or another similar district. The lands included in a district need not be contiguous.

Sec. 25. RCW 89.08.100 and 1973 1st ex.s. c 184 s 11 are each amended to read as follows:

(1) After the hearing held according to RCW 89.08.090, ~~((if))~~ the commission ~~((finds that))~~ shall determine whether the public health, safety, and welfare warrant the creation of the district~~((, if))~~. ~~If it determines that creation of the district is warranted, the commission shall enter an order to that effect and define the boundaries ((thereof)) of the district by metes and bounds or by legal subdivisions.~~

(2) If the commission finds there is no need for the district, it shall enter an order denying the petition. ~~No petition covering the same or substantially the same area may be filed within six months of the date the commission denies a petition under this section.~~

(3) In making its findings under this section, the commission shall consider the:

(a) Topography of the particular area and of the state generally; ~~((the))~~

(b) Composition of the soil; ~~((the))~~

(c) Distribution of erosion; ~~((the))~~

(d) Prevailing land use practices; ~~((the))~~

(e) Effects upon and benefits to the land proposed to be included; ~~((the))~~

(f) Relation of the area to existing watersheds and agricultural regions and to other similar districts organized or proposed; and ~~((consider such))~~

(g) Other relevant physical, geographical, and economic factors ~~((as are relevant.~~

~~If the commission finds there is no need for the district, it shall enter an order denying the petition, and no petition covering the same or substantially the same area may be filed within six months thereafter)).~~

Sec. 26. RCW 89.08.110 and 1999 c 305 s 3 are each amended to read as follows:

(1) If the commission finds that the district is ~~((needed))~~ warranted pursuant to RCW 89.08.100, it shall then determine whether it is practicable. To assist the commission in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the district electors in the proposed district.

(2) The commission shall fix the date of the election, designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. ~~The commission shall conduct the election ((shall be conducted)), count the vote ((counted and)), canvass the returns ((canvassed)), and publish the results ((published by the commission)) of the election.~~

Sec. 27. RCW 89.08.120 and 1973 1st ex.s. c 184 s 13 are each amended to read as follows:

(1) The commission shall provide the ballots for the election ~~((which))~~. The ballots shall contain the words:

" For creation of a conservation district of the lands below described and lying in the county or counties of,, and, and

" Against creation of a conservation district of the lands below described and lying in the county or counties of,, and, and

Sec. 28. RCW 89.08.130 and 1999 c 305 s 4 are each amended to read as follows:

(1) The commission shall give ~~((due))~~ notice of the election~~((, which))~~ as defined in RCW 89.08.020. The notice shall state generally the purpose and date of the election~~((, the date thereof;))~~ and the place and hours of voting~~((, and))~~. The notice shall also set forth the boundaries of the proposed district.

(2) Only qualified district electors within the proposed district ~~((as determined by the commission))~~ may vote at the election. ~~The commission shall determine the qualified district electors within the proposed district.~~

(3) Each voter shall vote in the polling place nearest the voter's residence.

Sec. 29. RCW 89.08.140 and 1973 1st ex.s. c 184 s 15 are each amended to read as follows:

(1) The commission shall bear all expense of giving the notices and conducting the hearings and election~~((, and))~~.

~~(2) The commission shall issue regulations governing all hearings and elections and establish procedures for determining whether districts are warranted and practicable as required by RCW 89.08.100 and 89.08.110.~~

(3) The commission shall supervise the conduct ~~((thereof))~~ of elections. ~~((H))~~

(4) The commission shall provide for registration of eligible voters or prescribe the procedure to determine ~~((the))~~ eligible voters.

(5) No informality in connection with the election shall invalidate the results~~((,))~~ if the notice ~~((thereof))~~ of the election was substantially given~~((,))~~ and the election fairly conducted.

Sec. 30. RCW 89.08.150 and 1999 c 305 s 5 are each amended to read as follows:

(1) ~~The commission shall deny the petition to create a district if a majority of the votes cast at the election are against the creation of the district((, the commission shall deny the petition)).~~

(2) If a majority favor the district, the commission shall determine the practicability of creating the ~~((project))~~ district.

(3) In making such determination, the commission shall consider:

(a) The attitude of the voters of the district;

(b) The number of eligible voters who voted at the election;

(c) The size of the majority vote;

(d) The wealth and income of the land occupiers;

(e) The probable expense of carrying out the project; and

(f) Any other economic factors relevant ~~((thereto))~~ to the creation of the district.

(4) If the commission finds that the ~~((project))~~ creation of the district is impracticable ~~((,))~~, the commission shall enter an order to that effect and deny the petition.

(5) When ~~((the))~~ a petition to create a district has been denied under this section, no new petition covering the same or substantially the same area may be filed within six months ~~((therefrom))~~ of the date of denial.

Sec. 31. RCW 89.08.160 and 1973 1st ex.s. c 184 s 17 are each amended to read as follows:

(1) If the commission finds ~~((the project))~~ creation of the district practicable, ~~((it))~~ the commission shall appoint two supervisors, one of whom shall be a landowner or operator of a farm, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three ~~((elected))~~ supervisors, two of whom shall be landowners or operators of a farm elected according to RCW 89.08.190, shall constitute the governing board of the district.

(2) The two appointed supervisors shall file with the secretary of state a sworn application, reciting that:

(a) A petition was filed with the commission for the creation of the district; ~~((that))~~

(b) All required proceedings ~~((were had thereon; that they))~~ for creation of the district required by this chapter were conducted;

(c) The two appointed supervisors were appointed by the commission as ~~((such))~~ supervisors of the district; and ~~((that))~~

(d) The application is being filed to complete the organization of the district and the requirements of this section. ~~((H))~~

(3) The application of the appointed supervisors shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

(4) The application of the appointed supervisors shall be accompanied by a statement of the commission~~((,))~~ reciting that:

(a) A petition was filed, notice issued, and hearing held ~~((thereon))~~ as required by this chapter; ~~((that it))~~

(b) The commission determined the need for the district and defined the boundaries ~~((thereof))~~ of the district; ~~((that))~~

(c) Notice was given and an election held on the question of creating the district; ~~((that))~~

- (d) A majority vote favored the district ~~(, and that);~~
- (e) The commission had determined the district practicable; and
- (f) The commission shall set forth the boundaries of the district.

Sec. 32. RCW 89.08.170 and 1973 1st ex.s. c 184 s 18 are each amended to read as follows:

(1) If the secretary of state finds that the name of the proposed district is such as will not be confused with that of any other district, ~~((he))~~ the secretary shall enter the application and statement in ~~((his))~~ the secretary's records.

(2) If ~~((he))~~ the secretary finds the name of the proposed district may be confusing, ~~((he))~~ the secretary shall certify that fact to the commission ~~((, which))~~. The commission shall submit a new name free from such objections, and ~~((he))~~ the secretary shall enter the application and statement, as modified, in ~~((his))~~ the secretary's records. ~~((Thereupon))~~ The district shall then be considered organized into a body corporate.

(3) After the application and statement are entered into the secretary's records according to subsection (1) or (2) of this section, the secretary of state shall ~~((then))~~ issue to the supervisors a certificate of organization of the district under the seal of the state, and shall record the certificate in ~~((his))~~ the secretary's office.

(4) Proof of the issuance of the certificate shall be evidence of the establishment of the district, and a certified copy of the certificate shall be admissible as evidence and shall be proof of the filing and contents ~~((thereof. The name of a conservation district may be changed upon recommendation by the supervisors of a district and approval by the state conservation commission and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure as for the previous name.))~~.

NEW SECTION. Sec. 33. A new section is added to chapter 89.08 RCW to read as follows:

The name of a conservation district may be changed upon recommendation by the supervisors of a district and approval by the commission and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure in RCW 89.08.170 for the previous name.

Sec. 34. RCW 89.08.180 and 1999 c 305 s 6 are each amended to read as follows:

(1) Territory may be added to an existing district upon filing a petition as in the case of formation with the commission by twenty percent of the voters of the affected area to be included. The ~~((same))~~ procedure ~~((shall be followed as))~~ for adding territory to a district shall be the same as the procedure specified in this chapter for the creation of the district.

(2) As an alternate ~~((procedure))~~ to the provisions of subsection (1) of this section, the commission may upon the petition of a majority of the voters in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district ~~((,))~~ or districts ~~((,))~~. The commission may change boundaries according to this subsection if such action will promote the practical and feasible administration of ~~((such))~~ the district or districts.

(3) Upon petition of the boards of supervisors of two or more districts, the commission may approve the combining of all or parts of such districts and name the district, or districts, with the approval of the name by the secretary of state. ~~((A public hearing and/or a referendum may be held if deemed))~~ The commission may hold a public hearing and/or a referendum on a petition filed according to this subsection if the commission determines such action necessary or desirable ~~((by the commission in order))~~ to determine the wishes of the voters.

~~((When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the commission will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the commission.))~~

~~((When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the commission. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.))~~

NEW SECTION. Sec. 35. A new section is added to chapter 89.08 RCW to read as follows:

(1) When districts are combined according to RCW 89.08.180, the joint boards of supervisors shall select a chair, secretary, and other necessary officers and select a regular date for meetings. All elected supervisors shall continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. All appointed supervisors shall continue to serve until the expiration of their current term of office, at which time the commission will make the necessary appointments.

(2) In the event that more than two districts are combined, the commission shall establish and administer a procedure similar to the procedure specified in subsection (1) of this section.

NEW SECTION. Sec. 36. A new section is added to chapter 89.08 RCW to read as follows:

(1) When districts are combined or territory is moved from one district to another according to RCW 89.08.180, the property, records, and accounts of the districts involved shall be distributed to the remaining district or districts. The commission shall approve the distribution of property, records, and accounts.

(2) A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.

Sec. 37. RCW 89.08.185 and 1999 c 305 s 7 are each amended to read as follows:

(1) The local governing body of any city or incorporated town within an existing district may approve by majority vote a petition to withdraw from the district. The petition shall be submitted to the district for its approval.

(2) If the petition to withdraw is approved by the district, the petition shall be sent to the commission. The commission shall approve the petition and forward it to the secretary of state and the boundary of the district shall be adjusted accordingly.

(3)(a) If the petition is not approved by the district, the district shall adopt a resolution specifying the reasons why the petition is not approved. The petition and the district's resolution shall be sent to the commission for its review.

(b) The commission shall approve or reject the petition based upon criteria ~~((it has))~~ adopted according to subsection (4) of this section for the evaluation of petitions in dispute. If the commission approves the petition, it shall forward the petition to the secretary of state, and the boundaries of the district shall be adjusted accordingly.

(4) The ~~((criteria used by the commission to evaluate petitions which are in dispute))~~ commission shall adopt criteria for the evaluation of petitions in dispute submitted to the commission according to subsection (3) of this section. The criteria shall be adopted as rules by the commission under chapter 34.05 RCW, the administrative procedure act.

Sec. 38. RCW 89.08.190 and 2002 c 43 s 3 are each amended to read as follows:

(1) Petitions to nominate candidates for the three elected supervisors shall be filed with the commission within thirty days after the issuance of the certificate of organization pursuant to RCW 89.08.170, unless the time is extended by the commission ~~((, petitions shall be filed with the commission to nominate candidates for the three elected supervisors.))~~.

(2) The petition filed under this section shall be signed by not ~~((less))~~ fewer than twenty-five district electors ~~((, and))~~. A district elector may sign petitions nominating more than one person.

(3) In the case of a new district, the commission shall give ~~((due))~~ notice to elect the three supervisors. ~~((All))~~ Provisions pertaining to elections on the creation of a district specified in this chapter shall govern this election so far as applicable.

(4) The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors ~~((, the one))~~. The candidate receiving the most ~~((being))~~ votes shall be elected for a three-year term, the ~~((next for two and the last for one year. An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the commission. In such case,))~~ candidate with the second highest

number of votes shall be elected for a two-year term, and the candidate with the third highest number of votes shall be elected for a one-year term.

(5) The commission may approve an alternate election method of dividing the district into three zones when requested by the board of supervisors. When this alternate method is used instructions will be to vote for one candidate in each zone. The candidate receiving the most votes in a zone shall be declared elected. The commission shall designate the term for which each supervisor shall be elected when the commission establishes the three zones.

(6) Each year after the creation of the first board of supervisors, the board shall by resolution and by giving ~~((due))~~ notice, set a date during the first quarter of each calendar year at which time it shall conduct an election ~~((except that for elections in 2002 only, the board shall set the date during the second quarter of the calendar year at which time it shall conduct an election)).~~ Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line ~~((wherein))~~ on which may be written in the name of any other candidate.

(7) The commission shall establish procedures for elections, canvass the returns and announce the official results ~~((thereof))~~ of elections. Election results may be announced by polling officials at the close of the election subject to official canvass of ballots by the commission.

(8) Supervisors elected shall take office at the first board meeting following the election.

Sec. 39. RCW 89.08.200 and 1973 1st ex. s. c 184 s 21 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the term of office of each appointed or elected supervisor shall be three years and until his or her successor is appointed or elected and qualified ~~((except that)).~~

(2) The supervisors first appointed shall serve for one and two years respectively from the date of their appointments ~~((as designated in their appointments)).~~

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms with the terms designated by the commission in their appointments. The terms of the first elected supervisors shall be determined as provided in RCW 89.08.190.

(3) Vacancies in the office of appointed supervisors shall be filled by the ~~((state conservation))~~ commission. Vacancies in the office of elected supervisors shall be filled by appointment ~~((made by))~~ of the remaining supervisors for the unexpired term.

(4) A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

(5) Supervisors shall serve without compensation ~~((;))~~ but ~~((they))~~ shall be entitled to expenses, including traveling expenses, necessarily incurred in discharge of their duties.

(6) A supervisor may be removed by the ~~((state conservation))~~ commission upon notice and hearing ~~((;))~~ only for neglect of duty or malfeasance in office ~~((but))~~ and for no other reason.

(7) The governing board shall designate a chairman from time to time.

Sec. 40. RCW 89.08.210 and 2000 c 45 s 1 are each amended to read as follows:

(1) The supervisors may:

~~((they))~~ it may require ~~((;))~~ and determine their qualifications, duties, and compensation ~~((it may)).~~

(b) Call upon the attorney general for legal services ~~((;))~~ or ~~((may))~~ employ its own counsel and legal staff ~~((The supervisors may)); and~~

(c) Delegate to ~~((their chairman, to))~~ its chair one or more supervisors, or ~~((to))~~ one or more agents or employees such powers and duties as it deems proper.

(2) The board of supervisors shall:

(a) Furnish to the commission, upon request, copies of ~~((such))~~ internal rules, regulations, orders, contracts, forms, and other documents as ~~((they))~~ it shall adopt or employ, and such other information concerning ~~((their))~~ its activities ~~((as))~~ that the commission may require in the performance of its duties under this chapter ~~((184, Laws of 1973 1st ex. sess. The supervisors shall));~~

(b) Provide for the execution of surety bonds for officers and all employees who shall be entrusted with funds or property ~~((The supervisors shall));~~

(c) Provide for the ~~((keeping))~~ maintenance of a full and accurate record of all proceedings, resolutions, regulations, and orders issued or adopted ~~((The supervisors shall)); and~~

(d) Provide for an annual audit of the accounts of receipts and disbursements ~~((in accordance with))~~ according to procedures prescribed by ~~((regulations of))~~ the commission.

~~((The board may invite the legislative body of any municipality or county near or within the district, to designate a representative to advise and consult with it on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county. The governing body of a district shall appoint such advisory committees as may be needed to assure the availability of appropriate channels of communication to the board of supervisors, to persons affected by district operations, and to local, regional, state and interstate special purpose districts and agencies responsible for community planning, zoning, or other resource development activities. The district shall keep such committees informed of its work, and such advisory committees shall submit recommendations from time to time to the board of supervisors.))~~

NEW SECTION. Sec. 41. A new section is added to chapter 89.08 RCW to read as follows:

The board may invite the legislative body of any municipality or county near or within the district to designate a representative to advise and consult with it on all questions of program and policy that may affect the property, water supply, or other interests of such municipality or county.

NEW SECTION. Sec. 42. A new section is added to chapter 89.08 RCW to read as follows:

(1) The governing body of a district shall appoint advisory committees as needed to assure the availability of appropriate channels of communication to the board of supervisors, persons affected by district operations, and local, regional, state, and interstate special purpose districts and agencies responsible for community planning, zoning, or other resource development activities.

(2) The district shall keep any advisory committees informed of its work and require advisory committees to submit recommendations from time to time to the board of supervisors.

Sec. 43. RCW 89.08.215 and 2000 c 45 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the treasurer of the county in which a conservation district is located ~~((is))~~ shall serve as ex officio treasurer of the district. ~~((However.))~~

(2) The board of supervisors by resolution may designate some other person having experience in financial or fiscal matters as treasurer of the conservation district. The board of supervisors shall require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions ~~((which))~~ that the board of supervisors by resolution from time to time finds will protect the district against loss. The premium on this bond shall be paid by the district. The district shall submit to the commission the name of the person selected to serve as treasurer according to this subsection.

(3) All district funds shall be paid to the treasurer and disbursed only on warrants issued by an auditor appointed by the board of supervisors, upon orders or vouchers approved by it. The treasurer shall establish a conservation district fund into which shall be paid all

district funds. The treasurer shall maintain any special funds created by the board of supervisors for the placement of all money as the board of supervisors may, by resolution, direct.

(4) If the treasurer of the district is the treasurer of the county all district funds shall be deposited with the county depositories under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the district is some other person, all funds shall be deposited in a bank or banks authorized to do business in this state as the board of supervisors, by resolution, designates.

(5) A district may provide and require a reasonable bond of any other person handling moneys or securities of the district if the district pays the premium.

Sec. 44. RCW 89.08.220 and 1999 c 305 s 8 are each amended to read as follows:

(1) A conservation district organized under ~~((the provisions of))~~ this chapter ~~((184, Laws of 1973 1st ex. sess.))~~ shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers ~~((, but))~~. A conservation district shall not levy taxes or issue bonds ~~((and such district, and the supervisors thereof,))~~.

(2) In addition to other powers specified in this chapter, a conservation district shall have the ~~((following powers, in addition to others granted in other sections of chapter 184, Laws of 1973 1st ex. sess.))~~ power to:

~~((1-10))~~ (a) Conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, ~~((to))~~ publish the results of such surveys, investigations, or research, and ~~((to))~~ disseminate information concerning such preventive and control measures and works of improvement ~~((: PROVIDED, That in order))~~. To avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

~~((2-10))~~ (b) Conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

~~((3-10))~~ (c) Carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in RCW 89.08.010, on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required;

~~((4-10))~~ (d) Cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in the carrying on of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter ~~((184, Laws of 1973 1st ex. sess.))~~. For purposes of this subsection ~~(2)(d)~~ only, land occupiers who are also district supervisors are not subject to the provisions of RCW 42.23.030;

~~((5-10))~~ (e) Obtain options upon and ~~((to))~~ acquire in any manner ~~((except by))~~ other than condemnation, by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests ~~((therein))~~ to property; ~~((to))~~ maintain, administer, and improve any properties acquired ~~((, to))~~; receive income from such properties ~~((and to))~~; expend ~~((such))~~ income received from such properties in carrying out the purposes and provisions of this chapter ~~((184, Laws of 1973 1st ex. sess.))~~; and ~~((to))~~ sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this chapter ~~((184, Laws of 1973 1st ex. sess.))~~;

~~((6-10))~~ (f) Make available, on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to carry on operations upon their lands for the conservation of renewable natural resources;

~~((7-10))~~ (g) Prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district ~~((Such programs shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.~~

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long range program and annual work plans for review and comment.

The long range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information according to section 35 of this act;

~~((8-10))~~ (h) Administer any project or program concerned with the conservation of renewable natural resources located within its boundaries that is undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

~~((9))~~ (i) Cooperate with other districts organized under this chapter ~~((184, Laws of 1973 1st ex. sess.))~~ in the exercise of any of its powers;

~~((10-10))~~ (j) Accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and ~~((to))~~ use or expend such moneys, services, materials, or any contributions in carrying out the purposes of this chapter ~~((184, Laws 1973 1st ex. sess.))~~; and

~~((11-10))~~ (k) Sue and be sued in the name of the district; ~~((to))~~ have a seal which shall be judicially noticed; have perpetual succession unless terminated as ~~((hereinafter))~~ provided in this chapter; ~~((to))~~ make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; ~~((to))~~ borrow money and ~~((to))~~ pledge, mortgage, and assign the income of the district and its real or

personal property ((therefor)); and ((to)) make((r)) and amend rules and regulations not inconsistent with this chapter ((184, Laws of 1973 1st ex. sess.)) and ((to)) carry into effect its purposes((;))

~~(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under chapter 184, Laws of 1973 1st ex. sess.;~~

~~Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.~~

~~The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;~~

~~(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and~~

~~(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes).~~

NEW SECTION. Sec. 45. A new section is added to chapter 89.08 RCW to read as follows:

A comprehensive long-range program recommending the conservation of all the renewable natural resources of the district that is adopted as authorized by RCW 89.08.220(2)(g) shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forests, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports, and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements, and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda, and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns, and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its renewable resources program. Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts, and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information.

NEW SECTION. Sec. 46. A new section is added to chapter 89.08 RCW to read as follows:

(1) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under this chapter.

(2) Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

(3) The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any agreement made according to this section.

NEW SECTION. Sec. 47. A new section is added to chapter 89.08 RCW to read as follows:

(1) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies, and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district.

(2) Every district also shall provide to the commission the information disseminated according to subsection (1) of this section.

NEW SECTION. Sec. 48. A new section is added to chapter 89.08 RCW to read as follows:

The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter. The supervisors shall inform the commission of any such designation. The supervisors of conservation districts may make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes.

Sec. 49. RCW 89.08.341 and 1973 1st ex. s. c 184 s 24 are each amended to read as follows:

(1) Any agency of the government of this state and any local political subdivision of this state is hereby authorized to make such arrangements with any district, through contract, regulation or other appropriate means, wherever it believes that such arrangements will promote administrative efficiency or economy.

(2) In connection with any ((such)) arrangements authorized under subsection (1) of this section, any state or local agency or political subdivision of this state is authorized, within the limits of funds available to it, to contribute funds, equipment, property or services to any district; and to collaborate with a district in jointly planning, constructing, financing or operating any work or activity provided for in such arrangements and in the joint acquisition, maintenance and operation of equipment or facilities in connection therewith.

(3) The commission and other state agencies, the districts, and ((other)) local agencies are authorized to make available to each other maps, reports and data in their possession that are useful in the preparation of their respective programs and plans for resource conservation. The districts shall keep the commission, other state agencies, and local agencies fully informed ((concerning)) of the status and progress of the preparation of their resource conservation programs and plans.

(4) The state conservation commission and the counties of the state may provide respective conservation districts such administrative funds as will be necessary to carry out the purpose of this chapter (~~(184, Laws of 1973 1st ex. sess)~~).

Sec. 50. RCW 89.08.350 and 1999 c 305 s 9 are each amended to read as follows:

(1) At any time after five years from the date of organization of a district, twenty percent of the voters in the district may file with the commission a petition~~(s)~~ praying that the district be dissolved.

(2) The commission may hold public hearings (~~(thereon, and)~~) on a petition filed according to this section. Within sixty days from receipt of the petition, the commission shall give ((due)) notice of an election on the question of dissolution. ((#)) The commission shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the ((same)) manner ((as)) specified in this chapter for elections to create a district.

(3) All district electors may vote at the election conducted according to this section. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

Sec. 51. RCW 89.08.360 and 1999 c 305 s 10 are each amended to read as follows:

If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. Under such circumstances, the commission shall enter an order dissolving the district.

Sec. 52. RCW 89.08.370 and 1999 c 305 s 11 are each amended to read as follows:

(1) If the district is ordered dissolved, the supervisors shall (~~(forthwith)~~) promptly terminate the affairs of the district ((and)), dispose of all district property at public auction, and (~~(pay))~~ use the proceeds ((therefrom)) from the auction to pay any debts of the district ((and)). Any remaining balance shall be paid to the state treasurer.

~~((They))~~ (2) After satisfying the requirements of subsection (1) of this section, the supervisors shall then file a verified application with the secretary of state for the dissolution of the district((-)) accompanied by a certificate of the commission reciting the determination that further operation of the district is impracticable. The application shall recite that:

(a) The property of the district has been disposed of((-that));

(b) The proceeds ((therefrom)) from the property have been used to pay any debts of the district; and

(c) Any remaining balance has been paid to the state treasurer, ((and contain)) accompanied by a full accounting of the property and proceeds. ((Thereupon))

(3) Upon receiving the verified application and the certificate required by subsection (2) of this section, the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his or her records.

(4) The supervisors also shall file the application required by subsection (2) of this section with the commission.

Sec. 53. RCW 89.08.390 and 1939 c 187 s 17 are each amended to read as follows:

Insofar as any of the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling(~~(- PROVIDED, HOWEVER, That))~~). None of the provisions of this chapter shall be construed so as to impair water rights appurtenant to lands within or without the boundaries of any district or districts organized (~~(hereunder))~~) according to this chapter.

Sec. 54. RCW 89.08.391 and 1973 1st ex. s. c 184 s 30 are each amended to read as follows:

Insofar as any of the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling(~~(- PROVIDED, HOWEVER, That))~~). None of the provisions of this chapter shall be construed so as to impair water rights appurtenant to lands within or without the boundaries of any district or districts organized (~~(hereunder))~~) according to this chapter.

Sec. 55. RCW 89.08.400 and 1992 c 70 s 1 are each amended to read as follows:

(1) Special assessments are authorized to be imposed for conservation districts as provided in this section. Activities and programs to conserve natural resources, including soil and water, are declared to be of special benefit to lands and may be used as the basis upon which special assessments are imposed.

(2)(a) Special assessments to finance the activities of a conservation district may be imposed by the county legislative authority of the county in which the conservation district is located for a period or periods each not to exceed ten years in duration.

(b) The supervisors of a conservation district shall hold a public hearing on a proposed system of assessments prior to the first day of August in the year prior to which it is proposed that the initial special assessments be collected. At that public hearing, the supervisors shall gather information and shall alter the proposed system of assessments when appropriate, including the number of years during which it is proposed that the special assessments be imposed.

(c) On or before the first day of August in that year, the supervisors of a conservation district shall file the proposed system of assessments, indicating the years during which it is proposed that the special assessments shall be imposed, and a proposed budget for the succeeding year with the county legislative authority of the county within which the conservation district is located and with the commission. The county legislative authority shall hold a public hearing on the proposed system of assessments. After the hearing, the county legislative authority may accept, or modify and accept, the proposed system of assessments, including the number of years during which the special assessments shall be imposed, if it finds that both the public interest will be served by the imposition of the special assessments and that the special assessments to be imposed on any land will not exceed the special benefit that the land receives or will receive from the activities of the conservation district.

(d) The findings of the county legislative authority shall be final and conclusive.

(e) Special assessments may be altered during this period on individual parcels in accordance with the system of assessments if land is divided or land uses or other factors change.

(f) Notice of the public hearings held by the supervisors and the county legislative authority shall be posted conspicuously in at least five places throughout the conservation district((-)) and published once a week for two consecutive weeks in a newspaper in general circulation throughout the conservation district, with the date of the last publication at least five days prior to the public hearing.

(3) A system of assessments shall classify lands in the conservation district into suitable classifications according to benefits conferred or to be conferred by the activities of the conservation district, determine an annual per acre rate of assessment for each classification of land, and indicate the total amount of special assessments proposed to be obtained from each classification of lands. Lands deemed not to receive benefit from the activities of the conservation district shall be placed into a separate classification and shall not be subject to the special assessments. An annual assessment rate shall be stated as either uniform annual per acre amount, or an annual flat rate per parcel plus a uniform annual rate per acre amount, for each classification of land. The maximum annual per acre special assessment rate shall not exceed ten cents per acre. The maximum annual per parcel rate shall not exceed five dollars.

(4) Public land, including lands owned or held by the state, shall be subject to special assessments to the same extent as privately owned lands. The procedures provided in chapter 79.44 RCW shall be followed if lands owned or held by the state are subject to the special assessments of a conservation district.

(5) Forest lands used solely for the planting, growing, or harvesting of trees may be subject to special assessments if such lands benefit from the activities of the conservation district, but the per acre rate of special assessment on benefited forest lands shall not exceed one-tenth of the weighted average per acre assessment on all other lands within the conservation district that are subject to its special assessments. The calculation of the weighted average per acre special assessment shall be a ratio calculated as follows: (a) The numerator shall be the total amount of money estimated to be derived from the imposition of per acre special assessments on the nonforest lands in the conservation district; and (b) the denominator shall be the total number of nonforest land acres in the conservation district that receive benefit from the activities of the conservation district and which are subject to the special assessments of the conservation district. No more than ten thousand acres of such forest lands that is both owned by the same person or entity and is located in the same conservation district may be subject to the special assessments that are imposed for that conservation district in any year. Per parcel charges shall not be imposed on forest

land parcels. However, in lieu of a per parcel charge, a charge of up to three dollars per forest landowner may be imposed on each owner of forest lands whose forest lands are subject to a per acre rate of assessment.

~~((4))~~ (6) A conservation district shall prepare an assessment roll that implements the system of assessments approved by the county legislative authority. The special assessments from the assessment roll shall be spread by the county assessor as a separate item on the tax rolls and shall be collected and accounted for with property taxes by the county treasurer. The amount of a special assessment shall constitute a lien against the land that shall be subject to the same conditions as a tax lien, collected by the treasurer in the same manner as delinquent real property taxes, and subject to the same interest rate and penalty as for delinquent property taxes. The county treasurer shall deduct an amount from the collected special assessments, as established by the county legislative authority, to cover the costs incurred by the county assessor and county treasurer in spreading and collecting the special assessments, but not to exceed the actual costs of such work.

~~((5))~~ (7) The special assessments for a conservation district shall not be spread on the tax rolls and shall not be collected with property tax collections in the following year if, after the system of assessments has been approved by the county legislative authority but prior to the fifteenth day of December in that year, a petition has been filed with the county legislative authority objecting to the imposition of such special assessments, which petition has been signed by at least twenty percent of the owners of land that would be subject to the special assessments to be imposed for a conservation district.

Sec. 56. RCW 89.08.410 and 1989 c 18 s 2 are each amended to read as follows:

(1) The ~~(state conservation)~~ commission may authorize grants to conservation districts from moneys appropriated to the commission for such purposes as provided in this section. ~~((Such))~~ The grants shall be made annually on or before the last day of June of each year and shall be made only to those conservation districts that apply for the grants. After all the grant requests have been submitted, the initial grants in any year shall be made so that a conservation district shall not receive a grant in excess of the lesser of: ~~((+))~~ (a) An amount equal to the total moneys obtained by the conservation district from all other sources, other than any grants obtained from the state, during the preceding calendar year; or ~~((2))~~ (b) twenty-two thousand five hundred dollars. If the appropriated moneys are insufficient to make the maximum level of the initial grants, each grant amount shall be reduced by an equal dollar amount until the total amount of the grants is equal to the amount of the appropriation.

However, further grants shall be made to those conservation districts that were limited to grants of twenty-two thousand five hundred dollars if the appropriated moneys are in excess of the amount of the initial distribution of grants, but the total of both grants to any conservation district in any year shall not exceed an amount equal to the total moneys obtained by that conservation district from all other sources, other than any grants obtained from the state, during the preceding calendar year. If the appropriated moneys are insufficient to make the second distribution of grants, each grant under the second distribution shall be reduced by an equal dollar amount until the total amount of all the grants is equal to the amount of the appropriation.

(2) At the request of the legislature, the commission shall provide a report to the appropriate committees of the legislature describing the grants made according to this section.

Sec. 57. RCW 89.08.440 and 1997 c 295 s 3 are each amended to read as follows:

(1) For the purpose of identifying property that may qualify for the exemption provided under RCW 84.36.255, each conservation district shall develop and maintain a list of best management practices that qualify for the exemption. The districts shall submit these lists of best management practices to the commission.

(2) Each conservation district shall ensure that the appropriate forms approved by the department of revenue are made available to property owners who may qualify for the exemption under RCW 84.36.255 and shall certify claims for exemption as provided in RCW 84.36.255(3).

Sec. 58. RCW 35.63.230 and 1998 c 249 s 5 are each amended to read as follows:

A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 (as recodified by this act) shall be processed in compliance with RCW 89.08.450 through 89.08.510 (as recodified by this act). A fish habitat enhancement project meeting the criteria of RCW ~~((75-20-350))~~ 77.55.290(1) shall be reviewed and approved according to the provisions of RCW ~~((75-20-350))~~ 77.55.290.

Sec. 59. RCW 35A.63.250 and 1998 c 249 s 6 are each amended to read as follows:

A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 (as recodified by this act) shall be processed in compliance with RCW 89.08.450 through 89.08.510 (as recodified by this act). A fish habitat enhancement project meeting the criteria of RCW ~~((75-20-350))~~ 77.55.290(1) shall be reviewed and approved according to the provisions of RCW ~~((75-20-350))~~ 77.55.290.

Sec. 60. RCW 36.70.992 and 1998 c 249 s 7 are each amended to read as follows:

A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 (as recodified by this act) shall be processed in compliance with RCW 89.08.450 through 89.08.510 (as recodified by this act). A fish habitat enhancement project meeting the criteria of RCW ~~((75-20-350))~~ 77.55.290(1) shall be reviewed and approved according to the provisions of RCW ~~((75-20-350))~~ 77.55.290.

Sec. 61. RCW 36.70A.460 and 1998 c 249 s 11 are each amended to read as follows:

A permit required under this chapter for a watershed restoration project as defined in RCW 89.08.460 (as recodified by this act) shall be processed in compliance with RCW 89.08.450 through 89.08.510 (as recodified by this act). A fish habitat enhancement project meeting the criteria of RCW ~~((75-20-350))~~ 77.55.290(1) shall be reviewed and approved according to the provisions of RCW ~~((75-20-350))~~ 77.55.290.

Sec. 62. RCW 43.21C.0382 and 1998 c 249 s 12 are each amended to read as follows:

Decisions pertaining to watershed restoration projects as defined in RCW 89.08.460 (as recodified by this act) are not subject to the requirements of RCW 43.21C.030(2)(c). Decisions pertaining to fish habitat enhancement projects meeting the criteria of RCW ~~((75-20-350))~~ 77.55.290(1) and being reviewed and approved according to the provisions of RCW ~~((75-20-350))~~ 77.55.290 are not subject to the requirements of RCW 43.21C.030(2)(c).

Sec. 63. RCW 43.30.410 and 1995 c 378 s 13 are each amended to read as follows:

A permit required by the department for a watershed restoration project as defined in RCW 89.08.460 (as recodified by this act) shall be processed in compliance with RCW 89.08.450 through 89.08.510 (as recodified by this act).

Sec. 64. RCW 77.55.210 and 1995 c 378 s 14 are each amended to read as follows:

A hydraulic project approval required by the department for a watershed restoration project as defined in RCW 89.08.460 (as recodified by this act) shall be processed in compliance with RCW 89.08.450 through 89.08.510 (as recodified by this act).

Sec. 65. RCW 90.48.430 and 1995 c 378 s 15 are each amended to read as follows:

A permit, certification, or other approval required by the department for a watershed restoration project as defined in RCW 89.08.460 (as recodified by this act) shall be processed in compliance with RCW 89.08.450 through 89.08.510 (as recodified by this act). Public review of proposed watershed restoration projects may be shortened or waived by the department.

Sec. 66. RCW 90.58.515 and 1995 c 378 s 16 are each amended to read as follows:

Watershed restoration projects as defined in RCW 89.08.460 (as recodified by this act) are exempt from the requirement to obtain a substantial development permit. Local government shall review the projects for consistency with the locally adopted shoreline master program in an expeditious manner and shall issue its decision along with any conditions within forty-five days of receiving a complete consolidated application form from the applicant. No fee may be charged for accepting and processing applications for watershed restoration projects as used in this section.

Sec. 67. RCW 90.71.020 and 1998 c 246 s 14 are each amended to read as follows:

(1) The Puget Sound action team is created. The action team shall consist of: The directors of the departments of ecology; agriculture; natural resources; fish and wildlife; and community, trade, and economic development; the secretaries of the departments of health and transportation; the director of the parks and recreation commission; the director of the interagency committee for outdoor recreation; the administrative officer of the conservation commission designated in RCW 89.08.050 (as recodified by this act); one person representing cities, appointed by the governor; one person representing counties, appointed by the governor; one person representing federally recognized tribes, appointed by the governor; and the chair of the action team. The action team shall also include the following ex officio nonvoting members: The regional director of the United States environmental protection agency; the regional administrator of the national marine fisheries service; and the regional supervisor of the United States fish and wildlife service. The members representing cities and counties shall each be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) The action team shall:

(a) Prepare a Puget Sound work plan and budget for inclusion in the governor's biennial budget;

(b) Coordinate monitoring and research programs as provided in RCW 90.71.060;

(c) Work under the direction of the action team chair as provided in RCW 90.71.040;

(d) Coordinate permitting requirements as necessary to expedite permit issuance for any local watershed plan developed pursuant to rules adopted under this chapter;

(e) Identify and resolve any policy or rule conflicts that may exist between one or more agencies represented on the action team;

(f) Periodically amend the Puget Sound management plan;

(g) Enter into, amend, and terminate contracts with individuals, corporations, or research institutions for the purposes of this chapter;

(h) Receive such gifts, grants, and endowments, in trust or otherwise, for the use and benefit of the purposes of the action team. The action team may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments;

(i) Promote extensive public participation, and otherwise seek to broadly disseminate information concerning Puget Sound;

(j) Receive and expend funding from other public agencies;

(k) To reduce costs and improve efficiency, review by December 1, 1996, all requirements for reports and documentation from state agencies and local governments specified in the plan for the purpose of eliminating and consolidating reporting requirements; and

(l) Beginning in December 1998, and every two years thereafter, submit a report to the appropriate policy and fiscal committees of the legislature that describes and evaluates the successes and shortcomings of the current work plan relative to the priority problems identified for each geographic area of Puget Sound.

(3) By July 1, 1996, the action team shall begin developing its initial work plan, which shall include the coordination of necessary support staff.

(4) The action team shall incorporate, to the maximum extent possible, the recommendations of the council regarding amendments to the Puget Sound management plan and the work plan.

(5) All proceedings of the action team are subject to the open public meetings act under chapter 42.30 RCW.

NEW SECTION. Sec. 68. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 69. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 70. The following sections are each recodified as sections in the new chapter created in section 71 of this act: RCW 89.08.030, 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450, 89.08.460, 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510, 89.08.520, 89.08.530, and 89.08.540.

NEW SECTION. Sec. 71. Section 1 of this act constitutes a new chapter in Title 43 RCW."

MOTION

On motion of Senator Swecker, the following amendment to the striking amendment was adopted:

Beginning on page 1, line 20 of the amendment, strike all of section 2 and insert the following:

"**Sec. 2.** RCW 89.08.030 and 1987 c 180 s 1 are each amended to read as follows:

(1) There is hereby established to serve as an agency of the state ~~((and)) the state conservation commission. The commission is authorized~~ to perform the functions conferred upon it by law~~((;)). The ((state conservation)) commission~~((, which))~~ shall succeed to all powers, duties, and property of the state soil and water conservation committee.~~

(2) The commission shall consist of ~~((ten)) twelve~~ members~~((;))~~:

(a) Five of ~~((whom)) the members are the ex officio members specified in subsection (5) of this section.~~

(b) Two members shall be appointed by the governor~~((;)). At least one of ((whom)) the appointed members shall be a landowner or operator of a farm. The appointed members shall serve for a term of four years.~~

(c) Three members shall be elected as provided in subsection (3) of this section. At least two of the three elected members shall be landowners or operators of a farm ~~((and shall be elected as herein provided. The appointed members shall serve for a term of four years)).~~

(d) One member shall be appointed by a statewide livestock trade organization, such as cattle, dairy, or poultry, and confirmed by the conservation district supervisors at their annual statewide meeting. This member shall serve for a term of four years.

(e) One member shall be a crop producer appointed by a statewide organization representing the interests of a wide range of farming operations and confirmed by the conservation district supervisors at their annual statewide meeting. This member shall serve for a term of four years.

(3) The three elected members identified in subsection (2)(c) of this section shall be elected for three-year terms, with one ~~((shall be))~~ elected each year by the district supervisors at their annual statewide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, with the specific boundaries to be determined by district supervisors. ~~((At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.))~~

(4) Unexpired term vacancies in the office of appointed commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected commission members shall be filled by the regional vice president of the Washington association of conservation districts who is serving that part of the state where the vacancy occurs, ~~((such)) for a term to continue only until district supervisors can fill the unexpired term by electing the commission member.~~

(5) The director of the department of ecology, the director of the department of agriculture, the commissioner of public lands, the president of the Washington association of conservation districts, and the dean of the college of agriculture at Washington State University shall be ex officio members of the commission. An ex officio member of the commission shall hold office so long as he or she retains the office by virtue of which he or she is a member of the commission. Ex officio members may delegate their authority.

(6) The commission may invite appropriate officers of cooperating organizations~~((;)) and~~ state and federal agencies to serve as advisers to the conservation commission."

The President declared the question before the Senate to be the adoption of the Committee on Agriculture striking amendment, as amended, to Engrossed House bill No. 2140.

The motion by Senator Swecker carried and the committee striking amendment, as amended, was adopted.

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

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 89.08.030, 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450, 89.08.460, 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510, 89.08.520, 89.08.530, 89.08.540, 89.08.010, 89.08.020, 89.08.080, 89.08.090, 89.08.100, 89.08.110, 89.08.120, 89.08.130, 89.08.140, 89.08.150, 89.08.160, 89.08.170, 89.08.180, 89.08.185, 89.08.190, 89.08.200, 89.08.210, 89.08.215, 89.08.220, 89.08.341, 89.08.350, 89.08.360, 89.08.370, 89.08.390, 89.08.391, 89.08.400, 89.08.410, 89.08.440, 35.63.230, 35A.63.250, 36.70.992, 36.70A.460, 43.21C.0382, 43.30.410, 77.55.210, 90.48.430, 90.58.515, and 90.71.020; adding new sections to chapter 89.08 RCW; adding a new chapter to Title 43 RCW; creating a new section; and recodifying 89.08.030, 89.08.040, 89.08.050, 89.08.060, 89.08.070, 89.08.450, 89.08.460, 89.08.470, 89.08.480, 89.08.490, 89.08.500, 89.08.510, 89.08.520, 89.08.530, and 89.08.540."

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed House Bill No. 2140, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2140, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2140, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator McCaslin - 1.

Excused: Senator Honeyford - 1.

ENGROSSED HOUSE BILL NO. 2140, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1318, by Representatives Darneille, Cody, Clements, Campbell, Bush, Anderson and Pflug (by request of Department of Health)

Allowing the state board of health to reference the United States food and drug administration's food code for the purpose of adopting food service rules.

MOTION

Senator Kohl-Welles moved that the following amendment by Senators Kohl-Welles, Schmidt and Rasmussen be adopted:

On page 2, line 2, after "service." insert "For those food services located in public schools, the state board shall also consult with the office of the superintendent of public instruction, the Washington state school directors' association, parents, representatives of food service employee groups, principals, and other interested parties to develop and make available to school districts a model policy for protecting children in preschool through sixth grade who assist in elementary school kitchens. The model policy shall be available by January 12, 2004."

POINT OF ORDER

Senator Zarelli: "A point of order, Mr. President. I raise the question whether this amendment falls within the scope and object of the bill. Just briefly, I know the title has probably less relevance than the body of the measure. I would just point out that the measure is very simple in its effect and that is relating to addressing the most current version of the United States Food and Drug Administration Food Code, for the purpose of adopting rules for food service.

Senator Kohl-Welles: "Well, I understand the Senator's concern. I also believe that this amendment does fall within the scope and object of the underlying bill, as the FDA does provide guidance to state and local agencies regarding state food service practices and a school district is a local agency. It does provide food services and we are talking about safety and well being and how our children, who are working or volunteering, so to speak, in the food service. So, I think it certainly does fall within the scope and object of the underlying bill."

MOTION

On motion of Senator Sheahan, further consideration of House Bill No. 1318 was deferred.

MOTION

At 11:56 p.m., on motion of Senator Sheahan, the Senate recessed until 2:30 p.m.

The Senate was called to order at 2:30 p.m. by President Owen.

MOTION

At 2:30 p.m., on motion of Senator Sheahan, the Senate was declared the Senate to be at ease.

The Senate was called to order at 2:45 p.m. by President Pro Tempore Winsley.

SECOND READING

HOUSE BILL NO. 1110, by Representatives Newhouse, Clibborn, Lovick, Benson, Cooper and Haigh

Increasing the monthly pensions for volunteer fire fighters and reserve officers.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Bill No. 1110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1110.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1110 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Kline - 1.

HOUSE BILL NO. 1110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1085, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson and Simpson) (by request of Insurance Commissioner Kreidler)

Providing confidentiality to certain insurance commissioner examinations.

The bill was read the second time.

MOTION

On motion of Senator Benton, the following Committee on Financial Services, Insurance and Housing striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.02.065 and 2001 c 57 s 1 are each amended to read as follows:

(1) Documents, materials, or other information as described in subsection (5) of this section are confidential by law and privileged, are not subject to public disclosure under chapter 42.17 RCW, and are not subject to subpoena directed to the commissioner or any person who received documents, materials, or other information while acting under the authority of the commissioner. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The confidentiality and privilege created by this section and RCW 42.17.31916 applies only to the commissioner, any person acting under the authority of the commissioner, the national association of insurance commissioners and its affiliates and subsidiaries, regulatory and law enforcement officials of other states and nations, the federal government, and international authorities.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential and privileged documents, materials, or information subject to subsection (1) of this section.

(3) The commissioner:

(a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, if the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(b) May receive documents, materials, or information, including otherwise either confidential or privileged, or both, documents, materials, or information, from (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities and shall maintain as confidential and privileged any document, material, or information received that is either confidential or privileged, or both, under the laws of the jurisdiction that is the source of the document, material, or information; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(4) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(5)(a) Documents, materials, or information, which is either confidential or privileged, or both, which has been provided to the commissioner by ~~((a))~~ (i) the national association of insurance commissioners and its affiliates and subsidiaries, ~~((b))~~ (ii) regulatory or law enforcement officials of other states and nations, the federal government, or international authorities, or ~~((c))~~ (iii) agencies of this state, is confidential and privileged only if the documents, materials, or information is protected from disclosure by the applicable laws of the jurisdiction that is the source of the document, material, or information.

(b) Working papers, documents, materials, or information produced by, obtained by, or disclosed to the commissioner or any other person in the course of a financial or market conduct examination are not required to be disclosed by the commissioner unless cited by the commissioner in connection with an agency action. The commissioner shall notify a party that produced documents, materials, or information twenty days before disclosure in connection to an agency action. The notified party may seek injunctive relief to prevent disclosure of any documents, materials, or information it believes is confidential or privileged in a court of competent jurisdiction. A waiver of existing privilege or claim of confidentiality may not occur as a result of a disclosure to the commissioner under this section.

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

On page 1, line 2 of the title, after "examinations;" strike the remainder of the title and insert "and amending RCW 48.02.065."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1085, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1085, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1085, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1085, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1722, by House Committee on Finance (originally sponsored by Representatives Gombosky and Cairnes)

Limiting the taxability of certain internet transactions.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1722 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1722.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1722 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senators Fraser, Kline, Kohl-Welles and Thibaudeau - 4.

SUBSTITUTE HOUSE BILL NO. 1722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1460, by Representatives Pettigrew, Santos, Sullivan, Chase, Linville, Schual-Berke, Veloria, Rockefeller, Conway, Darneille, Wallace, Upthegrove, Kenney and McDermott

Creating a Washington state day of civil liberties remembrance.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1460 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of House Bill No. 1460.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1460 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, by House Committee on Trade and Economic Development (originally sponsored by Representatives Skinner, Veloria, Sehlin, Pettigrew, McDonald, Schual-Berke, McCoy, McDermott, Linville, Upthegrove and Conway)

Establishing the economic development commission.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the following Committee on Economic Development striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The legislature also finds that developing an effective economic development strategy for the state and operating effective economic development programs, including work force training, small business assistance, technology transfer, and export assistance, are vital to the state's efforts to encourage employment growth, increase state revenues, and generate economic well-being. In addition, the legislature finds that there is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. It is the intent of the legislature to create an economic development commission that will develop and update the state's economic development strategy and performance measures and provide advice to and oversight of the department of community, trade, and economic development.

NEW SECTION. Sec. 2. (1) The Washington state economic development commission is established to oversee the economic development strategies and policies of the department of community, trade, and economic development.

(2) The Washington state economic development commission shall consist of at least seven and no more than nine members appointed by the governor. There must also be four ex officio members appointed pursuant to subsection (3) of this section.

(a) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(b) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state, embody the importance of businesswomen, reflect the state's various business sectors, including small businesses and private businesses, and reflect the labor sectors. Members of the commission shall serve statewide interests while

preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in disciplines related to economic development.

(3) The four ex officio members must include two senators and two representatives from the legislature. The president of the senate shall appoint the senate members of the commission, and the speaker of the house of representatives shall appoint the house of representatives members of the commission. There should be representation from each of the two largest political parties in the senate and the house of representatives. Vacancies will be filled from the same political party and the same house as the member whose seat was vacated. The appointment process for the vacancy will be accomplished in the same manner as the initial appointment.

(4) Members, except for the ex officio members, shall serve at the pleasure of the governor for three-year terms, except that through June 30, 2004, members currently serving on the economic development commission created by executive order may continue to serve at the pleasure of the governor. Of the initial members appointed to serve after June 30, 2004, two members shall serve one-year terms, three members shall serve two-year terms, and the remainder of the commission members shall serve three-year terms.

(5) The commission chair shall be selected from among the appointed members by the majority vote of the members.

(6) The commission may establish committees as it desires, including a committee to identify policies and programs to assist small businesses. Nonmembers can be invited by the commission to serve as committee members.

(7) The commission may adopt rules for their own governance.

NEW SECTION. Sec. 3. The Washington state economic development commission shall perform the following duties:

(1) Review and periodically update the state's economic development strategy and performance measures, and perform an annual evaluation of the strategy;

(2) Provide policy, strategic, and programmatic direction to the department of community, trade, and economic development, with specific emphasis on the following:

(a) Development of strategies that promote business retention, expansion, and creation within the state;

(b) Development of strategies that promote the growth and success of Washington's small businesses;

(c) Development of marketing strategies for the global marketplace that promote products and services of the state;

(d) Development of strategies to enhance relationships and cooperation between local governments, economic development councils, federal agencies, state agencies, and the legislature.

(e) Development of strategies that integrate economic development programs, including work force training, technology transfer, and export assistance; and

(f) Development of strategies to make the funds available for economic development purposes more flexible to meet emergent needs and maximize opportunities;

(3) Identify policies and programs to assist Washington's small businesses;

(4) Assist the department of community, trade, and economic development with procurement and deployment of private funds for business development, retention, expansion, and recruitment as well as other economic development efforts;

(5) Meet with the chairs and ranking minority members of the legislative committees from both the house of representatives and the senate overseeing economic development policies; and

(6) Make a biennial report to the appropriate committees of the legislature regarding the commission's review of the state's economic development policy and the commission's recommendations. The first report is due by December 31, 2004.

NEW SECTION. Sec. 4. (1) The Washington state economic development commission shall receive the necessary staff support from the staff resources of the governor, the department of community, trade, and economic development, and other state agencies as appropriate, and within existing resources and operations.

(2) Creation of the Washington state economic development commission shall not be construed to modify any authority or budgetary responsibility of the governor or the department of community, trade, and economic development.

Sec. 5. RCW 43.330.040 and 1993 c 280 s 6 are each amended to read as follows:

(1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Work with the Washington state economic development commission established in section 2 of this act to develop and implement economic development policies consistent with the advice of the commission;

~~((b))~~ (b) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

~~((c))~~ (c) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

~~((d))~~ (d) Accept and expend gifts and grants, whether such grants be of federal or other funds;

~~((e))~~ (e) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

~~((f))~~ (f) Prepare and submit budgets for the department for executive and legislative action;

~~((g))~~ (g) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

~~((h))~~ (h) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

~~((i))~~ (i) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

~~((j))~~ (j) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 43 RCW."

MOTION

Senator Tim Sheldon moved that the following striking amendment by Senators Tim Sheldon, West and Brown be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The legislature also finds that developing an effective economic development strategy for the state and operating effective economic development programs, including work force training, small business assistance, technology transfer, and export assistance, are vital to the state's efforts to encourage employment growth, increase state revenues, and generate economic well-being. In addition, the legislature finds that there is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. It is the intent of the legislature to create an economic development commission that will develop and update the state's economic development strategy and performance measures and provide advice to and oversight of the department of community, trade, and economic development.

NEW SECTION. Sec. 2. (1) The Washington state economic development commission is established to oversee the economic development strategies and policies of the department of community, trade, and economic development.

(2)(a) The Washington state economic development commission shall consist of at least seven and no more than nine members appointed by the governor.

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. Representation shall derive primarily from the private sector, including, but not limited to, existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses, but other sectors of the economy that have experience in economic development, including labor organizations and nonprofit organizations, shall be represented as well. A minimum of seventy-five percent of the members shall represent the private sector. Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for three-year terms, except that through June 30, 2004, members currently serving on the economic development commission created by executive order may continue to serve at the pleasure of the governor. Of the initial members appointed to serve after June 30, 2004, two members shall serve one-year terms, three members shall serve two-year terms, and the remainder of the commission members shall serve three-year terms.

(4) The commission chair shall be selected from among the appointed members by the majority vote of the members.

(5) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(6) The commission may adopt rules for its own governance.

NEW SECTION. Sec. 3. The Washington state economic development commission shall perform the following duties:

(1) Review and periodically update the state's economic development strategy, including implementation steps, and performance measures, and perform an annual evaluation of the strategy and the effectiveness of the state's laws, policies, and programs which target economic development;

(2) Provide policy, strategic, and programmatic direction to the department of community, trade, and economic development regarding strategies to:

(a) Promote business retention, expansion, and creation within the state;

(b) Promote the business climate of the state and stimulate increased national and international investment in the state;

(c) Promote products and services of the state;

(d) Enhance relationships and cooperation between local governments, economic development councils, federal agencies, state agencies, and the legislature;

(e) Integrate economic development programs, including work force training, technology transfer, and export assistance; and

(f) Make the funds available for economic development purposes more flexible to meet emergent needs and maximize opportunities;

(3) Identify policies and programs to assist Washington's small businesses;

(4) Assist the department of community, trade, and economic development with procurement and deployment of private funds for business development, retention, expansion, and recruitment as well as other economic development efforts;

(5) Meet with the chairs and ranking minority members of the legislative committees from both the house of representatives and the senate overseeing economic development policies; and

(6) Make a biennial report to the appropriate committees of the legislature regarding the commission's review of the state's economic development policy, the commission's recommendations, and steps taken by the department of community, trade, and economic development to implement the recommendations. The first report is due by December 31, 2004.

NEW SECTION. Sec. 4. (1) The Washington state economic development commission shall receive the necessary staff support from the staff resources of the governor, the department of community, trade, and economic development, and other state agencies as appropriate, and within existing resources and operations.

(2) Creation of the Washington state economic development commission shall not be construed to modify any authority or budgetary responsibility of the governor or the department of community, trade, and economic development.

Sec. 5. RCW 43.330.040 and 1993 c 280 s 6 are each amended to read as follows:

(1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Work with the Washington state economic development commission established in section 2 of this act to develop and implement economic development policies consistent with the advice of the commission;

(b) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

~~((b))~~ (c) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

~~((c))~~ (d) Accept and expend gifts and grants, whether such grants be of federal or other funds;

~~((d))~~ (c) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

~~((e))~~ (f) Prepare and submit budgets for the department for executive and legislative action;

~~((f))~~ (g) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

~~((g))~~ (h) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter;

~~((h))~~ (i) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

~~((i))~~ (j) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 43 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Tim Sheldon, West and Brown to Engrossed Substitute House Bill No. 1509.

The motion by Senator Tim Sheldon carried and the striking amendment was adopted.

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

On page 1, line 3 of the title, after "council;" strike the remainder of the title and insert "amending RCW 43.330.040; and adding a new chapter to Title 43 RCW."

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 1509, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1509, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1509, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1531, by Representatives Grant, Holmquist, Kessler, Buck, Linville, Haigh, Ruderman, Armstrong, O'Brien, Miloscia, Lovick, Newhouse, Morris, Gombosky, Hatfield, Chandler, Veloria, McMahan, Quall, Schindler, Blake, Shabro, Talcott, Clibborn, Schual-Berke, Bush, Schoesler, Upthegrove, Hinkle, Condotta, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander

Requiring the governor's signature on significant legislative rules.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1531.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1531 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 38

Voting nay: Senators Fairley, Franklin, Fraser, Jacobsen, Kline, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 11

HOUSE BILL NO. 1531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1095, by House Committee on Appropriations (originally sponsored by Representatives Rockefeller, Sump, Linville, Orcutt, Schoesler, Pearson, Holmquist, Haigh and Kristiansen) (by request of Commissioner of Public Lands Sutherland)

Limiting the impact on small forest landowners caused by forest road maintenance and abandonment requirements.

The bill was read the second time.

MOTION

On motion of Senator Morton, the following Committee on Ways and Means striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that chapter 4, Laws of 1999 sp. sess. strongly encouraged the forest practices board to adopt administrative rules that were substantially similar to the recommendations presented to the legislature in the form of the forests and fish report. The rules adopted pursuant to the 1999 legislation require all forest landowners to complete a road maintenance and abandonment plan, and those rules cannot be changed by the forest practices board without either a final order from a court, direct instructions from the legislature, or a recommendation from the adaptive management process. In the time since the enactment of chapter 4, Laws of 1999 sp. sess., it has become clear that both the planning aspect and the implementation aspect of the road maintenance and abandonment plan requirement may cause an unforeseen and unintended disproportionate financial hardship on small forest landowners.

(2) The legislature further finds that the commissioner of public lands and the governor have explored solutions that minimize the hardship caused to small forest landowners by the forest road maintenance and abandonment requirements of the forests and fish law, while maintaining protection for public resources. This act represents recommendations stemming from that process.

(3) The legislature further finds that it is in the state's interest to help small forest landowners comply with the requirements of the forest practices rules in a way that does not require the landowner to spend unreasonably high and unpredictable amounts of money to complete road maintenance and abandonment plan preparation and implementation. Small forest landowners provide significant wildlife habitat and serve as important buffers between urban development and Washington's public forest land holdings.

NEW SECTION. Sec. 2. A new section is added to chapter 76.09 RCW to read as follows:

(1) The state may not require a small forest landowner to invest in upgrades, replacements, or other engineering of a forest road, and any culverts that are a part of the road, that do not threaten public resources or create a barrier to the passage of fish.

(2) Participation in the forests and fish agreement provides a benefit to both the landowner in terms of federal assurances, and the public in terms of aquatic habitat preservation and water quality enhancement; therefore, if conditions do threaten public resources or create a barrier to the passage of fish, the road maintenance and abandonment planning process may not require a small forest landowner to take a positive action that will result in high cost without a significant portion of that cost being shared by the public.

(3) Some fish barriers are more of a threat to public resources than others; therefore, no small forest landowner should be required to repair a fish barrier until higher priority fish barriers on other lands in the watershed have been repaired.

(4) If an existing fish barrier on land owned by a small forest landowner was installed and maintained under an approved forest practices application or notification, and hydraulics approval, and that culvert becomes a high priority for fish passage based on the watershed ranking in section 7 of this act, one hundred percent public funding shall be provided.

(5) The preparation of a road maintenance and abandonment plan can require technical expertise that may require large expenditures before the time that the landowner plans to conduct any revenue-generating operations on his or her land; therefore, small forest landowners should be allowed to complete a simplified road maintenance and abandonment plan checklist, that does not require professional engineering or forestry expertise to complete, and that does not need to be submitted until the time that the landowner submits a forest practices application or notification for final or intermediate harvesting, or for salvage of trees. This act is intended to provide an alternate way for small forest landowners to comply with the road maintenance and abandonment plan goals identified in the forest practices rules.

Sec. 3. RCW 76.09.020 and 2002 c 17 s 1 are each amended to read as follows:

~~((For purposes of this chapter:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" means the commissioner of public lands.

(5) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right of way shall be considered contiguous.

(6) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(7) "Department" means the department of natural resources.

(8) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(9) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner(~~or~~ ~~PROVIDED THAT~~). However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(10) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(11) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(12) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(13) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

~~((13))~~ (14) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

~~((14))~~ (15) "Application" means the application required pursuant to RCW 76.09.050.

~~((15))~~ (16) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

~~((16))~~ (17) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

~~((17))~~ (18) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

~~((18))~~ (19) "Small forest landowner" has the same meaning as defined in section 11 of this act.

(20) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

~~((19))~~ (21) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

~~((20))~~ (22) "Board" means the forest practices board created in RCW 76.09.030.

~~((21))~~ (23) "Unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

~~((22))~~ (24) "Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

NEW SECTION. Sec. 4. A new section is added to chapter 76.09 RCW to read as follows:

(1) The board must amend the forest practices rules relating to road maintenance and abandonment plans that exist on the effective date of this section to reflect the following:

(a) A forest landowner who owns a total of eighty acres or less of forest land in Washington is not required to submit a road maintenance and abandonment plan for any block of forest land that is twenty contiguous acres or less in area;

(b) A landowner who satisfies the definition of a small forest landowner, but who does not qualify under (a) of this subsection, is only required to submit a checklist road maintenance and abandonment plan with the abbreviated content requirements provided for in subsection (3) of this section, and is not required to comply with annual reporting and review requirements; and

(c) Existing forest roads must be maintained only to the extent necessary to prevent damage to public resources.

(2) The department must provide a landowner who is either exempted from submitting a road maintenance and abandonment plan under subsection (1)(a) of this section, or who qualifies for a checklist road maintenance and abandonment plan under subsection (1)(b) of this section, with an educational brochure outlining road maintenance standards and requirements. In addition, the department must develop a series of nonmandatory educational workshops on the rules associated with road construction and maintenance.

(3)(a) A landowner who qualifies for a checklist road maintenance and abandonment plan under subsection (1)(b) of this section is only required to submit a checklist, designed by the department in consultation with the small forest landowner office advisory committee created in RCW 76.13.110, that confirms that the landowner is applying the checklist criteria to forest roads covered or affected by a forest practices application or notification. When developing the checklist road maintenance and abandonment plan, the department shall ensure that the checklist does not exceed current state law. Nothing in this subsection increases or adds to small forest landowners' duties or responsibilities under any other section of the forest practices rules or any other state law or rule.

(b) A landowner who qualifies for the checklist road maintenance and abandonment plan is not required to submit the checklist before the time that he or she submits a forest practices application or notification for final or intermediate harvesting, or for salvage of trees. The department may encourage and accept checklists prior to the time that they are due.

(4) The department must monitor the extent of the checklist road maintenance and abandonment plan approach and report its findings to the appropriate committees of the legislature by December 31, 2008, and December 31, 2013.

(5) The board shall adopt emergency rules under RCW 34.05.090 by October 31, 2003, to implement this section. The emergency rules shall remain in effect until permanent rules can be adopted. The forest practices rules that relate to road maintenance and abandonment plans shall remain in effect as they existed on the effective date of this section until emergency rules have been adopted under this section.

(6) This section is only intended to relate to the board's duties as they relate to the road maintenance and abandonment plan element of the forests and fish report. Nothing in this section alters any forest landowner's duties and responsibilities under any other section of the forest practices rules, or any other state law or rule.

Sec. 5. RCW 76.09.055 and 2000 c 11 s 4 are each amended to read as follows:

(1) The legislature finds that the ~~(declines)~~ levels of fish stocks throughout much of the state require immediate action to be taken to help ~~(restore)~~ these fish runs where possible. The legislature also recognizes that federal and state agencies, tribes, county representatives, and private timberland owners have spent considerable effort and time to develop the forests and fish report. Given the agreement of the parties, the legislature believes that the immediate adoption of emergency rules is appropriate in this particular instance. These rules can implement many provisions of the forests and fish report to protect the economic well-being of the state, and to minimize the risk to the state and landowners to legal challenges. This authority is not designed to set any precedents for the forest practices board in future rule making or set any precedents for other rule-making bodies of the state.

(2) The forest practices board is authorized to adopt emergency rules amending the forest practices rules with respect to the protection of aquatic resources, in accordance with RCW 34.05.350, except: (a)(i) That the rules adopted under this section may remain in effect until permanent rules are adopted, or until June 30, 2001, whichever is sooner; (ii) that the rules adopted under section 4(5) of this act must remain in effect until permanent rules are adopted; (b) notice of the proposed rules must be published in the Washington State Register as provided in RCW 34.05.320; (c) at least one public hearing must be conducted with an opportunity to provide oral and written comments; and (d) a rule-making file must be maintained as required by RCW 34.05.370. In adopting ~~(the)~~ emergency rules consistent with this section, the board is not required to prepare a small business economic impact statement under chapter 19.85 RCW, prepare a statement indicating whether the rules constitute a significant legislative rule under RCW 34.05.328, prepare a significant legislative rule analysis under RCW 34.05.328, or follow the procedural requirements of the state environmental policy act, chapter 43.21C RCW. Except as provided in section 4 of this act, the forest practices board may only adopt recommendations contained in the forests and fish report as emergency rules under this section.

Sec. 6. RCW 76.09.390 and 1999 sp.s. c 4 s 707 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the forest practices rules adopted under RCW 76.09.370, as specifically identified in the forests and fish report the seller shall notify the buyer of the existence and nature of such a continuing obligation and the buyer shall sign a notice of continuing forest land obligation indicating the buyer's knowledge thereof. The notice shall be on a form prepared by the department and shall be sent to the department by the seller at the time of sale or transfer of the land or perpetual timber rights and retained by the department. If the seller fails to notify the buyer about the continuing forest land obligation, the seller shall pay the buyer's costs related to such continuing forest land obligation, including all legal costs and reasonable attorneys' fees, incurred by the buyer in enforcing the continuing forest land obligation against the seller. Failure by the seller to send the required notice to the department at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to the continuing forest land obligation, that the seller did not notify the buyer of the continuing forest land obligation prior to sale.

(2) Subsection (1) of this section does not apply to checklist road maintenance and abandonment plans created by section 4 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 76.13 RCW to read as follows:

(1) The legislature finds that a state-led cost-sharing program is necessary to assist small forest landowners with removing and replacing culverts and other man-made fish barriers that were added to their land prior to the effective date of this section, to help achieve the goals of the forests and fish report, and to assist small forest landowners in complying with the state's fish passage requirements.

(2) The small forest landowner office must, in cooperation with the department of fish and wildlife, establish a program designed to assist small forest landowners with repairing or removing fish barriers and assist lead entities in acquiring the data necessary to fill any gaps in fish barrier information. The small forest landowner office and the department of fish and wildlife must work closely with lead entities or other local watershed groups to make maximum use of current information regarding the location and priority of current fish barriers. Where additional barrier inventories are necessary, funding will be sought for the collection of this information. Methods, protocols, and formulas for data gathering and prioritizing must be developed in consultation with the department of fish and wildlife. The department of fish and wildlife must assist in the training and management of barrier location data collection.

(3) The small forest landowner office must actively seek out funding for the program authorized in this section. The small forest landowner office must work with consenting landowners to identify and secure funding from local, state, federal, tribal, or nonprofit habitat restoration organizations and other private sources, including the salmon recovery funding board, the United States department of agriculture, the United States department of transportation, the Washington state department of transportation, the United States department of commerce, and the federal highway administration.

(4)(a) Except as otherwise provided in this subsection, the small forest landowner office, in implementing the program established in this section, must provide the highest proportion of public funding available for the removal of any fish barrier or culvert replacement.

(b) In no case may a small forest landowner be required to pay more than the lesser of either: (i) Twenty-five percent of any costs associated with the removal of a particular fish barrier or the replacement of a particular culvert; or (ii) five thousand dollars for the removal of a particular fish barrier or the replacement of a particular culvert.

(c) In no case shall a small forest landowner be required to pay a cumulative total of more than the maximum amount that could be required under (b)(ii) of this subsection: (i) For any individual block of forest land; or (ii) across multiple blocks of forest land owned by the same small forest landowner in any one calendar year. Consistent with this section, the small forest landowner office must prioritize, fund, and complete all projects on land owned by small forest landowners whether or not the landowner has paid the maximum amount required under this subsection.

(d) If an existing fish barrier on land owned by a small forest landowner was installed and maintained under an approved forest practices application or notification, and hydraulics approval, and that culvert becomes a high priority for fish passage based on the watershed ranking in section 7 of this act, one hundred percent public funding shall be provided.

(5) If a small forest landowner is required to contribute a portion of the funding under the cost-share program established in this section, that landowner may satisfy his or her required proportion by providing either direct monetary contributions or in-kind services to the project. In-kind services may include labor, equipment, materials, and other landowner-provided services determined by the department to have an appropriate value to the removal of a particular fish barrier or the replacement of a particular culvert.

(6)(a) The department, using culvert assessments and ranked inventory information provided by the department of fish and wildlife and the appropriate lead entity as delineated in section 10 of this act, must establish a prioritized list for the funding of fish barrier removals

on property owned by small forest landowners that ensures that funding is provided first to the known fish barriers existing on forest land owned by small forest landowners that cause the greatest harm to public resources.

(b) As the department collects information about the presence of fish barriers from submitted checklists, it must share this information with the department of fish and wildlife and the technical advisory groups established in RCW 77.85.070. If the addition of the information collected in the checklists or any other changes to the scientific instruments described in section 10 of this act alter the analysis conducted under section 10 of this act, the department must alter the funding order appropriately to reflect the new information.

(7) The department may accept commitments from small forest landowners that they will participate in the program to remove fish barriers from their land at any time, regardless of the funding order given to the barriers on a particular landowner's property.

NEW SECTION. Sec. 8. A new section is added to chapter 76.09 RCW to read as follows:

Section 7 of this act applies to road maintenance and abandonment plans under this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 76.09 RCW to read as follows:

The department shall not disapprove a forest practices application filed by a small forest landowner on the basis that fish barriers have not been removed or replaced if the small forest landowner filing the application has committed to participate in the program established in section 7 of this act for all fish barriers existing on the block of forest land covered by the forest practices application, and the fish barriers existing on the block of forest land covered by the forest practices application are lower on the funding order list established for the program than the current projects that are capable of being funded by the program.

NEW SECTION. Sec. 10. A new section is added to chapter 77.12 RCW to read as follows:

In coordination with the department of natural resources and lead entity groups, the department must establish a ranked inventory of fish barriers on land owned by small forest landowners based on the principle of fixing the worst first within a watershed consistent with the fish passage priorities of the forest and fish report. The department shall first gather and synthesize all available existing information about the locations and impacts of fish barriers in Washington. This information must include, but not be limited to, the most recently available limiting factors analysis conducted pursuant to RCW 77.85.060(2), the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available. The inventory of fish barriers must be kept current and at a minimum be updated by the beginning of each calendar year. Nothing in this section grants the department or others additional right of entry onto private property.

NEW SECTION. Sec. 11. A new section is added to chapter 76.09 RCW to read as follows:

For the purposes of this chapter and sections 7 and 10 of this act, "small forest landowner" means an owner of forest land who, at the time of submission of required documentation to the department, has harvested from his or her own lands in this state no more than an average timber volume of two million board feet per year during the three years prior to submitting documentation to the department and who certifies that he or she does not expect to harvest from his or her own lands in the state more than an average timber volume of two million board feet per year during the ten years following the submission of documentation to the department. However, any landowner who exceeded the two million board feet annual average timber harvest threshold from their land in the three years prior to submitting documentation to the department, or who expects to exceed the threshold during any of the following ten years, shall still be deemed a "small forest landowner" if he or she establishes to the department's reasonable satisfaction that the harvest limits were, or will be, exceeded in order to raise funds to pay estate taxes or for an equally compelling and unexpected obligation, such as for a court-ordered judgment or for extraordinary medical expenses.

NEW SECTION. Sec. 12. The existing policy committees of the senate and house of representatives that deal with natural resources issues must review and study the implementation of this act, including checklist preparation and the meaning of both defined and undefined words in chapters 76.09 and 76.13 RCW, and report to the legislature by January 2004.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Morton moved that the following striking amendment by Senators Morton, Hewitt, Haugen, Doumit and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that chapter 4, Laws of 1999 sp. sess. strongly encouraged the forest practices board to adopt administrative rules that were substantially similar to the recommendations presented to the legislature in the form of the forests and fish report. The rules adopted pursuant to the 1999 legislation require all forest landowners to complete a road maintenance and abandonment plan, and those rules cannot be changed by the forest practices board without either a final order from a court, direct instructions from the legislature, or a recommendation from the adaptive management process. In the time since the enactment of chapter 4, Laws of 1999 sp. sess., it has become clear that both the planning aspect and the implementation aspect of the road maintenance and abandonment plan requirement may cause an unforeseen and unintended disproportionate financial hardship on small forest landowners.

(2) The legislature further finds that the commissioner of public lands and the governor have explored solutions that minimize the hardship caused to small forest landowners by the forest road maintenance and abandonment requirements of the forests and fish law, while maintaining protection for public resources. This act represents recommendations stemming from that process.

(3) The legislature further finds that it is in the state's interest to help small forest landowners comply with the requirements of the forest practices rules in a way that does not require the landowner to spend unreasonably high and unpredictable amounts of money to complete road maintenance and abandonment plan preparation and implementation. Small forest landowners provide significant wildlife habitat and serve as important buffers between urban development and Washington's public forest land holdings.

NEW SECTION. Sec. 2. A new section is added to chapter 76.09 RCW to read as follows:

(1) The state may not require a small forest landowner to invest in upgrades, replacements, or other engineering of a forest road, and any fish passage barriers that are a part of the road, that do not threaten public resources or create a barrier to the passage of fish.

(2) Participation in the forests and fish agreement provides a benefit to both the landowner in terms of federal assurances, and the public in terms of aquatic habitat preservation and water quality enhancement; therefore, if conditions do threaten public resources or create a fish passage barrier, the road maintenance and abandonment planning process may not require a small forest landowner to take a positive action that will result in high cost without a significant portion of that cost being shared by the public.

(3) Some fish passage barriers are more of a threat to public resources than others; therefore, no small forest landowner should be required to repair a fish passage barrier until higher priority fish passage barriers on other lands in the watershed have been repaired.

(4) If an existing fish passage barrier on land owned by a small forest landowner was installed under an approved forest practices application or notification, and hydraulics approval, and that fish passage barrier becomes a high priority for fish passage based on the watershed ranking in section 7 of this act, one hundred percent public funding shall be provided.

(5) The preparation of a road maintenance and abandonment plan can require technical expertise that may require large expenditures before the time that the landowner plans to conduct any revenue-generating operations on his or her land; therefore, small forest landowners should be allowed to complete a simplified road maintenance and abandonment plan checklist, that does not require professional engineering or forestry expertise to complete, and that does not need to be submitted until the time that the landowner submits a forest

practices application or notification for final or intermediate harvesting, or for salvage of trees. This act is intended to provide an alternate way for small forest landowners to comply with the road maintenance and abandonment plan goals identified in the forest practices rules.

Sec. 3. RCW 76.09.020 and 2002 c 17 s 1 are each amended to read as follows:

~~((For purposes of this chapter:))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dummi*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" means the commissioner of public lands.

(5) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right of way shall be considered contiguous.

(6) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(7) "Department" means the department of natural resources.

(8) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(9) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

~~((9))~~ (10) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner (~~PROVIDED, That~~). However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

~~((10))~~ (11) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

~~((11))~~ (12) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

~~((12))~~ (13) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(14) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

~~((13))~~ (15) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

~~((14))~~ (16) "Application" means the application required pursuant to RCW 76.09.050.

~~((15))~~ (17) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

~~((16))~~ (18) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

~~((17))~~ (19) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

~~((18))~~ (20) "Small forest landowner" has the same meaning as defined in section 11 of this act.

(21) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

~~((19))~~ (22) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

~~((20))~~ (23) "Board" means the forest practices board created in RCW 76.09.030.

~~((21))~~ (24) "Unconfined avulsing channel migration zone" means the area within which the active channel of an unconfined avulsing stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

~~((22))~~ (25) "Unconfined avulsing stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex flood plain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

NEW SECTION. Sec. 4. A new section is added to chapter 76.09 RCW to read as follows:

(1) The board must amend the forest practices rules relating to road maintenance and abandonment plans that exist on the effective date of this section to reflect the following:

(a) A forest landowner who owns a total of eighty acres or less of forest land in Washington is not required to submit a road maintenance and abandonment plan for any block of forest land that is twenty contiguous acres or less in area;

(b) A landowner who satisfies the definition of a small forest landowner, but who does not qualify under (a) of this subsection, is only required to submit a checklist road maintenance and abandonment plan with the abbreviated content requirements provided for in subsection (3) of this section, and is not required to comply with annual reporting and review requirements; and

(c) Existing forest roads must be maintained only to the extent necessary to prevent damage to public resources.

(2) The department must provide a landowner who is either exempted from submitting a road maintenance and abandonment plan under subsection (1)(a) of this section, or who qualifies for a checklist road maintenance and abandonment plan under subsection (1)(b) of this section, with an educational brochure outlining road maintenance standards and requirements. In addition, the department must develop a series of nonmandatory educational workshops on the rules associated with road construction and maintenance.

(3)(a) A landowner who qualifies for a checklist road maintenance and abandonment plan under subsection (1)(b) of this section is only required to submit a checklist, designed by the department in consultation with the small forest landowner office advisory committee created in RCW 76.13.110, that confirms that the landowner is applying the checklist criteria to forest roads covered or affected by a forest practices application or notification. When developing the checklist road maintenance and abandonment plan, the department shall ensure that the checklist does not exceed current state law. Nothing in this subsection increases or adds to small forest landowners' duties or responsibilities under any other section of the forest practices rules or any other state law or rule.

(b) A landowner who qualifies for the checklist road maintenance and abandonment plan is not required to submit the checklist before the time that he or she submits a forest practices application or notification for final or intermediate harvesting, or for salvage of trees. The department may encourage and accept checklists prior to the time that they are due.

(4) The department must monitor the extent of the checklist road maintenance and abandonment plan approach and report its findings to the appropriate committees of the legislature by December 31, 2008, and December 31, 2013.

(5) The board shall adopt emergency rules under RCW 34.05.090 by October 31, 2003, to implement this section. The emergency rules shall remain in effect until permanent rules can be adopted. The forest practices rules that relate to road maintenance and abandonment plans shall remain in effect as they existed on the effective date of this section until emergency rules have been adopted under this section.

(6) This section is only intended to relate to the board's duties as they relate to the road maintenance and abandonment plan element of the forests and fish report. Nothing in this section alters any forest landowner's duties and responsibilities under any other section of the forest practices rules, or any other state law or rule.

Sec. 5. RCW 76.09.055 and 2000 c 11 s 4 are each amended to read as follows:

(1) The legislature finds that the ~~(declines)~~ levels of fish stocks throughout much of the state require immediate action to be taken to help ~~(restore)~~ these fish runs where possible. The legislature also recognizes that federal and state agencies, tribes, county representatives, and private timberland owners have spent considerable effort and time to develop the forests and fish report. Given the agreement of the parties, the legislature believes that the immediate adoption of emergency rules is appropriate in this particular instance. These rules can implement many provisions of the forests and fish report to protect the economic well-being of the state, and to minimize the risk to the state and landowners to legal challenges. This authority is not designed to set any precedents for the forest practices board in future rule making or set any precedents for other rule-making bodies of the state.

(2) The forest practices board is authorized to adopt emergency rules amending the forest practices rules with respect to the protection of aquatic resources, in accordance with RCW 34.05.350, except: (a)(i) That the rules adopted under this section may remain in effect until permanent rules are adopted, or until June 30, 2001, whichever is sooner; (ii) that the rules adopted under section 4(5) of this act must remain in effect until permanent rules are adopted; (b) notice of the proposed rules must be published in the Washington State Register as provided in RCW 34.05.320; (c) at least one public hearing must be conducted with an opportunity to provide oral and written comments; and (d) a rule-making file must be maintained as required by RCW 34.05.370. In adopting ~~(the)~~ emergency rules consistent with this section, the board is not required to prepare a small business economic impact statement under chapter 19.85 RCW, prepare a statement indicating whether the rules constitute a significant legislative rule under RCW 34.05.328, prepare a significant legislative rule analysis under RCW 34.05.328, or follow the procedural requirements of the state environmental policy act, chapter 43.21C RCW. Except as provided in section 4 of this act, the forest practices board may only adopt recommendations contained in the forests and fish report as emergency rules under this section.

Sec. 6. RCW 76.09.390 and 1999 sp.s. c 4 s 707 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, prior to the sale or transfer of land or perpetual timber rights subject to continuing forest land obligations under the forest practices rules adopted under RCW 76.09.370, as specifically identified in the forests and fish report the seller shall notify the buyer of the existence and nature of such a continuing obligation and the buyer shall sign a notice of continuing forest land obligation indicating the buyer's knowledge thereof. The notice shall be on a form prepared by the department and shall be sent to the department by the seller at the time of sale or transfer of the land or perpetual timber rights and retained by the department. If the seller fails to notify the buyer about the continuing forest land obligation, the seller shall pay the buyer's costs related to such continuing forest land obligation, including all legal costs and reasonable attorneys' fees, incurred by the buyer in enforcing the continuing forest land obligation against the seller. Failure by the seller to send the required notice to the department at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to the continuing forest land obligation, that the seller did not notify the buyer of the continuing forest land obligation prior to sale.

(2) Subsection (1) of this section does not apply to checklist road maintenance and abandonment plans created by section 4 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 76.13 RCW to read as follows:

(1) The legislature finds that a state-led cost-sharing program is necessary to assist small forest landowners with removing and replacing fish passage barriers that were added to their land prior to the effective date of this section, to help achieve the goals of the forests and fish report, and to assist small forest landowners in complying with the state's fish passage requirements.

(2) The small forest landowner office must, in cooperation with the department of fish and wildlife, establish a program designed to assist small forest landowners with repairing or removing fish passage barriers and assist lead entities in acquiring the data necessary to fill any gaps in fish passage barrier information. The small forest landowner office and the department of fish and wildlife must work closely with lead entities or other local watershed groups to make maximum use of current information regarding the location and priority of current fish passage barriers. Where additional fish passage barrier inventories are necessary, funding will be sought for the collection of this information. Methods, protocols, and formulas for data gathering and prioritizing must be developed in consultation with the department of fish and wildlife. The department of fish and wildlife must assist in the training and management of fish passage barrier location data collection.

(3) The small forest landowner office must actively seek out funding for the program authorized in this section. The small forest landowner office must work with consenting landowners to identify and secure funding from local, state, federal, tribal, or nonprofit habitat restoration organizations and other private sources, including the salmon recovery funding board, the United States department of agriculture, the United States department of transportation, the Washington state department of transportation, the United States department of commerce, and the federal highway administration.

(4)(a) Except as otherwise provided in this subsection, the small forest landowner office, in implementing the program established in this section, must provide the highest proportion of public funding available for the removal or replacement of any fish passage barrier.

(b) In no case shall a small forest landowner be required to pay more than the lesser of either: (i) Twenty-five percent of any costs associated with the removal or replacement of a particular fish passage barrier; or (ii) five thousand dollars for the removal or replacement of

a particular fish passage barrier. No small forest landowner shall be required to pay more than the maximum total annual costs in (c) of this subsection.

(c) The portion of the total cost of removing or replacing fish passage barriers that a small forest landowner must pay in any calendar year shall be determined based on the average annual timber volume harvested from the landowner's lands in this state during the three preceding calendar years, and whether the fish passage barrier is in eastern or western Washington.

(i) In western Washington (west of the Cascade Crest), a small forest landowner who has harvested an average annual timber volume of less than five hundred thousand board feet shall not be required to pay more than a total of eight thousand dollars during that calendar year, a small forest landowner who has harvested an annual average timber volume between five hundred thousand and nine hundred ninety-nine thousand board feet shall not be required to pay more than a total of sixteen thousand dollars during that calendar year, a small forest landowner who has harvested an average annual timber volume between one million and one million four hundred ninety-nine thousand board feet shall not be required to pay more than a total of twenty-four thousand dollars during that calendar year, and a small forest landowner who has harvested an average annual timber volume greater than or equal to one million five hundred thousand board feet shall not be required to pay more than a total of thirty-two thousand dollars during that calendar year, regardless of the number of fish passage barriers removed or replaced on the landowner's lands during that calendar year.

(ii) In eastern Washington (east of the Cascade Crest), a small forest landowner who has harvested an average annual timber volume of less than five hundred thousand board feet shall not be required to pay more than a total of two thousand dollars during that calendar year, a small forest landowner who has harvested an annual average timber volume between five hundred thousand and nine hundred ninety-nine thousand board feet shall not be required to pay more than a total of four thousand dollars during that calendar year, a small forest landowner who has harvested an average annual timber volume between one million and one million four hundred ninety-nine thousand board feet shall not be required to pay more than a total of twelve thousand dollars during that calendar year, and a small forest landowner who has harvested an average annual timber volume greater than or equal to one million five hundred thousand board feet shall not be required to pay more than a total of sixteen thousand dollars during that calendar year, regardless of the number of fish passage barriers removed or replaced on the landowner's lands during that calendar year.

(iii) Maximum total annual costs for small forest landowners with fish passage barriers in both western and eastern Washington shall be those specified under (c)(i) and (ii) of this subsection.

(d) If an existing fish passage barrier on land owned by a small forest landowner was installed under an approved forest practices application or notification, and hydraulics approval, and that fish passage barrier becomes a high priority for fish passage based on the watershed ranking in section 7 of this act, one hundred percent public funding shall be provided.

(5) If a small forest landowner is required to contribute a portion of the funding under the cost-share program established in this section, that landowner may satisfy his or her required proportion by providing either direct monetary contributions or in-kind services to the project. In-kind services may include labor, equipment, materials, and other landowner-provided services determined by the department to have an appropriate value to the removal of a particular fish passage barrier.

(6)(a) The department, using fish passage barrier assessments and ranked inventory information provided by the department of fish and wildlife and the appropriate lead entity as delineated in section 10 of this act, must establish a prioritized list for the funding of fish passage barrier removals on property owned by small forest landowners that ensures that funding is provided first to the known fish passage barriers existing on forest land owned by small forest landowners that cause the greatest harm to public resources.

(b) As the department collects information about the presence of fish passage barriers from submitted checklists, it must share this information with the department of fish and wildlife and the technical advisory groups established in RCW 77.85.070. If the addition of the information collected in the checklists or any other changes to the scientific instruments described in section 10 of this act alter the analysis conducted under section 10 of this act, the department must alter the funding order appropriately to reflect the new information.

(7) The department may accept commitments from small forest landowners that they will participate in the program to remove fish passage barriers from their land at any time, regardless of the funding order given to the fish passage barriers on a particular landowner's property.

NEW SECTION. Sec. 8. A new section is added to chapter 76.09 RCW to read as follows:

Section 7 of this act applies to road maintenance and abandonment plans under this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 76.09 RCW to read as follows:

The department shall not disapprove a forest practices application filed by a small forest landowner on the basis that fish passage barriers have not been removed or replaced if the small forest landowner filing the application has committed to participate in the program established in section 7 of this act for all fish passage barriers existing on the block of forest land covered by the forest practices application, and the fish passage barriers existing on the block of forest land covered by the forest practices application are lower on the funding order list established for the program than the current projects that are capable of being funded by the program.

NEW SECTION. Sec. 10. A new section is added to chapter 77.12 RCW to read as follows:

In coordination with the department of natural resources and lead entity groups, the department must establish a ranked inventory of fish passage barriers on land owned by small forest landowners based on the principle of fixing the worst first within a watershed consistent with the fish passage priorities of the forest and fish report. The department shall first gather and synthesize all available existing information about the locations and impacts of fish passage barriers in Washington. This information must include, but not be limited to, the most recently available limiting factors analysis conducted pursuant to RCW 77.85.060(2), the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available. The inventory of fish passage barriers must be kept current and at a minimum be updated by the beginning of each calendar year. Nothing in this section grants the department or others additional right of entry onto private property.

NEW SECTION. Sec. 11. A new section is added to chapter 76.09 RCW to read as follows:

For the purposes of this chapter and sections 7 and 10 of this act, "small forest landowner" means an owner of forest land who, at the time of submission of required documentation to the department, has harvested from his or her own lands in this state no more than an average timber volume of two million board feet per year during the three years prior to submitting documentation to the department and who certifies that he or she does not expect to harvest from his or her own lands in the state more than an average timber volume of two million board feet per year during the ten years following the submission of documentation to the department. However, any landowner who exceeded the two million board feet annual average timber harvest threshold from their land in the three years prior to submitting documentation to the department, or who expects to exceed the threshold during any of the following ten years, shall still be deemed a "small forest landowner" if he or she establishes to the department's reasonable satisfaction that the harvest limits were, or will be, exceeded in order to raise funds to pay estate taxes or for an equally compelling and unexpected obligation, such as for a court-ordered judgment or for extraordinary medical expenses.

NEW SECTION. Sec. 12. The existing policy committees of the senate and house of representatives that deal with natural resources issues must review and study the implementation of this act, including checklist preparation and the meaning of both defined and undefined words in chapters 76.09 and 76.13 RCW, and report to the legislature by January 2004.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Morton, Hewitt, Haugen, Doumit and Fraser to Second Substitute House Bill No. 1095.

The motion by Senator Morton carried and the striking amendment was adopted.

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

On page 1, line 3 of the title, after "rules;" strike the remainder of the title and insert "amending RCW 76.09.020, 76.09.055, and 76.09.390; adding new sections to chapter 76.09 RCW; adding a new section to chapter 76.13 RCW; adding a new section to chapter 77.12 RCW; creating new sections; and declaring an emergency."

MOTION

On motion of Senator Morton, the rules were suspended, Second Substitute House Bill No. 1095, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1095, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1095, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49

SECOND SUBSTITUTE HOUSE BILL NO. 1095, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Second Substitute House Bill No. 1095 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, the Senate resumed consideration of Engrossed House Bill No. 2030, deferred earlier today after an amendment by Senator Doumit on page 3, after line 21, was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Morton moved to immediately reconsider the vote by which the amendment on page 3, line 21, was adopted.

Senator Hargrove demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Sheahan: "Mr. President, a parliamentary inquiry. Is the vote on the notice of reconsideration or is the vote on the amendment?"

REPLY BY THE PRESIDENT

President Owen: "The vote is on the motion to immediately reconsider and depending on that will depend on whether you vote on the amendment."

Senator Sheahan: "Thank you, Mr. President."

The President declared the question before the Senate to be the roll call on the motion by Senator Morton to reconsider the vote by which the amendment on page 3, line 21, to Engrossed House Bill No. 2030, was adopted.

ROLL CALL

The Secretary called the roll and the motion to reconsider the vote by which the amendment was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

The President declared the question before the Senate to be the adoption of the amendment by Senator Doumit on page 3, line 21, to Engrossed House Bill No. 2030, on reconsideration.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued..

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Doumit on page 3, line 21, to Engrossed House Bill No. 2030, on reconsideration.

ROLL CALL

The Secretary called the roll and the amendment on page 3, line 21, on reconsideration, was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

Senator Franklin moved that the following amendment by Senators Franklin, Regala, Spanel, Shin, Kline, Thibaudeau and Fairley be adopted:

On page 8, line 34, after "(4)" insert the following:

"Notwithstanding subsections (1) through (3) of this section, if any amounts are allocated or apportioned under subsections (1) through (3) of this section to a city or area in this state that does not impose a business and occupation tax, then the city or town that taxes the activity may impose a tax on the total gross income of the taxpayer with respect to the activity that is subject to tax in the city or town.

(5)"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Franklin, Regala, Spanel, Shin, Kline, Thibaudeau and Fairley on page 8, line 34, to Engrossed House Bill No. 2030.

The motion by Senator Franklin failed and the amendment was not adopted.

MOTION

Senator Reardon moved that the following amendment be adopted:

On page 9, after line 30, insert the following:

"NEW SECTION. **Sec. 14. MUNICIPAL BUSINESS AND OCCUPATION TAX-- REVENUE NEUTRALITY.** Notwithstanding RCW 35.21.710, a city that incurs a reduction in the business and occupation tax revenue due to the implementation of the apportionment formula under section 13 of this act shall have the authority to make such rate adjustments to offset any revenue losses. Such rate adjustments shall not be implemented prior to January 1, 2008."

Re-number the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Reardon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Reardon on page 9, after line 30, to Engrossed House Bill No. 2030.

ROLL CALL

The Secretary called the roll and the amendment by Senator Reardon was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

Senator Kastama moved that the following amendment be adopted:

On page 9, after line 30, strike section 14 of the act and insert the following:

"NEW SECTION. **Sec. 14. MUNICIPAL BUSINESS AND OCCUPATION TAX-- IMPLEMENTATION BY CITIES-- CONTINGENT AUTHORITY.** Cities imposing business and occupation taxes must comply with all requirements of sections 2 through 12 of this act by December 31, 2004. A city that has not complied with the requirements of sections 2 through 12 of this act by December 31, 2004, may not impose a tax that is imposed by a city on the privilege of engaging in business activities. Cities imposing business and occupation taxes after December 31, 2004, must comply with sections 2 through 12 of this act. Cities imposing business and occupation taxes on or after January 1, 2008, must also comply with section 13 of this act."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kastama on page 9, after line 30, to Engrossed House Bill No. 2030.

The motion by Senator Kastama failed and the amendment was not adopted on a rising vote.

MOTION

Senator Poulsen moved that the following amendment be adopted:

On page 3, after line 21, strike all material down through "annually." on line 23 and insert the following:

"(b) Except for cities with populations of less than sixty thousand, a uniform, minimum small business tax threshold of at least the equivalent of twenty thousand dollars in gross income annually. Cities with populations of less than sixty thousand must have a uniform, minimum small business tax threshold of at least the equivalent of ten thousand dollars in gross income annually. Minimum thresholds may be applied proportionally for taxpayers reporting on a quarterly or monthly basis."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Poulsen on page 3, line 21, to

Engrossed House Bill No. 2030.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Poulsen on page 3, line 21, to Engrossed House Bill No. 2030.

ROLL CALL

The Secretary called the roll and the amendment by Senator Poulsen was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

Senator Reardon moved that the following amendment be adopted:

On page 9, after line 30, insert the following:

"NEW SECTION. Sec. 14. MUNICIPAL BUSINESS AND OCCUPATION TAX -- TERRORISM. Notwithstanding RCW 35.21.710, a city that incurs a reduction in the business and occupation tax revenue due to a terrorist threat as determined by the federal bureau of investigation shall have the authority to make such rate adjustments to offset any revenue losses. Such rate adjustments shall not be implemented prior to January 1, 2008."

Reorder the sections consecutively and correct any internal references accordingly.

Senator Reardon demanded a roll call and the demand was sustained.

Debate ensued.

Senators Sheahan, Parlette and Carlson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question failed.

Further debate ensued.

Senators Finkbeiner, Swecker and Hale demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Reardon closed debate.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Reardon on page 9, line 30

ROLL CALL

The Secretary called the roll and the amendment by Senator Reardon was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

Senator Horn moved that the rules be suspended and Engrossed House Bill No. 2030 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

OBJECTION TO ADVANCE TO THIRD READING

Senator Betti Sheldon objected to suspending the rules and advancing the bill to third reading.

MOTION

Senator Betti Sheldon moved that Engrossed House Bill No. 2030 be referred to Committee on Ways and Means for the purpose of making a technical correction.

POINT OF ORDER

Senator Sheahan: "A point of order, Mr. President. I would suggest that the motion by the good lady from Bremerton is out of order. She had two separate motions. One was to object to bumping the bill to the third reading and that motion should be dealt with before any other motion that comes before the body. So, I would suggest that the motion on bumping the bill to third reading should be the motion before the body."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, when she objected, I believe she was anticipating me saying, 'if there are no objections,' and then would require that a vote be taken on that motion to advance to third reading. Then, before that vote was taken, she made another motion and that motion was to return the bill to the Committee on Ways and Means. We are now looking to see which motion has priority at this point. It would be no different than if immediately, you stood up and moved, for instance, to adjourn. We would have to then consider that motion."

PARLIAMENTARY INQUIRY

Senator Sheahan: "A point of parliamentary inquiry, Mr. President. Wouldn't the second motion--wouldn't we have to be on the ninth order of business?"

REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, we are checking that right now. Senator Sheahan, relative to your point of order about going to the ninth order of business, in order for her to make a motion, the President does not believe that that is necessary. However, Senator Horn's motion to advance to third reading has priority. It is a suspension of the rules. Therefore, it takes a two-thirds vote. Should that fail to advance the bill, then Rule 64 requires that the bill go to Rules. Therefore, Senator Sheldon's motion would require a two-thirds vote to suspend the rule to send it to Ways and Means."

The President declared the question before the Senate is the motion by Senator Horn that the rules be suspended and Engrossed House Bill No. 2030 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

POINT OF ORDER

Senator Betti Sheldon: "A point of order, Mr. President. I just need to know what does this vote take--this vote to bump?"

REPLY BY THE PRESIDENT

President Owen: "This vote, and I understand why that is not clear, because we normally suspend the rules by a voice vote and advance it. It has always taken a two-thirds vote, I believe, except in the last three days before the cutoff or ten days before the end of session. It is a suspension of the rules and it does take a two-thirds vote, which is thirty-three votes to advance it to third reading."

Senator Betti Sheldon: "So, we would have a roll call vote, Mr. President?"

President Owen: "It is up to you."

Senator Betti Sheldon: "Okay, please vote 'no.'"

The President declared the question before the Senate to be the motion by Senator Horn that the rules be suspended and Engrossed House Bill No. 2030 be advanced to third reading, the second reading considered the third and the bill be placed on final passage. The motion by Senator Horn to advance the bill to third reading failed, having not received the necessary two-thirds vote.

The President declared the question now before the Senate to be the motion by Senator Betti Sheldon that Engrossed House Bill No. 2030 be referred to the Committee on Ways and Means.

The motion by Senator Betti Sheldon to refer Engrossed House Bill No. 2030 to the Committee on Ways and Means failed, not receiving the necessary two-thirds vote.

The President declared that Engrossed House Bill No. 2030 would be referred to the Committee on Rules.

PARLIAMENTARY INQUIRY

Senator Tim Sheldon: "A point of parliamentary inquiry, Mr. President. I always wanted to ask this question and you know the Senate Rules up there. I dug them out and we adopted them on the first day of session. I looked through them for ten or fifteen minutes. Is there

any definition in the Rules of the Senate--permanent rules of the Senate, as adopted for the Fifty-eighth Legislature--that defines 'procedural vote?'"

REPLY BY THE PRESIDENT

President Owen: "The answer is 'no.'"

Senator Tim Sheldon: "So, I can assume that a procedural vote is an undefined term in the Senate Rules and largely a myth? The term, as I take it, that you are giving me this ruling, basically, or interpretation, that there is no definition in the Rules of the Senate for procedural vote. It is an undefined term."

President Owen: "Senator Sheldon, the only thing that the President would say is that we have about one-hundred years of tradition on that. Call it what you want."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1829, by House Committee on Appropriations (originally sponsored by Representatives Bailey, Sehlin, Talcott, Kristiansen, Clements, Tom, Pearson, McMahan, Benson, Woods and Pflug)

Regulating postretirement employment in the public employees' retirement system and the teachers' retirement system.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the following amendments by Senators Winsley, Doumit, Carlson and McAuliffe were considered simultaneously and were adopted:

On page 10, line 33, after "(c)" insert the following:

"The employee has not already rendered a cumulative total of more than (i) three thousand one hundred sixty-five hours of service as a teacher, or (ii) one thousand nine hundred hours in any other capacity, while receiving pension payments, beyond an annual threshold of eight hundred sixty-seven hours; and

(d)

On page 10, line 35, after "audit:", strike everything through "retirement." and insert the following:

"shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than on thousand five hundred hours in a school year. The cumulative total limitations under this subsection apply prospectively to those retiring after the effective date of this act and retroactively to those who retired prior to the effective date of this act, and shall be calculated from the date of retirement."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Winsley moved that the following amendment by Senators Winsley, McAuliffe, Doumit and Carlson be adopted:

On page 10, beginning on line 35, after "and" strike all material down to and including "retirement." on line 10 and insert the following:

"(d) The employee has not already rendered a cumulative total of more than (I) three thousand one hundred sixty-five hours of service as a teacher or principal, or (ii) one thousand nine hundred hours in any other capacity, while receiving pension payments, beyond an annual threshold of eight hundred sixty-seven hours; shall cease to receive pension payments while engaged in that service after the retiree has rendered service for more than one thousand five hundred hours in a school year. The cumulative total limitations under this subsection apply prospectively to those retiring after the effective date of this act and retroactively to those who retired prior to the effective date of this act, and shall be calculated from the date of retirement."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Benton: "Mr. President, a parliamentary inquiry. Have the amendments by Senators Honeyford, Rasmussen McAuliffe and Johnson on page 10, lines 33 and 35 been adopted?"

REPLY BY THE PRESIDENT

President Owen: "Yes, they have."

Further debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Winsley, McAuliffe, Doumit and Carlson on page 10, line 35, to Substitute House Bill No. 1829.

ROLL CALL

The Secretary called the roll and the amendment on page 10, line 35, was adopted by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 25.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 24.

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 1829, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1829, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1829, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hargrove, Haugen, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 33.

Voting nay: Senators Benton, Brandland, Deccio, Finkbeiner, Hale, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Rossi, Stevens, Swecker, West and Zarelli - 16.

SUBSTITUTE HOUSE BILL NO. 1829, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:04 p.m., on motion of Senator Sheahan, the Senate recessed until 6:30 p.m.

The Senate was called to order at 6:30 p.m. by President Owen.

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9160, Frank Irigon, as a member of the Board of Trustees for Renton Technical College District No. 27, was confirmed

Senators Prentice and Carlson spoke to the confirmation of Frank Irigon as a member of the Board of Trustees for Renton Technical College District No. 27.

APPOINTMENT OF FRANK IRIGON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 31; Nays, 0; Absent, 18; Excused, 0.

Voting yea: Senators Benton, Carlson, Eide, Esser, Fairley, Franklin, Fraser, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Prentice, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 31.

Absent: Senators Brandland, Brown, Deccio, Doumit, Finkbeiner, Hale, Hargrove, Haugen, Horn, Keiser, McCaslin, Mulliken, Oke, Parlette, Poulsen, Reardon, Rossi and Zarelli - 18.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

SENATE BILL NO. 5403

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this 9th day of April, 2003.

Seal SAM REED

Secretary of State

MESSAGE FROM THE GOVERNOR

PARTIAL VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5403

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 202, lines 31 and 32; 305, lines 14 and 15; 706; and 707 of Substitute Senate Bill No. 5403 entitled:

“AN ACT Relating to fiscal matters;”

My reasons for vetoing these sections are as follows:

Section 202, Lines 31-32, Page 31, Appropriation Reduction for the Children and Family Services Program (Department of Social and Health Services)

This appropriation item would have reduced the appropriation to the Department of Social and Health Services' (DSHS) Children and Family Services Program by \$3,804,000. DSHS has already adopted numerous measures to contain costs and achieve the savings assumed for this fiscal year. Equipment purchases and out-of-state travel have long ago been frozen and hiring has been delayed. However, a number of unanticipated, unavoidable costs will need to be covered between now and June 30, 2003, the conclusion of the fiscal year. Possible federal funding changes and additional expenses related to pending litigation are examples of these costs. Meanwhile, current budget estimates for the department indicate no ending fund balance with which to assure the agency can meet its obligations through the end of the biennium. I am directing the department to continue to aggressively cut costs wherever it can. This item veto provides the department a small amount of necessary budget flexibility so that they can properly close out the fiscal year.

Section 305, Lines 14-15, Page 105, Appropriation Reduction for the State Toxics Control Account (Department of Agriculture)

This appropriation item would have reduced the State Toxics Control Account appropriation to the Department of Agriculture by \$433,000. However, this reduction is not similarly reflected in the proviso. Thus, there is a technical error. In order to correct it, I am vetoing the entire reduction. However, I am instructing the director of the Department of Agriculture to place \$433,000 of the agency's provisoed State Toxics Control Account authority in reserve.

Section 706, Page 165, Allotment Reduction for Travel, Equipment, and Personal Service Contracts

This section would have directed the Office of Financial Management to reduce agency allotments for travel, equipment and personal service contracts by \$10 million dollars. Without this veto, the Office of the Superintendent of Public Instruction's committed contracts to conduct the Washington Assessment of Student Learning and Iowa Test of Basic Skills assessments in the state's K-12 schools this year are jeopardized. This section also jeopardizes the contracts the Attorney General employs with expert witnesses to defend the state's interests in major lawsuits; the Department of Social and Health Services' ability to travel allowing Child Protective Service workers to safeguard vulnerable children on a daily basis; the Department of Corrections' essential ability to transport dangerous prisoners; and the Department of Transportation's construction contracts in place with the private sector.

State agencies need to do everything in their power to control discretionary expenditures in these difficult financial times. However, essential travel, equipment and personal services contracts are often critical in delivering direct services to Washington citizens, and cannot be stopped without affecting those services.

The \$10 million cut in this provision would have been added to employee-related savings and program reductions already implemented in most agencies. Many agencies simply cannot absorb the cumulative effect of these multiple reductions in the three months remaining in the 2001-03 Biennium.

I agree with the general intent of this provision, therefore I am directing agencies to continue to closely monitor and control discretionary expenditures in preparation for the significant program cuts that will need to be part of the new budget that begins on July 1.

Section 707, Pages 165-166, State Employment Restrictions

This section would have prohibited executive branch agencies from establishing new staff positions and would have restricted agencies' ability to fill vacancies. In the recently passed budget proposal for 2003-05, the Senate has already recognized that this restriction is far too limiting. However, there are no assurances that a budget for the next biennium will pass the Legislature in time to cure this problem, so I am vetoing this section.

Directive No. 02-04, which I issued in December of 2002, set in motion the key provisions of this section of the supplemental budget by directing executive agencies to limit hiring and meet specific employee reduction targets. If this section were implemented, natural resource agencies like State Parks, the Department of Ecology, the Department of Agriculture and the Department of Natural Resources would have been unable to hire the essential spring and summer temporary employees to manage and safeguard our parks, campgrounds and recreational areas. The Consumer Advocacy program in the Insurance Commissioner's Office would have been unduly limited by this provision.

Agency budgets and employment levels have already been reduced in separate actions in this supplemental budget bill. In keeping with the intent of this section, agencies will continue to limit hiring to meet the employment reduction targets pursuant to my directive. For these reasons, I have vetoed sections 202, lines 31 and 32; 305, lines 14 and 15; 706; and 707 of Substitute Senate Bill No. 5403.

With the exception of sections 202, lines 31 and 32; 305, lines 14 and 15; 706; and 707, Substitute Senate Bill No. 5403 is approved.

Respectfully submitted,
Gary Locke, Governor

MOTION

On motion of Senator Sheahan, the Partial Veto Message on Substitute Senate Bill No. 5403 was held at the desk.

MOTION

On motion of Senator Sheahan, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5076,
SUBSTITUTE SENATE BILL NO. 5088,
SUBSTITUTE SENATE BILL NO. 5117,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,
SENATE BILL NO. 5273,
ENGROSSED SENATE BILL NO. 5374, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The Speaker has signed:
HOUSE BILL NO. 1117,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1271,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277,
SUBSTITUTE HOUSE BILL NO. 1416,
SUBSTITUTE HOUSE BILL NO. 1445,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564,
SUBSTITUTE HOUSE BILL NO. 1759,
SUBSTITUTE HOUSE BILL NO. 1930, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5076,
SUBSTITUTE SENATE BILL NO. 5088,
SUBSTITUTE SENATE BILL NO. 5117,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,
SENATE BILL NO. 5273,
ENGROSSED SENATE BILL NO. 5374.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 1117,
SUBSTITUTE HOUSE BILL NO. 1195,
SUBSTITUTE HOUSE BILL NO. 1271,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277,
SUBSTITUTE HOUSE BILL NO. 1416,
SUBSTITUTE HOUSE BILL NO. 1445,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1466,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1564,
SUBSTITUTE HOUSE BILL NO. 1759,
SUBSTITUTE HOUSE BILL NO. 1930.

MOTION

On motion of Senator Hewitt, Senators McCaslin and Mulliken were excused.

MOTION

On motion of Senator Eide, Senators Haugen and Keiser were excused.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Shin, Gubernatorial Appointment No. 9158, Edith L. Nelson, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF EDITH L. NELSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Haugen, Keiser, McCaslin and Mulliken - 4.

SECOND READING

SENATE BILL NO. 6054, by Senators Rossi and Fairley (by request of Office of Financial Management)

Clarifying the application of the industrial welfare act to public employers.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 6054 was substituted for Senate Bill No. 6054 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 6054 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6054.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6054 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Haugen, Keiser and McCaslin - 3.

SUBSTITUTE SENATE BILL NO. 6054, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5363, by Senators Hale, T. Sheldon, Fairley, Prentice, Doumit, West, Winsley, Rasmussen and Schmidt (by request of Governor Locke)

Providing an ongoing funding source for the community economic revitalization board's financial assistance programs.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5363 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5363.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5363 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Haugen, Keiser and McCaslin - 3.

SENATE BILL NO. 5363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 2064, by Representatives Woods, Rockefeller, Bush, Lantz, Ahern, Hankins, Benson, Haigh, Sehlin, Morris, Bailey, Wood, Talcott, Ericksen, Edwards and Carrell

Studying methods of avoiding military base closure.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed House Bill No. 2064 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2064.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2064 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Haugen, Keiser and McCaslin - 4.

ENGROSSED HOUSE BILL NO. 2064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933, by House Committee on Local Government (originally sponsored by Representatives Berkey, Kessler, Cairnes, Buck, Sullivan, Orcutt, Hatfield, Jarrett, Miloscia, Gombosky, Grant, DeBolt, Quall, Woods, Schoesler, Conway, Lovick, Clibborn, Edwards, Schindler, McCoy, Eickmeyer and Alexander)

Declaring shoreline management act legislative intent.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the following Committee on Land Use and Planning striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that the final decision and order in *Everett Shorelines Coalition v. City of Everett* and *Washington State Department Of Ecology*, Case No. 02-3-0009c, issued on January 9, 2003, by the central Puget Sound growth management hearings board was a case of first impression interpreting the addition of the shoreline management act into the growth management act, and that the board considered the appeal and issued its final order and decision without the benefit of shorelines guidelines to provide guidance on the implementation of the shoreline management act and the adoption of shoreline master programs.

(2) This act is intended to affirm the legislature's intent that:

(a) The shoreline management act be read, interpreted, applied, and implemented as a whole consistent with decisions of the shoreline hearings board and Washington courts prior to the decision of the central Puget Sound growth management hearings board in *Everett Shorelines Coalition v. City of Everett and Washington State Department of Ecology*;

(b) The goals of the growth management act, including the goals and policies of the shoreline management act, set forth in RCW 36.70A.020 and included in RCW 36.70A.020 by RCW 36.70A.480, continue to be listed without an order of priority; and

(c) Shorelines of statewide significance may include critical areas as defined by RCW 36.70A.030(5), but that shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance.

(3) The legislature intends that critical areas within the jurisdiction of the shoreline management act shall be governed by the shoreline management act and that critical areas outside the jurisdiction of the shoreline management act shall be governed by the growth management act. The legislature further intends that the quality of information currently required by the shoreline management act to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the growth management act.

Sec. 2. RCW 90.58.030 and 2002 c 230 s 2 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of statewide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (I), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(I) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;

(g) "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(I) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

Sec. 3. RCW 90.58.090 and 1997 c 429 s 50 are each amended to read as follows:

(1) A master program, segment of a master program, or an amendment to a master program shall become effective when approved by the department. Within the time period provided in RCW 90.58.080, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(2) Upon receipt of a proposed master program or amendment, the department shall:

(a) Provide notice to and opportunity for written comment by all interested parties of record as a part of the local government review process for the proposal and to all persons, groups, and agencies that have requested in writing notice of proposed master programs or amendments generally or for a specific area, subject matter, or issue. The comment period shall be at least thirty days, unless the department determines that the level of complexity or controversy involved supports a shorter period;

(b) In the department's discretion, conduct a public hearing during the thirty-day comment period in the jurisdiction proposing the master program or amendment;

(c) Within fifteen days after the close of public comment, request the local government to review the issues identified by the public, interested parties, groups, and agencies and provide a written response as to how the proposal addresses the identified issues;

(d) Within thirty days after receipt of the local government response pursuant to (c) of this subsection, make written findings and conclusions regarding the consistency of the proposal with the policy of RCW 90.58.020 and the applicable guidelines, provide a response to the issues identified in (c) of this subsection, and either approve the proposal as submitted, recommend specific changes necessary to make the proposal approvable, or deny approval of the proposal in those instances where no alteration of the proposal appears likely to be consistent with the policy of RCW 90.58.020 and the applicable guidelines. The written findings and conclusions shall be provided to the local government, all interested persons, parties, groups, and agencies of record on the proposal;

(e) If the department recommends changes to the proposed master program or amendment, within thirty days after the department mails the written findings and conclusions to the local government, the local government may:

(i) Agree to the proposed changes. The receipt by the department of the written notice of agreement constitutes final action by the department approving the amendment; or

(ii) Submit an alternative proposal. If, in the opinion of the department, the alternative is consistent with the purpose and intent of the changes originally submitted by the department and with this chapter it shall approve the changes and provide written notice to all recipients of the written findings and conclusions. If the department determines the proposal is not consistent with the purpose and intent of the changes proposed by the department, the department may resubmit the proposal for public and agency review pursuant to this section or reject the proposal.

(3) The department shall approve the segment of a master program relating to shorelines unless it determines that the submitted segments are not consistent with the policy of RCW 90.58.020 and the applicable guidelines.

(4) The department shall approve the segment of a master program relating to critical areas as defined by RCW 36.70A.030(5) provided the master program segment is consistent with RCW 90.58.020 and applicable shoreline guidelines, and if the segment provides a level of protection of critical areas at least equal to that provided by the local government's critical areas ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) The department shall approve those segments of the master program relating to shorelines of statewide significance only after determining the program provides the optimum implementation of the policy of this chapter to satisfy the statewide interest. If the department does not approve a segment of a local government master program relating to a shoreline of statewide significance, the department may develop and by rule adopt an alternative to the local government's proposal.

~~((5))~~ (6) In the event a local government has not complied with the requirements of RCW 90.58.070 it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

~~((6))~~ (7) A master program or amendment to a master program takes effect when and in such form as approved or adopted by the department. Shoreline master programs that were adopted by the department prior to July 22, 1995, in accordance with the provisions of this section then in effect, shall be deemed approved by the department in accordance with the provisions of this section that became effective on that date. The department shall maintain a record of each master program, the action taken on any proposal for adoption or amendment of the master program, and any appeal of the department's action. The department's approved document of record constitutes the official master program.

Sec. 4. RCW 90.58.190 and 1995 c 347 s 311 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090~~((4))~~ (5) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment solely for compliance with the requirements of this chapter ~~((and chapter 36.70A RCW))~~, the policy of RCW 90.58.020 and the applicable guidelines, the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

(3)(a) The department's decision to approve, reject, or modify a proposed master program or master program amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of statewide significance, the shorelines hearings board shall uphold the decision by the department unless the board determines, by clear and convincing evidence that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in chapter 34.05 RCW.

(4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program amendment.

Sec. 5. RCW 36.70A.480 and 1995 c 347 s 104 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

(a) As of the date the department of ecology approves a local government's shoreline master program adopted under applicable shoreline guidelines, the protection of critical areas as defined by RCW 36.70A.030(5) within shorelines of the state shall be accomplished only through the local government's shoreline master program and shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.

(b) Critical areas within shorelines of the state that have been identified as meeting the definition of critical areas as defined by RCW 36.70A.030(5), and that are subject to a shoreline master program adopted under applicable shoreline guidelines shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in this act is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(c) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2).

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(2)(f), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2)."

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

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 90.58.030, 90.58.090, 90.58.190, and 36.70A.480; and creating a new section."

MOTION

On motion of Senator Mulliken, the rules were suspended, Engrossed Substitute House Bill No. 1933, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1933, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1933, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Haugen, Keiser and McCaslin - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462, by House Committee on Finance (originally sponsored by Representatives Morris, Cairnes, Gombosky, Ruderman, Nixon, Ericksen, Miloscia, Anderson, Wallace, Benson, Newhouse, Tom, Chandler, Orcutt, Woods, McMahan, Talcott and Campbell)

Prohibiting local governments from imposing business and occupation tax on intellectual property.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute House Bill No. 1462 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1462.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1462 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Fraser, Hargrove, Kline and Thibaudeau - 4.

Excused: Senators Deccio, Haugen, Keiser and McCaslin - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1591, by Representatives Gombosky, Cairnes and McIntire (by request of Department of Revenue)

Modifying excise tax interest provisions.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, House Bill No. 1591 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1591.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1591 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Haugen, Keiser and McCaslin - 3.

HOUSE BILL NO. 1591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1318 and the pending amendment by Senators Kohl-Welles, Schmidt and Rasmussen on page 2, line 2, deferred earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator Zarelli as to the scope and object of the amendment by Senators Kohl-Welles, Schmidt and Rasmussen on page 2, line 2, to House Bill No. 1318, the President finds that House Bill No. 1318 is a measure which requires the State Board of Health to consider the most recent version of USFDA food code provisions when adopting rules for food service. To the extent that the amendment on page 2, line 2, would require

that the Board also consult with various interested parties with respect to food service in schools in developing such rules, it would be within the scope and object of the underlying bill because it is simply further defining the consultation process. Because the amendment also requires the development of a model policy specifically protecting children in preschool through sixth grade who assist in elementary school kitchens, and must do so by a date certain, it is imposing requirements that exceed the scope and object of the original bill.

"The President, therefore, finds that Senator Zarelli's point is well taken and the amendment on page 2, line 2, to House Bill No. 1318 is outside the scope and object of the underlying bill."

The President ruled that the amendment by Senators Kohl-Welles, Schmidt and Rasmussen on page 2, line 2, to House Bill No. 1318 to be out of order.

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1318.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1318 and the bill passed the Senate by the following vote:

Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Haugen, Keiser and McCaslin - 3.

HOUSE BILL NO. 1318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1808, by Representatives Kenney, Cox, Fromhold, Priest, Berkey, Jarrett, Gombosky, Morrell, Chase, McCoy and Lantz

Requiring standards of review before changing lines of instruction at research universities.

The bill was read the second time.

MOTION

On motion of Senator West, the following Committee on Ways and Means striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28B.80 RCW to read as follows:

(1) If a four-year institution requests approval under RCW 28B.80.340 of a new degree program that is the result of legislation enacted to change the terms of RCW 28B.10.115, the higher education coordinating board shall conduct an independent analysis using information from a variety of sources as part of the board's review of the proposed program, including but not limited to information submitted by the institution. Such information shall include:

(a) Detailed evidence of why the program is justified, including the size and scope of student, employer, and community demand for the program;

(b) The feasibility of using existing public or private capacity for the program and comparisons of the state cost of providing existing and proposed capacity. Any institution that offers programs under this section shall comply with all applicable state rules and regulations;

(c) Projected future enrollment in the program and substantiation of the enrollment estimates; and

(d) Additional information as requested by the board regarding demand, need, and cost-effectiveness of the program.

(2) The higher education coordinating board shall submit a complete analysis of a proposed program under this section to the higher education and fiscal committees of the legislature before making a final determination regarding approval of the program.

NEW SECTION. Sec. 2. The higher education coordinating board shall conduct a study in the manner as specified under section 1 of this act and examine whether the state universities should retain exclusive major line to electrical engineering. The report shall be provided to the higher education and fiscal committees of the legislature by December 2003."

MOTION

On motion of Senator West, the rules were suspended, Engrossed House Bill No. 1808 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Jacobsen: "Senator Carlson, if this program is offered, how much would be the state subsidy for each student?"

Senator Carlson: "Subsidies for the regional institutions for undergraduates are about six to eight thousand dollars per student for the junior/senior levels. That is about what the equivalent would be."

Senator Jacobsen: "But, isn't it fair to say that a program like this costs more than six to eight thousand per student?"

Senator Carlson: "Yes, that is correct, Senator Jacobsen. It usually costs around fourteen thousand dollars per student."

Senator Jacobsen: "That is what I thought."

Further debate ensued.

POINT OF INQUIRY

Senator Spanel: "Senator Carlson, do I understand the bill, that the HEC Board does have to do a review of this and they have to come back to the Legislature before there is approval of a new program?"

Senator Carlson: "Thank you, Senator. I appreciate the question. It is a good one and it needs to be explained. What is asked is that there will be monitoring by the HEC Board. They do not have to wait to get permission from the HEC Board in the Legislature, but they do have to get permission from the HEC Board to be able to go forward on this and then to report to the Legislature what is taking place. I do appreciate the question; it is a good one. I appreciate getting a chance to answer."

POINT OF INQUIRY

Senator Deccio: "Senator Carlson, can you tell me what the price tag is for this program?"

Senator Carlson: "Thank you, Senator. The price tag has been identified by Eastern Washington University in the area of around ten to twelve thousand dollars, which is quite a bit less than the two research universities even that are offering it. So, they are willing to eat the cost, because they think that the programs already available will give them a chance to provide this."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1808.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1808 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Horn, Johnson, Kastama, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Rasmussen, Regala, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Spanel, Swecker, West and Winsley - 29.

Voting nay: Senators Benton, Brandland, Deccio, Franklin, Hewitt, Honeyford, Jacobsen, Kline, Mulliken, Poulsen, Prentice, Reardon, Rossi, Sheldon, B., Stevens, Thibaudeau and Zarelli - 17.

Excused: Senators Haugen, Keiser and McCaslin - 3.

ENGROSSED HOUSE BILL NO. 1808, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5725, by Senators Zarelli, T. Sheldon, Carlson, Reardon, Benton, Hewitt, Winsley, Hale, Sheahan, Honeyford, Finkbeiner, Johnson and West

Providing tax incentives to support the state's semiconductor cluster.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 5725 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Poulsen: "A point of parliamentary inquiry, Mr. President. Are we operating under the three minute rule?"

REPLY BY THE PRESIDENT

President Owen: "Yes, we are."

Senator Poulsen: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5725.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5725 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 11; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Kastama, Kline, Poulsen, Regala, Spanel and Thibaudeau - 11.

Excused: Senators Haugen, Keiser and McCaslin - 3.

SENATE BILL NO. 5725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

HAPPY BIRTHDAY WISHES

The President extended Happy Birthday Wishes to Senator Betti Sheldon.

SECOND READING

HOUSE BILL NO. 1566, by Representative Alexander

Modifying record retention provisions for county auditors.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1566 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1566.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1566 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Haugen, Keiser and McCaslin - 3.

HOUSE BILL NO. 1566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1637, by Representatives Wood, Conway, Kenney, Hudgins, McCoy, Moeller, Linville, Santos, Upthegrove and Rockefeller

Promoting education on compulsive gambling.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, House Bill No. 1637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1637.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1637 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senator Mulliken - 1.

Excused: Senators Haugen, Keiser and McCaslin - 3.

HOUSE BILL NO. 1637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1240, by House Committee on Finance (originally sponsored by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Schindler)

Providing tax incentives for biodiesel and alcohol fuel production.

The bill was read the second time.

MOTION

Senator Fraser moved that the following amendment be adopted:
On page 9, line 26, after "percent" insert "". This subsection (1)(e) expires July 1, 2009".
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 9, line 26, to Second Substitute Senate Bill No. 1240.

The motion by Senator Fraser carried and the amendment was adopted.

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

On page 1, line 5 of the title, strike "an expiration date" and insert "expiration dates"

MOTION

On motion of Senator Rossi, the rules were suspended, Second Substitute House Bill No. 1240, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1240, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1240, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Franklin, Hargrove, Kastama and Poulsen - 4.

Excused: Senators Fairley, Haugen, Keiser and McCaslin - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1240, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Schmidt, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1624, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Hudgins, Pettigrew, Crouse, Morris, Nixon, Linville and Sullivan) (by request of Department of Social and Health Services)

Modifying provisions of the Washington telephone assistance program.

The bill was read the second time.

MOTION

On motion of Senator Esser, the following Committee on Technology and Communications striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 80.36.005 and 2002 c 104 s 1 are each amended to read as follows:

The definitions in this section apply throughout RCW 80.36.410 through 80.36.475, unless the context clearly requires otherwise.

- (1) "Community agency" means local community agencies that administer community service voice mail programs.
- (2) "Community service voice mail" means a computerized voice mail system that provides low-income recipients with: (a) An individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a private security code to retrieve messages.
- (3) "Department" means the department of social and health services.
- (4) "Service year" means the period between July 1st and June 30th.
- (5) "Community action agency" means local community action agencies or local community service agencies designated by the department of community, trade, and economic development under chapter 43.63A RCW.

Sec. 2. RCW 80.36.410 and 2002 c 104 s 2 are each amended to read as follows:

- (1) The legislature finds that universal telephone service is an important policy goal of the state. The legislature further finds that: ~~((4))~~ (a) Recent changes in the telecommunications industry, such as federal access charges, raise concerns about the ability of low-income persons to continue to afford access to local exchange telephone service; and ~~((2))~~ (b) many low-income persons making the transition to independence from receiving supportive services through community agencies do not qualify for economic assistance from the department.
- (2) Therefore, the legislature finds that: (a) It is in the public interest to take steps to mitigate the effects of these changes on low-income persons; and (b) advances in telecommunications technologies, such as community service voice mail provide new and economically efficient ways to secure many of the benefits of universal service to low-income persons who are not customers of local exchange telephone service.

Sec. 3. RCW 80.36.420 and 1990 c 170 s 2 are each amended to read as follows:

The Washington telephone assistance program shall be available to participants of ~~((department))~~ programs set forth in RCW 80.36.470. Assistance shall consist of the following components:

- (1) A discount on service connection fees of fifty percent or more as set forth in RCW 80.36.460.
 - (2) A waiver of deposit requirements on local exchange service, as set forth in RCW 80.36.460.
 - (3) A discounted flat rate service for local exchange service, which shall be subject to the following conditions:
- (a) The commission shall establish a single telephone assistance rate for all local exchange companies operating in the state of Washington. The telephone assistance rate shall include any federal end user ~~((access))~~ charges and any other charges necessary to obtain local exchange service.
- (b) The commission shall, in establishing the telephone assistance rate, consider all charges for local exchange service, including federal end user ~~((access))~~ charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.
- (c) The telephone assistance rate shall only be available to eligible customers subscribing to the lowest ~~((available))~~ priced local exchange flat rate service, where the lowest priced local exchange flat rate service, including any federal end user ~~((access))~~ charges and any other charges necessary to obtain local exchange service, is greater than the telephone assistance rate. ~~((Low-income senior citizens sixty years of age and older and other low-income persons~~

~~identified by the department as medically needy shall, where single party service is available, be provided with single party service as the lowest available local exchange flat rate service.-))~~

(d) The cost of providing the service shall be paid, to the maximum extent possible, by a waiver of all or part of ~~((the))~~ federal end user ~~((access))~~ charges and, to the extent necessary, from the telephone assistance fund created by RCW 80.36.430.

(4) A discount on a community service voice mailbox that provides recipients with (a) an individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a secure private security code to retrieve messages.

Sec. 4. RCW 80.36.430 and 1990 c 170 s 3 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) Local exchange companies shall bill the fund for their expenses incurred in offering the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

(3) The department shall enter into an agreement with the department of community, trade, and economic development for an amount not to exceed eight percent of the prior fiscal year's total revenue for the administrative and program expenses of providing community service voice mail services. The community service voice mail service may include toll-free lines in community action agencies through which recipients can access their community service voice mailboxes at no charge.

Sec. 5. RCW 80.36.440 and 1990 c 170 s 4 are each amended to read as follows:

(1) The commission and the department may adopt any rules necessary to implement RCW 80.36.410 through 80.36.470.

(2) Rules necessary for the implementation of community service voice mail services shall be made by the commission and the department in consultation with the department of community, trade, and economic development.

Sec. 6. RCW 80.36.450 and 1993 c 249 s 2 are each amended to read as follows:

The Washington telephone assistance program shall ~~((be limited))~~ limit reimbursement to one residential switched access line per eligible household, or one discounted community service voice mailbox per eligible person.

Sec. 7. RCW 80.36.460 and 1990 c 170 s 5 are each amended to read as follows:

Local exchange companies shall ~~((file tariffs with the commission which))~~ waive deposits on local exchange service for eligible subscribers and ~~((which establish))~~ provide a fifty percent discount on the company's customary charge for commencing telecommunications service ((connection fees)) for eligible subscribers. Part or all of the remaining fifty percent of service connection fees may be paid by funds from federal government or other programs for this purpose. The commission or other appropriate agency shall make timely application for any available federal funds. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from the telephone assistance fund. ((Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.))

Sec. 8. RCW 80.36.470 and 2002 c 104 s 3 are each amended to read as follows:

(1) Adult recipients of department-administered programs for the financially needy which provide continuing financial or medical assistance, food stamps, or supportive services to persons in their own homes are eligible for participation in the telephone assistance program. The department shall notify the participants of their eligibility.

(2) Participants in community service voice mail programs are eligible for participation in ~~((the telephone assistance program))~~ services available under RCW 80.36.420 (1), (2), and (3) after completing use of community service voice mail services. Eligibility shall be for a period including the remainder of the current service year and the following service year. Community agencies shall notify the department of participants eligible under this subsection.

Sec. 9. RCW 80.36.475 and 1990 c 170 s 7 are each amended to read as follows:

The department shall report to the ~~((energy and utilities))~~ appropriate committees of the house of representatives and the senate by December 1 of each year on the status of the Washington telephone assistance program. The report shall include the number of participants by qualifying social service programs receiving benefits from the telephone assistance program and the type of benefits participants receive. The report shall also include a description of the geographical distribution of participants, the program's annual revenue and expenditures, and any recommendations for legislative action.

NEW SECTION. **Sec. 10.** 1998 c 159 s 1, 1993 c 249 s 3, 1990 c 170 s 8, & 1987 c 229 s 12 (uncodified) are each repealed.

NEW SECTION. **Sec. 11.** 2002 c 104 s 4 (uncodified) is repealed.

NEW SECTION. **Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

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

On page 1, beginning on line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 80.36.005, 80.36.410, 80.36.420, 80.36.430, 80.36.440, 80.36.450, 80.36.460, 80.36.470, and 80.36.475; repealing 1998 c 159 s 1, 1993 c 249 s 3, 1990 c 170 s 8, and 1987 c 229 s 12 (uncodified); repealing 2002 c 104 s 4 (uncodified); providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1624, aa amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1624, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1624, as amended by the Senate, and the bill passed the Senate by the following vote Yeas, 42; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Honeyford and Mulliken - 2.

Excused: Senators Deccio, Fairley, Haugen, Keiser and McCaslin - 5.

SUBSTITUTE HOUSE BILL NO. 1624, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1241, by House Committee on Finance (originally sponsored by Representatives Sullivan, Crouse, Wood, Morris, Grant, Schoesler, Quall, Ruderman and Schindler)

Providing tax incentives for the distribution and retail sale of biodiesel and alcohol fuels.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Second Substitute House Bill No. 1241 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1241.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1241 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Franklin and Kastama - 2.

Excused: Senators Deccio, Haugen, Keiser and McCaslin - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1241, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1058, by House Committee on Children and Family Services (originally sponsored by Representatives Lovick, Cairnes, Rockefeller, Campbell, Moeller, Clibborn, Cooper, Flannigan, Simpson, Kagi, Pettigrew and Chase)

Addressing educational attainment for foster children.

The bill was read the second time.

MOTION

Senator Stevens moved that the following Committee on Children and Family Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the educational attainment of children in foster care is significantly lower than that of children not in foster care. The legislature finds that many factors influence educational outcomes for children in foster care, including the disruption of the educational process because of repeatedly changing schools.

The legislature recognizes the importance of educational stability for foster children, and encourages the ongoing efforts of the department of social and health services and the office of the superintendent of public instruction to improve educational attainment of children in foster care. It is the intent of the legislature that efforts continue such as the recruitment of foster homes in school districts with high rates of foster care placements, the development and dissemination of informational materials regarding the challenges faced by children in foster care, and the expansion to other school districts of best practices identified in pilot projects.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

It is the policy of the state of Washington that, whenever practical and in the best interest of the child, children placed into foster care shall remain enrolled in the schools they were attending at the time they entered foster care.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

The administrative regions of the department shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department shall establish an oversight committee composed of staff from the children's administration of the department, the office of the superintendent of public instruction, and advocacy agencies to develop strategies for maintaining foster children in the schools they were attending at the time they entered foster care.

(2) The duties of the oversight committee shall include, but are not limited to:

(a) Developing strategies for school-based recruitment of foster homes;

(b) Monitoring the progress of current pilot projects that assist foster children to continue attending the schools they were attending at the time they entered foster care;

(c) Overseeing the expansion of the number of pilot projects;

(d) Promoting the use of best practices, throughout the state, demonstrated by the pilot projects and other programs relating to maintaining foster children in the schools they were attending at the time they entered foster care; and

(e) Informing the legislature of the status of efforts to maintain foster children in the schools they were attending at the time they entered foster care.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

The department shall work with the administrative office of the courts to develop protocols to ensure that educational stability is addressed during the shelter care hearing.

NEW SECTION. Sec. 6. A new section is added to chapter 74.13 RCW to read as follows:

The department shall perform the tasks provided in sections 2 through 5 of this act based on available resources."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Children and Family Services and Corrections striking amendment to Substitute House Bill No. 1058.

The motion by Senator Stevens carried and the committee striking amendment was adopted.

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

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; and creating a new section."

MOTION

On motion of Senator Stevens, The rules were suspended, Substitute House Bill No. 1058, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1058, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1058, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Haugen, Keiser and McCaslin - 4.

SUBSTITUTE HOUSE BILL NO. 1058, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1346, by House Committee on Judiciary (originally sponsored by Representatives Lovick, Cairnes, Rockefeller, Campbell, Moeller, Clibborn, Cooper, Flannigan, Simpson, Kagi, Pettigrew and Chase)

Changing provisions relating to vacation of records of conviction for pre-sentencing reform act felony offenses.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1346 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1346.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1346 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Haugen, Keiser and McCaslin - 4.

SUBSTITUTE HOUSE BILL NO. 1346, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1081, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Hunter, Benson, Schual-Berke, Newhouse, Cooper, Roach and Simpson)

Providing funds to investigate and prosecute mortgage lending fraud.

The bill was read the second time.

MOTION

On motion of Senator Benton, the following Committee on Financial Services, Insurance and Housing striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 36.22 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a surcharge of one dollar shall be charged by the county auditor at the time of recording of each deed of trust, which will be in addition to any other charge authorized by law. The auditor may retain up to five percent of the funds collected to administer collection. The remaining funds shall be transmitted monthly to the state treasurer who will deposit the funds into the mortgage lending fraud prosecution account created in section 2 of this act. The department of financial institutions is responsible for the distribution of the funds in the account and shall, in consultation with the attorney general and local prosecutors, develop rules for the use of these funds to pursue criminal prosecution of fraudulent activities within the mortgage lending process.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(3) This section expires June 30, 2006.

NEW SECTION. Sec. 2. A new section is added to chapter 43.320 RCW to read as follows:

(1) The mortgage lending fraud prosecution account is created in the custody of the state treasurer. All receipts from the surcharge imposed in section 1 of this act, except those retained by the county auditor for administration, must be deposited into the account. Except as otherwise provided in this section, expenditures from the account may be used only for criminal prosecution of fraudulent activities related to mortgage lending fraud crimes. Only the director of the department of financial institutions or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires June 30, 2006.

NEW SECTION. Sec. 3. (1) Before December 31st of every year, the department of financial institutions shall provide the senate and house of representatives committees that address matters related to financial institutions with a written report outlining the activity of the mortgage lending fraud prosecution account.

(2) This section expires June 30, 2006."

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

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "adding a new section to chapter 36.22 RCW; adding a new section to chapter 43.320 RCW; creating a new section; and providing expiration dates."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1081, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1081, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1081, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Deccio, Haugen, Keiser and McCaslin - 4.

SUBSTITUTE HOUSE BILL NO. 1081, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 9, 2003

MR PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5142,
SUBSTITUTE SENATE BILL NO. 5240,
SUBSTITUTE SENATE BILL NO. 5505,
SUBSTITUTE SENATE BILL NO. 5719,

SUBSTITUTE SENATE BILL NO. 5761,
SENATE BILL NO. 5937,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5938,
SUBSTITUTE SENATE BILL NO. 5966,
SENATE BILL NO. 5989,
SENATE JOINT MEMORIAL NO. 8008, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 5142,
SUBSTITUTE SENATE BILL NO. 5240,
SUBSTITUTE SENATE BILL NO. 5505,
SUBSTITUTE SENATE BILL NO. 5719,
SUBSTITUTE SENATE BILL NO. 5761,
SENATE BILL NO. 5937,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5938,
SUBSTITUTE SENATE BILL NO. 5966,
SENATE BILL NO. 5989,
SENATE JOINT MEMORIAL NO. 8008.

MOTION

At 8:56 p.m., on motion of Senator Sheahan, The Senate adjourned until 8:30 a.m., Thursday, April 10, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-SEVENTH DAY, APRIL 9, 2003

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

EIGHTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 10, 2003

The Senate was called to order at 8:30 a.m. by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Hargrove, Horn, Poulsen and Zarelli. On motion of Senator Doumit, Senators Hargrove and Poulsen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Shannon Bogart and Jessica Horky, presented the Colors. Reverend Dr. Anna Joy Grace, pastor of the Unity Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 8, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 2215,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228,
HOUSE BILL NO. 2229, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6072 by Senators Horn and Haugen

AN ACT Relating to funding pollution abatement and response; adding new sections to chapter 70.94 RCW; adding a new section to chapter 90.56 RCW; and providing an expiration date.
Referred to Committee on Highways and Transportation.

SB 6073 by Senators Hargrove, Rossi and Doumit

AN ACT Relating to authorizing the increase of shellfish license fees to fund shellfish biotoxin testing and monitoring; adding a new section to chapter 77.32 RCW; and creating new sections.
Referred to Committee on Ways and Means.

SB 6074 by Senators Horn, Haugen, Swecker and Prentice

AN ACT Relating to technical changes to passenger-only ferry service statutes; amending RCW 47.64.090; adding a new section to chapter 41.56 RCW; providing a contingent effective date; and declaring an emergency.
Referred to Committee on Highways and Transportation.

SB 6075 by Senators Horn and Swecker

AN ACT Relating to requiring the use of a stratified random sampling survey methodology for determination of prevailing wages; amending RCW 39.12.015; and providing an expiration date.
Referred to Committee on Highways and Transportation.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2215 by House Committee on Transportation (originally sponsored by Representatives Murray and Simpson)

Allowing car dealers to charge documentary service fees.

Referred to Committee on Highways and Transportation.

ESHB 2228 by House Committee on Transportation (originally sponsored by Representatives Murray, Wallace, Cooper, Clibborn, Simpson, Rockefeller, Hudgins and Hankins)

Extending commute trip reduction incentives.

Referred to Committee on Highways and Transportation.

HB 2229 by Representatives Murray, Cooper, Wallace, Clibborn, Simpson, Hudgins and Hankins

Revising sales and use tax equalization payments.

Referred to Committee on Highways and Transportation.

MOTION

On motion of Senator Sheahan, House Bill No. 2229 was referred to the Committee on Highways and Transportation.

MOTION

On motion of Senator Hale, the following resolution was adopted:

SENATE RESOLUTION 8657

By Senators Hale, Deccio, Fraser, Haugen, Honeyford, Johnson, Kohl-Welles, McAuliffe, Mulliken, Reardon, Roach, Shin and Swecker

WHEREAS, Babies are miracles with endless promise and hope; and
WHEREAS, Each child brings new hope for a happier, more peaceful world; and
WHEREAS, Jordan Lee Sides, born March 28, 2003, is the new granddaughter of Senator Hale; and
WHEREAS, Kristina Ruth Akselsen, born February 10, 2003, is the new great granddaughter of Senator Deccio;
and
WHEREAS, Mia Moyes, born August 23, 2002, is the new granddaughter of Senator Fraser; and
WHEREAS, Sven Richard Haugen, born March 10, 2002, Edith Lunde, born March 26, 2002, and Robert Anthony Badley, born October 10, 2002, are the most recent additions to Senator Haugen's family; and
WHEREAS, Joshua Dwight Hammingh, born January 26, 2003, is the new grandson of Senator Honeyford; and
WHEREAS, Spencer Johnson Smith, born May 7, 2002, and Jack Thomas Johnson, born July 5, 2002, are the most recent additions to Senator Johnson's family; and
WHEREAS, Finley Kohl Cooper, born June 26, 2002, is the new grandson of Senator Kohl-Welles; and
WHEREAS, Georgia Suzanne McAuliffe, born September 6, 2002, is the new granddaughter of Senator McAuliffe;
and
WHEREAS, Mikyla Mulliken, born October 15, 2002, is the new granddaughter of Senator Mulliken; and
WHEREAS, Madeline Alaine Reardon was born to Senator Reardon on June 17, 2002; and
WHEREAS, Andrew Allen Roach, born August 15, 2002, is the new grandson of Senator Roach; and
WHEREAS, Benjamin J. Passey, born December 11, 2002, is the new grandson of Senator Shin; and
WHEREAS, Braden Alexander Matthews, born January 21, 2003, is the new grandson of Senator Swecker;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby welcome the 2003 Session Babies born to the members of the Senate or to the children of members of the Senate; and
BE IT FURTHER RESOLVED, That the Washington State Senate wish all the blessings of life for Jordan, Kristina, Mia, Sven, Edith, Robert, Joshua, Spencer, Jack, Finley, Georgia, Mikyla, Madeline, Andrew, Benjamin, and Braden; and
BE IT FURTHER RESOLVED, That Senators Hale, Deccio, Fraser, Haugen, Honeyford, Johnson, Kohl-Welles, McAuliffe, Mulliken, Reardon, Roach, Shin, and Swecker each be given an official copy of this resolution to be placed in the baby book of his or her 2003 Session Baby.

Senators Hale, Swecker, Roach, Deccio, Haugen, Johnson, Fraser, Kohl-Welles, Mulliken, Shin, Reardon, McAuliffe, McCaslin and Honeyford spoke to Senate Resolution 8657.

MOTION

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

SECOND READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Brown, Gubernatorial Appointment No. 9151, Sharon Fairchild, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF SHARON FAIRCHILD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 45.

Absent: Senators Horn and Zarelli - 2.

Excused: Senators Hargrove and Poulsen - 2.

PERSONAL PRIVILEGE

Senator McCaslin: "Mr. President, a point of personal privilege. I know you would all be on pins and needles until eleven o'clock tomorrow, but we have a current announcement. Senator Haugen and I have come to the conclusion that we are now tied, eight and eight. We will have joint presidents."

MOTION

On motion of Senator Hewitt, Senator Horn was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1550, by House Committee on State Government (originally sponsored by Representatives Linville, Armstrong, Haigh, Buck, Schual-Berke, McDermott and Conway)

Revising the duties of and renaming the office of permit assistance.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No. 1550 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1550.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1550 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Finkbeiner - 1.

Excused: Senators Hargrove and Horn - 2.

SUBSTITUTE HOUSE BILL NO. 1550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

POINT OF INQUIRY

Senator Deccio: "Senator McCaslin, when we talked about our children and great grandchildren, I only indicated that we had six great grandchildren. In your calculation, did you include my twenty grandchildren?"

Senator McCaslin: "No, I didn't know you had twenty grandchildren. No wonder you are so tired."

Senator Deccio: "Well, you know now. Can you recalculate, please?"

Senator McCaslin: "Absolutely, but don't forget, two of mine are worth forty of yours."

Senator Deccio: "They are different, because they have horns. Please recalculate."

Senator McCaslin: "Keep Senator Horn out of this."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1738, by House Committee on Commerce and Labor (originally sponsored by Representatives Haigh and Armstrong (by request of Office of Financial Management)

Providing for recoupment of state employee salary and wage overpayments.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1738 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1738.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1738 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Hargrove and Horn - 2.

SUBSTITUTE HOUSE BILL NO. 1738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1854, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Crouse, Sullivan, Delvin, Blake, Bush and Grant)

Allowing cities and public utility districts to purchase energy, including the capability to produce energy, from the agency.

The bill was read the second time.

MOTION

Senator Morton moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.52 RCW to read as follows:

A city or district may contract to purchase from an operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the city or district must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the operating agency or a city or district under the contract or other instrument.

NEW SECTION. Sec. 2. A new section is added to chapter 54.16 RCW to read as follows:

A district may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the district must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or district under the contract or other instrument.

NEW SECTION. Sec. 3. A new section is added to chapter 35.92 RCW to read as follows:

A city or town may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the city or town must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument.

NEW SECTION. Sec. 4. A new section is added to chapter 35.22 RCW to read as follows:

A city of the first class may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the city must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument.

NEW SECTION. Sec. 5. A new section is added to chapter 35.23 RCW to read as follows:

A city of the second class may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the city must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument.

NEW SECTION. Sec. 6. A new section is added to chapter 35.27 RCW to read as follows:

A town may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the town must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument.

NEW SECTION. Sec. 7. A new section is added to chapter 35A.80 RCW to read as follows:

A code city may contract to purchase from a joint operating agency electric power and energy required for its present or future requirements. For projects the output of which is limited to qualified alternative energy resources as defined by RCW 19.29A.090(3), the contract may include the purchase of capability of the projects to produce electricity in addition to the actual output of the projects. The contract may provide that the code city must make the payments required by the contract whether or not a project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the power and energy contracted for. The contract may also provide that payments under the contract are not subject to reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance of the joint operating agency or a city, town, or public utility district under the contract or other instrument."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment to Substitute House Bill No. 1854.

The motion by Senator Morton carried and the committee striking amendment was adopted.

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

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "adding a new section to chapter 43.52 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.27 RCW; and adding a new section to chapter 35A.80 RCW."

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1854, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1854, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1854, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Hargrove - 1.

SUBSTITUTE HOUSE BILL NO. 1854, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Schoesler, Chandler and Linville)

Revising provisions relating to storm water rates and charges.

The bill was read the second time.

MOTION

Senator Fraser moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.67.020 and 1997 c 447 s 8 are each amended to read as follows:

(1) Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits(~~(--with)~~). Every city and town has full jurisdiction and authority to manage, regulate, and control them and, except as provided in subsection (3) of this section, to fix, alter, regulate, and control the rates and charges for their use.

(2) Subject to subsection (3) of this section, the rates charged under this section must be uniform for the same class of customers or service and facilities furnished. In classifying customers served or service and facilities furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors:

((1)) (a) The difference in cost of service and facilities to the various customers;

((2)) (b) The location of the various customers within and without the city or town;

((3)) (c) The difference in cost of maintenance, operation, repair, and replacement of the various parts of the system;

((4)) (d) The different character of the service and facilities furnished various customers;

((5)) (e) The quantity and quality of the sewage delivered and the time of its delivery;

((6)) (f) The achievement of water conservation goals and the discouragement of wasteful water use practices;

((7)) (g) Capital contributions made to the system, including but not limited to, assessments;

((8)) (h) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and

((9)) (i) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

Sec. 2. RCW 35.92.020 and 1997 c 447 s 9 are each amended to read as follows:

(1) A city or town may construct, condemn and purchase, acquire, add to, alter, maintain, and operate systems, plants, sites, or other facilities of sewerage as defined in RCW 35.67.010, or solid waste handling as defined by RCW 70.95.030(~~(--and)~~). A city or town shall have full authority to manage, regulate, operate, control, and, except as provided in subsection (3) of this section, to fix the price of service and facilities of those systems, plants, sites, or other facilities within and without the limits of the city or town.

(2) Subject to subsection (3) of this section, the rates charged shall be uniform for the same class of customers or service and facilities. In classifying customers served or service and facilities furnished by a system or systems of sewerage, the legislative authority of the city or town may in its discretion consider any or all of the following factors:

((1)) (a) The difference in cost of service and facilities to customers;

((2)) (b) The location of customers within and without the city or town;

((3)) (c) The difference in cost of maintenance, operation, repair, and replacement of the parts of the system;

((4)) (d) The different character of the service and facilities furnished to customers;

((5)) (e) The quantity and quality of the sewage delivered and the time of its delivery;

((6)) (f) Capital contributions made to the systems, plants, sites, or other facilities, including but not limited to, assessments;

((7)) (g) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and

((8)) (h) Any other factors that present a reasonable difference as a ground for distinction.

(3) The rate a city or town may charge under this section for storm or surface water sewer systems or combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

(5) A city or town may provide assistance to aid low-income persons in connection with services provided under this chapter.

(6) Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer.

(7) Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

(8) A city or town shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using city or town employees unless the on-site system is connected by a publicly owned collection system to the city or town's sewerage system, and the on-site system represents the first step in the sewage disposal process. Nothing in this section shall affect the authority of state or local health officers to carry out their responsibilities under any other applicable law.

Sec. 3. RCW 36.89.080 and 1998 c 74 s 1 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, any county legislative authority may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits or to be served or to receive benefits from any

storm water control facility or contributing to an increase of surface water runoff. In fixing rates and charges, the county legislative authority may in its discretion consider:

- ~~((1))~~ (a) Services furnished or to be furnished;
- ~~((2))~~ (b) Benefits received or to be received;
- ~~((3))~~ (c) The character and use of land or its water runoff characteristics;
- ~~((4))~~ (d) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user;
- ~~((5))~~ (e) Income level of persons served or provided benefits under this chapter, including senior citizens and disabled persons;

or

- ~~((6))~~ (f) Any other matters which present a reasonable difference as a ground for distinction.

(2) The rate a county may charge under this section for storm water control facilities shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(3) Rates and charges authorized under this section may not be imposed on lands taxed as forest land under chapter 84.33 RCW or as timber land under chapter 84.34 RCW.

(4) The service charges and rates collected shall be deposited in a special fund or funds in the county treasury to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating storm water control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing and improving any of such facilities, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

Sec. 4. RCW 36.94.140 and 1997 c 447 s 12 are each amended to read as follows:

(1) Every county, in the operation of a system of sewerage and/or water, shall have full jurisdiction and authority to manage, regulate, and control it ~~(and)~~. Except as provided in subsection (3) of this section, every county shall have full jurisdiction and authority to fix, alter, regulate, and control the rates and charges for the service and facilities to those to whom such service and facilities are available, and to levy charges for connection to the system.

(2) The rates for availability of service and facilities, and connection charges so charged must be uniform for the same class of customers or service and facility. In classifying customers served, service furnished or made available by such system of sewerage and/or water, or the connection charges, the county legislative authority may consider any or all of the following factors:

- ~~((1))~~ (a) The difference in cost of service to the various customers within or without the area;
- ~~((2))~~ (b) The difference in cost of maintenance, operation, repair and replacement of the various parts of the systems;
- ~~((3))~~ (c) The different character of the service and facilities furnished various customers;
- ~~((4))~~ (d) The quantity and quality of the sewage and/or water delivered and the time of its delivery;
- ~~((5))~~ (e) Capital contributions made to the system or systems, including, but not limited to, assessments;
- ~~((6))~~ (f) The cost of acquiring the system or portions of the system in making system improvements necessary for the public health and safety;

- ~~((7))~~ (g) The nonprofit public benefit status, as defined in RCW 24.03.490, of the land user; and

- ~~((8))~~ (h) Any other matters which present a reasonable difference as a ground for distinction.

(3) The rate a county may charge under this section for storm or surface water sewer systems or combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(4) A county may provide assistance to aid low-income persons in connection with services provided under this chapter.

(5) The service charges and rates shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for the efficient and proper operation of the system.

Sec. 5. RCW 57.08.005 and 1999 c 153 s 2 are each amended to read as follows:

A district shall have the following powers:

(1) To acquire by purchase or condemnation, or both, all lands, property and property rights, and all water and water rights, both within and without the district, necessary for its purposes. The right of eminent domain shall be exercised in the same manner and by the same procedure as provided for cities and towns, insofar as consistent with this title, except that all assessment or reassessment rolls to be prepared and filed by eminent domain commissioners or commissioners appointed by the court shall be prepared and filed by the district, and the duties devolving upon the city treasurer are imposed upon the county treasurer;

(2) To lease real or personal property necessary for its purposes for a term of years for which that leased property may reasonably be needed;

(3) To construct, condemn and purchase, add to, maintain, and supply waterworks to furnish the district and inhabitants thereof and any other persons, both within and without the district, with an ample supply of water for all uses and purposes public and private with full authority to regulate and control the use, content, distribution, and price thereof in such a manner as is not in conflict with general law and may construct, acquire, or own buildings and other necessary district facilities. Where a customer connected to the district's system uses the water on an intermittent or transient basis, a district may charge for providing water service to such a customer, regardless of the amount of water, if any, used by the customer. District waterworks may include facilities which result in combined water supply and electric generation, if the electricity generated thereby is a byproduct of the water supply system. That electricity may be used by the district or sold to any entity authorized by law to use or distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of water supply. For such purposes, a district may take, condemn and purchase, acquire, and retain water from any public or navigable lake, river or watercourse, or any underflowing water, and by means of aqueducts or pipeline conduct the same throughout the district and any city or town therein and carry it along and upon public highways, roads, and streets, within and without such district. For the purpose of constructing or laying aqueducts or pipelines, dams, or waterworks or other necessary structures in storing and retaining water or for any other lawful purpose such district may occupy the beds and shores up to the high water mark of any such lake, river, or other watercourse, and may acquire by purchase or condemnation such property or property rights or privileges as may be necessary to protect its water supply from pollution. For the purposes of waterworks which include facilities for the generation of electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owner;

(4) To purchase and take water from any municipal corporation, private person, or entity. A district contiguous to Canada may contract with a Canadian corporation for the purchase of water and for the construction, purchase, maintenance, and supply of waterworks to furnish the district and inhabitants thereof and residents of Canada with an ample supply of water under the terms approved by the board of commissioners;

(5) To construct, condemn and purchase, add to, maintain, and operate systems of sewers for the purpose of furnishing the district, the inhabitants thereof, and persons outside the district with an adequate system of sewers for all uses and purposes, public and private, including but not limited to on-site sewage disposal facilities, approved septic tanks or approved septic tank systems, on-site sanitary sewerage systems, inspection services and maintenance services for private and public on-site systems, point and nonpoint water

pollution monitoring programs that are directly related to the sewerage facilities and programs operated by a district, other facilities, programs, and systems for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from wastewater with full authority to regulate the use and operation thereof and the service rates to be charged. Under this chapter, after July 1, 1998, any requirements for pumping the septic tank of an on-site sewage system should be based, among other things, on actual measurement of accumulation of sludge and scum by a trained inspector, trained owner's agent, or trained owner. Training must occur in a program approved by the state board of health or by a local health officer. Sewage facilities may include facilities which result in combined sewage disposal or treatment and electric generation, except that the electricity generated thereby is a byproduct of the system of sewers. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of sewage disposal or treatment. For such purposes a district may conduct sewage throughout the district and throughout other political subdivisions within the district, and construct and lay sewer pipe along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such sewer pipe. A district may erect sewage treatment plants within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from its sewers or its sewage treatment plant. For the purposes of sewage facilities which include facilities that result in combined sewage disposal or treatment and electric generation where the electric generation is a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(6)(a) To construct, condemn and purchase, add to, maintain, and operate systems of drainage for the benefit and use of the district, the inhabitants thereof, and persons outside the district with an adequate system of drainage, including but not limited to facilities and systems for the collection, interception, treatment, and disposal of storm or surface waters, and for the protection, preservation, and rehabilitation of surface and underground waters, and drainage facilities for public highways, streets, and roads, with full authority to regulate the use and operation thereof and, except as provided in (b) of this subsection, the service rates to be charged.

(b) The rate a district may charge under this section for storm or surface water sewer systems or combined sanitary sewage and storm or surface water sewer systems shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested.

(c) Drainage facilities may include natural systems. Drainage facilities may include facilities which result in combined drainage facilities and electric generation, except that the electricity generated thereby is a byproduct of the drainage system. Such electricity may be used by the district or sold to any entity authorized by law to distribute electricity. Electricity is deemed a byproduct when the electrical generation is subordinate to the primary purpose of drainage collection, disposal, and treatment. For such purposes, a district may conduct storm or surface water throughout the district and throughout other political subdivisions within the district, construct and lay drainage pipe and culverts along and upon public highways, roads, and streets, within and without the district, and condemn and purchase or acquire land and rights of way necessary for such drainage systems. A district may provide or erect facilities and improvements for the treatment and disposal of storm or surface water within or without the district, and may acquire, by purchase or condemnation, properties or privileges necessary to be had to protect any lakes, rivers, or watercourses and also other areas of land from pollution from storm or surface waters. For the purposes of drainage facilities which include facilities that also generate electricity as a byproduct, nothing in this section may be construed to authorize a district to condemn electric generating, transmission, or distribution rights or facilities of entities authorized by law to distribute electricity, or to acquire such rights or facilities without the consent of the owners;

(7) To construct, condemn, acquire, and own buildings and other necessary district facilities;

(8) To compel all property owners within the district located within an area served by the district's system of sewers to connect their private drain and sewer systems with the district's system under such penalty as the commissioners shall prescribe by resolution. The district may for such purpose enter upon private property and connect the private drains or sewers with the district system and the cost thereof shall be charged against the property owner and shall be a lien upon property served;

(9) Where a district contains within its borders, abuts, or is located adjacent to any lake, stream, ground water as defined by RCW 90.44.035, or other waterway within the state of Washington, to provide for the reduction, minimization, or elimination of pollutants from those waters in accordance with the district's comprehensive plan, and to issue general obligation bonds, revenue bonds, local improvement district bonds, or utility local improvement bonds for the purpose of paying all or any part of the cost of reducing, minimizing, or eliminating the pollutants from these waters;

(10) Subject to subsection (6) of this section, to fix rates and charges for water, sewer, and drain service supplied and to charge property owners seeking to connect to the district's systems, as a condition to granting the right to so connect, in addition to the cost of the connection, such reasonable connection charge as the board of commissioners shall determine to be proper in order that those property owners shall bear their equitable share of the cost of the system. For the purposes of calculating a connection charge, the board of commissioners shall determine the pro rata share of the cost of existing facilities and facilities planned for construction within the next ten years and contained in an adopted comprehensive plan and other costs borne by the district which are directly attributable to the improvements required by property owners seeking to connect to the system. The cost of existing facilities shall not include those portions of the system which have been donated or which have been paid for by grants. The connection charge may include interest charges applied from the date of construction of the system until the connection, or for a period not to exceed ten years, whichever is shorter, at a rate commensurate with the rate of interest applicable to the district at the time of construction or major rehabilitation of the system, or at the time of installation of the lines to which the property owner is seeking to connect. A district may permit payment of the cost of connection and the reasonable connection charge to be paid with interest in installments over a period not exceeding fifteen years. The county treasurer may charge and collect a fee of three dollars for each year for the treasurer's services. Those fees shall be a charge to be included as part of each annual installment, and shall be credited to the county current expense fund by the county treasurer. Revenues from connection charges excluding permit fees are to be considered payments in aid of construction as defined by department of revenue rule. Rates or charges for on-site inspection and maintenance services may not be imposed under this chapter on the development, construction, or reconstruction of property.

Before adopting on-site inspection and maintenance utility services, or incorporating residences into an on-site inspection and maintenance or sewer utility under this chapter, notification must be provided, prior to the applicable public hearing, to all residences within the proposed service area that have on-site systems permitted by the local health officer. The notice must clearly state that the residence is within the proposed service area and must provide information on estimated rates or charges that may be imposed for the service.

A water-sewer district shall not provide on-site sewage system inspection, pumping services, or other maintenance or repair services under this section using water-sewer district employees unless the on-site system is connected by a publicly owned collection system to the water-sewer district's sewerage system, and the on-site system represents the first step in the sewage disposal process.

Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for sewer, water, storm water control, drainage, and street lighting facilities to the same extent private persons and private property are subject to those rates and charges that are imposed by districts. In setting those rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(11) To contract with individuals, associations and corporations, the state of Washington, and the United States;

(12) To employ such persons as are needed to carry out the district's purposes and fix salaries and any bond requirements for those employees;

(13) To contract for the provision of engineering, legal, and other professional services as in the board of commissioner's discretion is necessary in carrying out their duties;

(14) To sue and be sued;

(15) To loan and borrow funds and to issue bonds and instruments evidencing indebtedness under chapter 57.20 RCW and other applicable laws;

(16) To transfer funds, real or personal property, property interests, or services subject to RCW 57.08.015;

(17) To levy taxes in accordance with this chapter and chapters 57.04 and 57.20 RCW;

(18) To provide for making local improvements and to levy and collect special assessments on property benefitted thereby, and for paying for the same or any portion thereof in accordance with chapter 57.16 RCW;

(19) To establish street lighting systems under RCW 57.08.060;

(20) To exercise such other powers as are granted to water-sewer districts by this title or other applicable laws; and

(21) To exercise any of the powers granted to cities and counties with respect to the acquisition, construction, maintenance, operation of, and fixing rates and charges for waterworks and systems of sewerage and drainage.

Sec. 6. RCW 57.08.081 and 1999 c 153 s 11 are each amended to read as follows:

(1) Subject to RCW 57.08.005(6), the commissioners of any district shall provide for revenues by fixing rates and charges for furnishing sewer and drainage service and facilities to those to whom service is available or for providing water, such rates and charges to be fixed as deemed necessary by the commissioners, so that uniform charges will be made for the same class of customer or service and facility. Rates and charges may be combined for the furnishing of more than one type of sewer or drainage service and facilities.

(2) In classifying customers of such water, sewer, or drainage system, the board of commissioners may in its discretion consider any or all of the following factors: The difference in cost to various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the service and facility furnished; the time of its use; the achievement of water conservation goals and the discouragement of wasteful practices; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Rates shall be established as deemed proper by the commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements, and all other charges necessary for efficient and proper operation of the system. Prior to furnishing services, a district may require a deposit to guarantee payment for services. However, failure to require a deposit does not affect the validity of any lien authorized by this section.

(3) The commissioners shall enforce collection of connection charges, and rates and charges for water supplied against property owners connecting with the system or receiving such water, and for sewer and drainage services charged against property to which and its owners to whom the service is available, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either connection charges or rates and charges for services supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the auditor of the county in which the real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than the prime lending rate of the district's bank plus four percentage points per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

(4) The district may, at any time after the connection charges or rates and charges for services supplied or available and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the real property is located. The court may allow, in addition to the costs and disbursements provided by statute, attorneys' fees, title search and report costs, and expenses as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual or against all of those who are delinquent in one action. The laws and rules of the court shall control as in other civil actions.

(5) In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water or sewer service supplied or available are delinquent for a period of thirty days.

(6) A district may determine how to apply partial payments on past due accounts.

(7) A district may provide a real property owner or the owner's designee with duplicate bills for service to tenants, or may notify an owner or the owner's designee that a tenant's service account is delinquent. However, if an owner or the owner's designee notifies the district in writing that a property served by the district is a rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the district shall notify the owner or the owner's designee of a tenant's delinquency at the same time and in the same manner the district notifies the tenant of the tenant's delinquency or by mail. When a district provides a real property owner or the owner's designee with duplicates of tenant utility service bills or notice that a tenant's utility account is delinquent, the district shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee. After January 1, 1999, if a district fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information required by this subsection (7), the district shall have no lien against the premises for the tenant's delinquent and unpaid charges.

Sec. 7. RCW 84.33.210 and 2001 c 249 s 6 are each amended to read as follows:

(1) Any land that is designated as forest land under this chapter at the earlier of the times the legislative authority of a local government adopts a resolution, ordinance, or legislative act (a) to create a local improvement district, in which the land is included or would have been included but for the designation, or (b) to approve or confirm a final special benefit assessment roll relating to a sanitary or storm sewerage system, domestic water supply or distribution system, or road construction or improvement, which roll would have included the land but for the designation, shall be exempt from special benefit assessments ((Ø)), charges in lieu of assessment, or rates and charges for storm water control facilities under RCW 36.89.080 for such purposes as long as that land remains designated as forest land, except as otherwise provided in RCW 84.33.250.

(2) Whenever a local government creates a local improvement district, the levying, collection, and enforcement of assessments shall be in the manner and subject to the same procedures and limitations as are provided under the law concerning the initiation and formation of local improvement districts for the particular local government. Notice of the creation of a local improvement district that includes designated forest land shall be filed with the assessor and the legislative authority of the county in which the land is located. The assessor, upon receiving notice of the creation of a local improvement district, shall send a notice to the owners of the designated forest lands listed on the tax rolls of the applicable treasurer of:

(a) The creation of the local improvement district;

(b) The exemption of that land from special benefit assessments;

(c) The fact that the designated forest land may become subject to the special benefit assessments if the owner waives the exemption by filing a notarized document with the governing body of the local government creating the local improvement district before the confirmation of the final special benefit assessment roll; and

(d) The potential liability, pursuant to RCW 84.33.220, if the exemption is not waived and the land is subsequently removed from designated forest land status.

(3) When a local government approves and confirms a special benefit assessment roll, from which designated forest land has been exempted under this section, it shall file a notice of this action with the assessor and the legislative authority of the county in which the land is located and with the treasurer of that local government. The notice shall describe the action taken, the type of improvement involved, the land exempted, and the amount of the special benefit assessment that would have been levied against the land if it had not been

exempted. The filing of the notice with the assessor and the treasurer of that local government shall constitute constructive notice to a purchaser or encumbrancer of the affected land, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded, that the exempt land is subject to the charges provided in RCW 84.33.220 and 84.33.230, if the land is removed from its designation as forest land.

(4) The owner of the land exempted from special benefit assessments under this section may waive that exemption by filing a notarized document to that effect with the legislative authority of the local government upon receiving notice from said local government concerning the assessment roll hearing and before the local government confirms the final special benefit assessment roll. A copy of that waiver shall be filed by the local government with the assessor, but the failure to file this copy shall not affect the waiver.

(5) Except to the extent provided in RCW 84.33.250, the local government shall have no duty to furnish service from the improvement financed by the special benefit assessment to the exempted land.

Sec. 8. RCW 86.15.160 and 1986 c 278 s 60 are each amended to read as follows:

For the purposes of this chapter the supervisors may authorize:

(1) An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of the zone or participating zones under RCW 84.52.052 and 84.52.054;

(2) An assessment upon property, including state property, specially benefited by flood control improvements or storm water control improvements imposed under chapter 86.09 RCW;

(3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when the levy will not take dollar rates that other taxing districts may lawfully claim and that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies;

(4) A charge, under RCW 36.89.080, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities and who are contributing to an increase in surface water runoff. The rate or charge imposed under this section shall be reduced by a minimum of ten percent for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building. The jurisdiction shall consider rate reductions in excess of ten percent dependent upon the amount of rainwater harvested;

(5) Except as otherwise provided in RCW 90.03.525, any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges, and in setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

~~((5))~~ (6) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special assessments on all property, including any state-owned or other publicly-owned property, specially benefited from improvements in the same manner as provided for counties by chapter 36.94 RCW."

MOTION

Senator Fraser moved that the following amendments by Senators Fraser and Morton to the Committee on Natural Resources, Energy and Water striking amendment be considered simultaneously and be adopted:

On page 2, line 8, after "systems or" insert "the portion of the rate allocable to the storm or surface water sewer system of"

On page 4, line 4, after "systems or" insert "the portion of the rate allocable to the storm or surface water sewer system of"

On page 7, line 2, after "systems or" insert "the portion of the rate allocable to the storm or surface water sewer system of"

On page 10, line 17, after "systems or" insert "the portion of the rate allocable to the storm or surface water sewer system of"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendments by Senators Fraser and Morton on page 2, line 8; page 4, line 4; page 7, line 2 and page 10, line 17, to the committee striking amendment to Engrossed Substitute House Bill No. 2088.

The motion by Senator Fraser carried and the amendments to the committee striking amendment were adopted.

The President Pro Tempore declared the question before the body to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment, as amended, to Engrossed Substitute House Bill No. 2088.

The committee striking amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "charges;" strike the remainder of the title and insert "and amending RCW 35.67.020, 35.92.020, 36.89.080, 36.94.140, 57.08.005, 57.08.081, 84.33.210, and 86.15.160."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 2088, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2088, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2088, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Spanel, Stevens, Swecker, West and Zarelli - 36.

Voting nay: Senators Franklin, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Sheldon, B., Shin, Thibaudeau and Winsley - 13.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

President Owen assumed the Chair

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business.

EDITOR'S NOTE: Engrossed House Bill No. 2030 was referred to the Committee on Rules on April 9, 2003.

THIRD READING

ENGROSSED HOUSE BILL NO. 2030, by Representatives Kessler, Cairnes, Talcott, McDonald, Schindler, Shabro, Pearson and Holmquist (by request of Governor Locke)

Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity and fairness.

The bill was read the third time.

POINT OF ORDER

Senator Hargrove: "A point of order, I would like to ask you to rule on the scope and object of the House amendment to Engrossed House Bill No. 2030. I would like to refer you to Rule 66, when ruling on the scope and object of the amendment. It is a constitutional provision and it does not limit the ruling to be Senate amendments. If I could speak on the House amendment. The House amendment to this bill added a study to the bill. Neither the title nor the original bill referred to a study, but simply the change in the B & O tax system that was in place. So, that I believe, makes the substance of the House amendment beyond the scope and object of the bill."

REMARKS BY SENATOR SHEAHAN

Senator Sheahan: "Arguing against the point of order by Senator Hargrove. If you look at Rule 66, if I may, Mr. President, the last sentence says, 'A point of order raising the question of scope and object may be raised at any time during consideration of an amendment prior to voting on the amendment.' I would suggest that since this is a House amendment the question of scope and object is not timely."

RULING BY THE PRESIDENT

President Owen: "Senator Hargrove, the President doesn't believe that the constitutional issue is an issue for him to consider and that has been made clear in previous rulings and tradition and history. The Constitution is not something that the President feels that is appropriate for him to rule on. With that said, once a bill is engrossed by the House, that defines the scope and object of the bill for the consideration and how the Senate will consider the bill for the purposes of scope and object. Therefore, your point is not well taken."

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2030.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2030 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 32.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel, Thibaudeau and Winsley - 17.

ENGROSSED HOUSE BILL NO. 2030, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed House Bill No. 2030, was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

SENATE BILL NO. 6051, by Senate Committee on Ways and Means (originally sponsored by Senators Kohl-Welles, Winsley, Fairley, Poulsen and Kline)

Decreasing the payment period for excise taxes.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 6051 was substituted for Senate Bill No. 6051 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 6051 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6051.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6051 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Carlson, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau, Winsley and Zarelli - 39.

Voting nay: Senators Benton, Brown, Doumit, Esser, Kastama, Poulsen, Stevens, Swecker and West - 9.

Excused: Senator Prentice - 1.

SUBSTITUTE SENATE BILL NO. 6051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1526, by Representatives Linville, Armstrong, Haigh, Morris, Cooper, Mastin, Gombosky, Delvin, Grant, Schoesler, Sullivan, Chandler and Schual-Berke

Revising provisions relating to cost-reimbursement agreements between state agencies and permit applicants.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, House Bill No. 1526 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1526.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1526 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1526, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2067, by Representatives Schoesler and Cox

Permitting withdrawals of public ground waters.

The bill was read the second time.

MOTION

Senator Morton moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.44.050 and 1987 c 109 s 108 are each amended to read as follows:

After June 6, 1945, no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in section 2 of this act, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of ground waters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

NEW SECTION. Sec. 2. A new section is added to chapter 90.44 RCW to read as follows:

(1) On a pilot project basis, the use of water for domestic use in clustered residential developments is exempt as described in subsection (2) of this section from the permit requirements of RCW 90.44.050 in Whitman county. The department must review the use of water under this section and its impact on water resources in the county and report to the legislature by December 31st of each even-numbered year through 2016 regarding its review.

(2) For the pilot project, the domestic use of water for a clustered residential development is exempt from the permit requirements of RCW 90.44.050 for an amount of water that is not more than one thousand two hundred gallons a day per residence for a residential development that has an overall density equal to or less than one residence per ten acres and a minimum of six homes.

(3) No new right to use water may be established for a clustered development under this section where the first residential use of water for the development begins after December 31, 2015."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment to Engrossed House Bill No. 2067.

The motion by Senator Morton carried and the committee striking amendment was adopted.

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

On page 1, line 2 of the title, after "developments;" strike the remainder of the title and insert "amending RCW 90.44.050; and adding a new section to chapter 90.44 RCW."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed House Bill No. 2067, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2067, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2067, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Honeyford and Poulsen - 2.

ENGROSSED HOUSE BILL NO. 2067, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2146, by Representatives Tom, Sullivan and Eickmeyer

Providing tax incentives for wood biomass fuel production, distribution, and sale.

The bill was read the second time.

MOTION

Senator Morton moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means a county with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department effective for the period July 1st through June 30th, or a county that has a population of less than two hundred twenty-five thousand as determined by the office of financial management and has an area greater than two hundred twenty-five square miles.

(4)(a) "Eligible investment project" means an investment project in an eligible area.

(b) The lessor or owner of a qualified building is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments.

(c) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects which have already received deferrals under this chapter.

(5) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(12) "Wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic.

NEW SECTION. Sec. 2. (1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department.

(2) The department shall rule on the application within sixty days. The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

NEW SECTION. Sec.3. (1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project that is located in an eligible area as defined in section 1 of this act, if the investment project is undertaken for the purpose of manufacturing wood biomass fuel.

(2) This section expires July 1, 2009.

NEW SECTION. Sec. 4. (1) For the purposes of this section:

(a) "Eligible area" means a designated community empowerment zone approved under RCW 43.31C.020 or a county containing a community empowerment zone.

(b) "Eligible investment project" means an investment project undertaken for the purpose of manufacturing wood biomass fuel that is located in an eligible area.

(c) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire year.

(2) In addition to the provisions of section 3 of this act, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment on which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

NEW SECTION. Sec. 5. (1) Each recipient of a deferral granted under this chapter after June 30, 2003, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient

fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project are immediately due. For any taxes that are due, penalties and interest applicable to delinquent excise taxes shall be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(3) Deferred taxes need not be repaid if the department determines, in accordance with the provisions of subsection (1) of this section, that the recipient has met the requirements of this chapter for the seven calendar years following the certification by the department that the investment project has been operationally completed.

NEW SECTION. Sec. 6. The employment security department shall make, and certify to the department of revenue, all determinations of employment and wages as requested by the department under this chapter.

NEW SECTION. Sec. 7. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 8. Applications, reports, and any other information received by the department under this chapter shall not be confidential and shall be subject to disclosure.

NEW SECTION. Sec. 9. A new section is added to chapter 84.36 RCW to read as follows:

(1) For the purposes of this section, "wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic.

(2)(a) All buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of wood biomass fuel, the land upon which this property is located, and land that is reasonably necessary in the manufacturing of wood biomass fuel, but not land necessary for growing of crops, which together comprise a new manufacturing facility or an addition to an existing manufacturing facility, are exempt from property taxation for the six assessment years following the date on which the facility or the addition to the existing facility becomes operational.

(b) For manufacturing facilities which produce products in addition to wood biomass fuel, the amount of the property tax exemption shall be based upon the annual percentage of the total value of all products manufactured that is the value of the wood biomass fuel manufactured.

(3) Claims for exemptions authorized by this section shall be filed with the county assessor on forms prescribed by the department of revenue and furnished by the assessor. Once filed, the exemption is valid for six years and shall not be renewed. The assessor shall verify and approve claims as the assessor determines to be justified and in accordance with this section. No claims may be filed after December 31, 2009.

The department of revenue may promulgate such rules, pursuant to chapter 34.05 RCW, as necessary to properly administer this section.

Sec. 10. RCW 82.29A.135 and 1985 c 371 s 3 are each amended to read as follows:

(1) For the purposes of this section ~~((;))~~:

(a) "Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas, which is used alone or in combination with gasoline or other petroleum products for use as a fuel for motor vehicles, farm implements, and machines or implements of husbandry.

(b) "Wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic.

(2)(a) All leasehold interests in buildings, machinery, equipment, and other personal property which is used primarily for the manufacturing of alcohol fuel, wood biomass fuel, the land upon which ~~((such))~~ this property is located, and land that is reasonably necessary in the manufacturing of alcohol fuel, wood biomass fuel, but not land necessary for growing of crops, which together comprise a new ~~((alcohol))~~ manufacturing facility or an addition to an existing ~~((alcohol))~~ manufacturing facility, are exempt from leasehold taxes for a period of six years from the date on which the facility or the addition to the existing facility becomes operational.

(b) For ~~((alcohol))~~ manufacturing facilities which produce ~~((alcohol for use as))~~ products in addition to alcohol fuel ~~((and alcohol used for other purposes))~~, wood biomass fuel, the amount of the leasehold tax exemption shall be based upon ~~((an annually determined percentage of the total gallons of alcohol produced that is sold and used as alcohol fuel))~~ the annual percentage of the total value of all products manufactured that is the value of the alcohol fuel or wood biomass fuel manufactured.

(3) Claims for exemptions authorized by this section shall be filed with the department of revenue on forms prescribed by the department of revenue and furnished by the department of revenue. Once filed, the exemption is valid for six years and shall not be renewed. The department of revenue shall verify and approve ~~((such))~~ claims as the department of revenue determines to be justified and in accordance with this section. No claims may be filed after December 31, ~~((1992))~~ 2009.

The department of revenue may promulgate such rules, pursuant to chapter 34.05 RCW, as are necessary to properly administer this section.

Sec. 11. RCW 82.04.260 and 2001 2nd sp.s. c 25 s 2 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

(c) By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; ~~((and))~~

(d) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record; and

(e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

NEW SECTION. Sec. 12. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax amounts received from the retail sale, or for the distribution, of wood biomass fuel.

(2) For the purposes of this act, the following definitions apply:

(a) "Wood biomass fuel" means a pyrolytic liquid fuel or synthesis gas-derived liquid fuel, used in internal combustion engines, and produced from wood, forest, or field residue, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic.

(b) "Distribution" means any of the actions specified in RCW 82.36.020(2).

(3) This section expires July 1, 2009.

NEW SECTION. Sec. 13. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment, or to services rendered in respect to constructing structures, installing, constructing, repairing, cleaning, decorating, altering, or improving of structures or machinery and equipment, or to sales of tangible personal property that becomes an ingredient or component of structures or machinery and equipment, if the machinery, equipment, or structure is used directly for the retail sale of a wood biomass fuel blend. Structures and machinery and equipment that are used for the retail sale of a wood biomass fuel blend and for other purposes are exempt only on the portion used directly for the retail sale of a wood biomass fuel blend.

(2) The tax levied by RCW 82.08.020 does not apply to sales of fuel delivery vehicles or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles including repair parts and replacement parts if at least seventy-five percent of the fuel distributed by the vehicles is a wood biomass fuel blend.

(3) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(4) For the purposes of this section, the definitions in section 1 of this act and this subsection apply.

(a) "Wood biomass fuel blend" means fuel that contains at least twenty percent wood biomass fuel by volume.

(b) "Machinery and equipment" means industrial fixtures, devices, and support facilities and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts that are integral and necessary for the delivery of a wood biomass fuel blend into the fuel tank of a motor vehicle.

(5) This section expires July 1, 2009.

NEW SECTION. Sec. 14. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of machinery and equipment, or to services rendered in respect to installing, repairing, cleaning, altering, or improving of eligible machinery and equipment, or tangible personal property that becomes an ingredient or component of machinery and equipment used directly for the retail sale of a wood biomass fuel blend.

(2) The provisions of this chapter do not apply in respect to the use of fuel delivery vehicles including repair parts and replacement parts and to services rendered in respect to installing, repairing, cleaning, altering, or improving the vehicles if at least seventy-five percent of the fuel distributed by the vehicles is a wood biomass fuel blend.

(3) For the purposes of this section, the definitions in section 13 of this act apply.

(4) This section expires July 1, 2009.

NEW SECTION. Sec. 15. Section 9 of this act applies to taxes levied for collection in 2004 and thereafter.

NEW SECTION. Sec. 16. (1) Sections 9 through 15 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

(2) Sections 1 through 8 of this act take effect July 1, 2004.

NEW SECTION. Sec. 17. Sections 1 through 8 of this act are null and void if the legislature passes and the governor signs any bill into law before July 1, 2004, that extends the expiration date in RCW 82.60.050.

NEW SECTION. Sec. 18. Sections 1 through 8 of this act constitute a new chapter in Title 82 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment to Engrossed House Bill No. 2146.

The motion by Senator Morton carried and the committee striking amendment was adopted.

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

On page 1, line 2 of the title, after "sale;" strike the remainder of the title and insert "amending RCW 82.29A.135 and 82.04.260; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed House Bill No. 2146, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2146, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2146, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Franklin and Kastama - 2.

ENGROSSED HOUSE BILL NO. 2146, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218, by House Committee on State Government (originally sponsored by Representatives Lovick, Mielke, O'Brien, Ahern, Kagi, Wallace, Darneille, Miloscia, Pearson, Delvin, Romero, Moeller, Dickerson, Rockefeller, Haigh, Kirby, Pettigrew, Chase, Veloria, Quall, McDermott, Dunshee, McCoy and Hunt)

Creating a building mapping information system.

The bill was read the second time.

MOTION

Senator McCaslin moved that the following Committee on Judiciary striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the extreme dangers present when the safety of our citizens requires first responders such as police and fire fighters to evacuate and secure a building. In an effort to prepare for responding to unintended disasters, criminal acts, and acts of terrorism, the legislature intends to create a statewide first responder building mapping information system that will provide all first responders with the information they need to be successful when disaster strikes. The first responder building mapping system in this act is to be developed for a limited and specific purpose and is in no way to be construed as imposing standards or system requirements on any other mapping systems developed and used for any other local government purposes.

NEW SECTION. Sec. 2. A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington Association of Sheriffs and Police Chiefs shall create and operate a statewide first responder building mapping information system.

(2) All state agencies and local governments must utilize building mapping software that complies with the building mapping software standards established under section 3 of this act for any building mapped for this purpose after the statewide first responder building mapping information system is operational. If, prior to creation of the statewide building mapping information system, a local

government has utilized building mapping software standards established under section 3 of this act, the local government may continue to use its own building mapping system unless the Washington association of sheriffs and police chiefs provides funding to bring the local government's system in compliance with the standards established under section 3 of this act.

(3) All state and local government-owned buildings that are occupied by state or local government employees must be mapped when funding is provided by the Washington association of sheriffs and police chiefs, or from other sources. Nothing in this act requires any state agency or local government to map a building unless the entire cost of mapping the building is provided by the Washington association of sheriffs and police chiefs, or from other sources.

(4) Once the statewide first responder building mapping information system is operational, all state and local government buildings that are mapped must forward their building mapping information data to the Washington association of sheriffs and police chiefs. All participating privately, federally, and tribally owned buildings may voluntarily forward their mapping and emergency information data to the Washington association of sheriffs and police chiefs. The Washington association of sheriffs and police chiefs may refuse any building mapping information that does not comply with the specifications described in section 3 of this act.

(5) Consistent with the guidelines developed under section 3 of this act, the Washington association of sheriffs and police chiefs shall electronically make the building mapping information available to all state, local, federal, and tribal law enforcement agencies, the military department of Washington state, and fire departments.

(6) Consistent with the guidelines developed under section 3 of this act, the Washington association of sheriffs and police chiefs shall develop building mapping software standards that must be used to participate in the statewide first responder building mapping information system.

(7) The Washington association of sheriffs and police chiefs shall pursue federal funds to:

(a) Create the statewide first responder building mapping information system; and

(b) Develop grants for the mapping of all state and local government buildings in the order determined under section 3 of this

act.

(8) All tactical and intelligence information provided to the Washington association of sheriffs and police chiefs under this act is exempt from public disclosure as provided in RCW 42.17.310(1)(d).

NEW SECTION. Sec. 3. A new section is added to chapter 36.28A RCW to read as follows:

(1) The Washington association of sheriffs and police chiefs in consultation with the Washington state emergency management office, the Washington association of county officials, the Washington association of cities, the information services board, the Washington state fire chiefs' association, and the Washington state patrol shall convene a committee to establish guidelines related to the statewide first responder building mapping information system. The committee shall have the following responsibilities:

(a) Develop the type of information to be included in the statewide first responder building mapping information system. The information shall include, but is not limited to: Floor plans, fire protection information, evacuation plans, utility information, known hazards, and text and digital images showing emergency personnel contact information;

(b) Develop building mapping software standards that must be utilized by all entities participating in the statewide first responder building mapping information system;

(c) Determine the order in which buildings shall be mapped when funding is received;

(d) Develop guidelines on how the information shall be made available. These guidelines shall include detailed procedures and security systems to ensure that the information is only made available to the government entity that either owns the building or is responding to an incident at the building;

(e) Recommend training guidelines regarding using the statewide first responder building mapping information system to the criminal justice training commission and the Washington state patrol fire protection bureau.

(2)(a) Nothing in this section supersedes the authority of the information services board under chapter 43.105 RCW.

(b) Nothing in this section supersedes the authority of state agencies and local governments to control and maintain access to information within their independent systems.

NEW SECTION. Sec. 4. A new section is added to chapter 36.28A RCW to read as follows:

Units of local government and their employees, as provided in RCW 36.28A.010, are immune from civil liability for damages arising out of the creation and use of the statewide first responder building mapping information system, unless it is shown that an employee acted with gross negligence or bad faith."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment to Engrossed Substitute House Bill No. 1218.

The motion by Senator McCaslin carried and the committee striking amendment was adopted.

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

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "adding new sections to chapter 36.28A RCW; and creating a new section."

MOTION

On motion of Senator McCaslin, the rules were suspended, Engrossed Substitute House Bill No. 1218, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1218, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1218, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1205, by Representatives Conway, Delvin, Simpson, Alexander, Cooper and Chase (by request of Joint Committee on Pension Policy)

Addressing the department of fish and wildlife law enforcement officers' membership in the law enforcement officers' and fire fighters' retirement system plan 2 for periods of future service.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 1205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1205.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1205 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6002, by Senators Stevens and Hargrove

Changing provisions relating to collection of financial obligations.

MOTION

On motion of Senator Stevens, Substitute Senate Bill No. 6002 was substituted for Senate Bill No. 6002 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Sheahan, further consideration of Substitute Senate Bill No. 6002 was deferred.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 8, 2003

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 5090,
SENATE BILL NO. 5096,
SENATE BILL NO. 5100,
SENATE BILL NO. 5122,
SENATE BILL NO. 5123,
SUBSTITUTE SENATE BILL NO. 5165,
SENATE BILL NO. 5167,
SENATE BILL NO. 5172,
SENATE BILL NO. 5224,
SENATE BILL NO. 5244,
SUBSTITUTE SENATE BILL NO. 5251,
SUBSTITUTE SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5290,

**SUBSTITUTE SENATE BILL NO. 5321,
SUBSTITUTE SENATE BILL NO. 5550,
ENGROSSED SENATE BILL NO. 5560,
SENATE BILL NO. 5570,
SENATE BILL NO. 5574,
SENATE BILL NO. 5758,
SENATE BILL NO. 5994, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

**SENATE BILL NO. 5090,
SENATE BILL NO. 5096,
SENATE BILL NO. 5100,
SENATE BILL NO. 5122,
SENATE BILL NO. 5123,
SUBSTITUTE SENATE BILL NO. 5165,
SENATE BILL NO. 5167,
SENATE BILL NO. 5172,
SENATE BILL NO. 5224,
SENATE BILL NO. 5244,
SUBSTITUTE SENATE BILL NO. 5251,
SUBSTITUTE SENATE BILL NO. 5265,
SUBSTITUTE SENATE BILL NO. 5290,
SUBSTITUTE SENATE BILL NO. 5321,
SUBSTITUTE SENATE BILL NO. 5550,
ENGROSSED SENATE BILL NO. 5560,
SENATE BILL NO. 5570,
SENATE BILL NO. 5574,
SENATE BILL NO. 5758,
SENATE BILL NO. 5994.**

MOTION

On motion of Senator Sheahan, Senate Rule 46 was suspended for the remainder of the day.

EDITOR'S NOTE: Rule 46 states 'No committee shall sit during the daily session of the senate unless by special leave.'

MOTION

At 11:03 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 3:10 p.m. by President Owen.

MOTION

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

MOTION

On motion of Senator Eide, Senator Jacobsen was excused.

SECOND READING

HOUSE BILL NO. 1352, by Representatives Murray, Ericksen and Romero (by request of Utilities and Transportation Commission)

Apportioning railroad crossing installation and maintenance costs.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 1352 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1352.

ROLL CALL

The Secretary called the roll on the final passage of House Bill NO. 1352 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Jacobsen - 1.

HOUSE BILL NO. 1352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 6002, deferred earlier today after the bill was substituted.

MOTION

Senator Stevens moved that the following striking amendment by Senators Stevens and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to revise and improve the processes for billing and collecting legal financial obligations. The purpose of this act is to respond to suggestions and requests made by county government officials, and in particular county clerks, to assume the collection of such obligations in cooperation and coordination with the department of corrections and the administrative office for the courts. The legislature undertakes this effort following a collaboration between local officials, the department of corrections, and the administrative office for the courts. The intent of this act is to promote an increased and more efficient collection of legal financial obligations and, as a result, improve the likelihood that the affected agencies will increase the collections which will provide additional benefits to all parties and, in particular, crime victims whose restitution is dependent upon the collections.

Sec. 2. RCW 9.94A.760 and 2001 c 10 s 3 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department ((of corrections shall)) may only supervise the offender's compliance with payment of the legal financial obligations ((for ten years following the entry of the judgment and sentence, or ten years following the offender's release from total confinement, whichever period ends later)) during any period in which the department is authorized to supervise the offender in the community under RCW

9.94A.728 and section 3, chapter . . . (Senate Bill No. 5990), Laws of 2003, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department ((is)) and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

(11)(a) Until January 1, 2004, the department shall mail individualized monthly billings to the address known by the department for each offender with an unsatisfied legal financial obligation.

(b) Beginning January 1, 2004, the administrative office of the courts shall mail individualized monthly billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(c) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(d) The county clerk shall provide the ((department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department)) administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(e) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(12) The department ((may)) shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk((, or)). The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility for collection pursuant to subsection (4) of this section. The costs for collection services shall be paid by the offender.

(13) Nothing in this chapter makes the department, the state, the counties, or any ((of its)) state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, community placement, or community supervision, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 3. RCW 9.94A.750 and 2000 c 28 s 32 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten

years for payment of restitution. ~~((If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period.))~~ The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, section 3, chapter . . . (Senate Bill No. 5990), Laws of 2003, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

Sec. 4. RCW 9.94A.753 and 2000 c 226 s 3 and 2000 c 28 s 33 are each reenacted and amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (7) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department ~~((for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction))~~ only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, section 3, chapter . . . (Senate Bill No. 5990), Laws of 2003, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

NEW SECTION. Sec. 5. A new section is added to chapter 9.94A RCW to read as follows:

If an offender with an unsatisfied legal financial obligation is not subject to supervision by the department for a term of community placement, community custody, or community supervision, or has not completed payment of all legal financial obligations included in the sentence at the expiration of his or her term of community placement, community custody, or community supervision, the department shall notify the administrative office of the courts of the termination of the offender's supervision and provide information to the administrative office of the courts to enable the county clerk to monitor payment of the remaining obligations. The county clerk is authorized to monitor payment after such notification. The secretary of corrections and the administrator for the courts shall enter into an interagency agreement to facilitate the electronic transfer of information about offenders, unpaid obligations, and payees to carry out the purposes of this section.

Sec. 6. RCW 9.94A.780 and 1991 c 104 s 1 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires supervision services to be provided, the offender shall pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the terms of supervision and which shall be considered as payment or part payment of the cost of providing supervision to the offender. The department may exempt or defer a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the department.

(d) The offender's age prevents him or her from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the department.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the dedicated fund established pursuant to RCW 72.11.040.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

(5) If a county clerk assumes responsibility for collection of unpaid legal financial obligations under RCW 9.94A.760, or under any agreement with the department under that section, whether before or after the completion of any period of community placement, community custody, or community supervision, the clerk may impose a monthly or annual assessment for the cost of collections. The amount of the assessment shall not exceed the actual cost of collections. The county clerk may exempt or defer payment of all or part of the assessment based upon any of the factors listed in subsection (1) of this section. The offender shall pay the assessment under this subsection to the county clerk who shall apply it to the cost of collecting legal financial obligations under RCW 9.94A.760.

Sec. 7. RCW 9.94A.637 and 2002 c 16 s 2 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) The court shall send a copy of every signed certificate of discharge to the auditor for the county in which the court resides and to the department. The department shall create and maintain a data base containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

NEW SECTION. Sec. 8. A new section is added to chapter 36.23 RCW to read as follows:

The Washington association of county officials, in consultation with county clerks, shall determine a funding formula for allocation of moneys to counties for purposes of collecting legal financial obligations, and report this formula to the legislature and the administrative office of the courts by September 1, 2003. The Washington association of county officials shall report on the amounts of legal financial obligations collected by the county clerks to the appropriate committees of the legislature no later than December 1, 2004, and annually thereafter.

NEW SECTION. Sec. 9. A new section is added to chapter 2.56 RCW to read as follows:

By October 1, 2003, and annually thereafter, the administrative office of the courts shall distribute such funds to counties for county clerk collection budgets as are appropriated by the legislature for this purpose, using the funding formula recommended by the Washington association of county officials. The administrative office of the courts shall not deduct any amount for indirect or direct costs, and shall distribute the entire amount appropriated by the legislature to the counties for county clerk collection budgets. The administrative office of the courts shall report on the amounts distributed to counties to the appropriate committees of the legislature no later than December 1, 2003, and annually thereafter.

The administrative office of the courts may expend for the purposes of billing for legal financial obligations, such funds as are appropriated for the legislature for this purpose.

Sec. 10. RCW 4.56.100 and 1997 c 358 s 4 are each amended to read as follows:

(1) When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his or her attorney of record in such action or his or her assignee acknowledged as deeds are acknowledged. The clerk has the authority to note the satisfaction of judgments for criminal and juvenile legal financial obligations when the clerk's record indicates payment in full or as directed by the court. Every satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such satisfaction by him or her may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

(2) The department of social and health services shall file a satisfaction of judgment for welfare fraud conviction if a person does not pay money through the clerk as required under subsection (1) of this section.

~~((3) The department of corrections shall file a satisfaction of judgment if a person does not pay money through the clerk's office as required under subsection (1) of this section.))~~

NEW SECTION. Sec. 11. A new section is added to chapter 9.94A RCW to read as follows:

The provisions of this act apply to all offenders currently, or in the future, subject to sentences with unsatisfied legal financial obligations. The provisions of this act do not change the amount of any legal financial obligation or the maximum term for which any offender is, or may be, under the jurisdiction of the court for collection of legal financial obligations.

Sec. 12. RCW 72.09.111 and 2002 c 126 s 2 are each amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages ~~((and))~~ gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, ~~((taxes and legal financial obligations))~~ or otherwise receiving such wages, gratuities, or benefits. The secretary shall develop a formula for the distribution of offender wages ~~((and))~~ gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

- (i) Five percent to the public safety and education account for the purpose of crime victims' compensation;
- (ii) Ten percent to a department personal inmate savings account;
- (iii) Twenty percent to the department to contribute to the cost of incarceration; and
- (iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

- (i) Five percent to the public safety and education account for the purpose of crime victims' compensation;
- (ii) Ten percent to a department personal inmate savings account;
- (iii) Fifteen percent to the department to contribute to the cost of incarceration; and
- (iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

- (i) Five percent to the public safety and education account for the purpose of crime victims' compensation;
- (ii) Ten percent to a department personal inmate savings account;
- (iii) Twenty percent to the department to contribute to the cost of incarceration; and
- (iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration.

~~((d))~~ (e) The formula shall include the following minimum deductions from class III gratuities: Five percent for the purpose of crime victims' compensation.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii) ~~((or)), (b)(ii) ((of this subsection)), or (c)(ii).~~

(3) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4) In the event that the offender worker's wages ~~((or)), gratuity, or workers' compensation benefit~~ is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

~~((2))~~ (5) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

~~((3))~~ (6) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

~~((4))~~ (7) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

~~((5))~~ (8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

NEW SECTION. Sec. 13. A new section is added to chapter 51.32 RCW to read as follows:

If the department of labor and industries has received notice that an injured worker entitled to benefits payable under this chapter is in the custody of the department of corrections pursuant to a conviction and sentence, the department shall send all such benefits to the worker in care of the department of corrections, except those benefits payable to a beneficiary as provided in RCW 51.32.040 (3)(c) and (4). Failure of the department to send such benefits to the department of corrections shall not result in liability to any party for either department.

Sec. 14. RCW 51.32.040 and 1999 c 185 s 1 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720 ~~((and)), 72.09.111, 74.20A.260, and section 13 of this act,~~ no money paid or payable under this title shall, before the issuance and delivery of the check or warrant, be assigned, charged, or taken in execution, attached, garnished, or pass or be paid to any other person by operation of law, any form of voluntary assignment, or power of attorney. Any such assignment or charge is void unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045.

(2)(a) If any worker suffers (i) a permanent partial injury and dies from some other cause than the accident which produced the injury before he or she receives payment of the award for the permanent partial injury or (ii) any other injury before he or she receives payment of any monthly installment covering any period of time before his or her death, the amount of the permanent partial disability award or the monthly payment, or both, shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the award or the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) If any worker suffers an injury and dies from it before he or she receives payment of any monthly installment covering time loss for any period of time before his or her death, the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(c) Any application for compensation under this subsection (2) shall be filed with the department or self-insuring employer within one year of the date of death. The department or self-insurer may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3)(a) Any worker or beneficiary receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the worker or beneficiary would, except for the provisions of this subsection (3), otherwise be entitled to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she is entitled to payments under this title, subject to the requirements of chapter 72.65 RCW, unless his or her participation in the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence.

(c) If the confined worker has any beneficiaries during the confinement period during which benefits are canceled under (a) or (b) of this subsection, they shall be paid directly the monthly benefits which would have been paid to the worker for himself or herself and the worker's beneficiaries had the worker not been confined.

(4) Any lump sum benefits to which a worker would otherwise be entitled but for the provisions of this section shall be paid on a monthly basis to his or her beneficiaries.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. (1) Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003.

(2) Sections 1 through 7 and 9 through 15 of this act take effect October 1, 2003."

MOTION

On motion of Senator Stevens, the following amendment by Senators Stevens and Hargrove to the striking amendment was adopted:

On page 17, after line 11 of the amendment, insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 9.94A RCW to read as follows:

Notwithstanding any other provision of state law, monthly payment or starting dates set by the court or the department before or after the effective date of this section shall not be construed as a limitation on the due date or amount of legal financial obligations, which may be immediately collected by civil means. Monthly payments and commencement dates are to be construed to be applicable solely as a limitation upon the deprivation of an offender's liberty for nonpayment."

Renumber the remaining sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove, as amended, to Substitute Senate Bill No. 6002.

The motion by Senator Stevens carried and the striking amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 9.94A.760, 9.94A.750, 9.94A.780, 9.94A.637, 4.56.100, 72.09.111, and 51.32.040; reenacting and amending RCW 9.94A.753; adding new sections to chapter 9.94A RCW; adding a new section to chapter 36.23 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 51.32 RCW; creating a new section; providing effective dates; and declaring an emergency."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute Senate Bill No. 6002 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6002.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6002 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Jacobsen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1420, by Representatives Quall, Schoesler, Eickmeyer, Sump, Grant, Kristiansen, Hunt, Blake, McDermott, Hatfield, Sehlin, Bailey and Linville

Allowing special districts to provide drainage ditches and tide gates.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1420 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1420.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1420 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Jacobsen - 1.

HOUSE BILL NO. 1420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5364, by Senators Zarelli, T. Sheldon, Regala, B. Sheldon, Winsley, McAuliffe, Hale and Rasmussen; by request of Governor Locke

Promoting economic development and community revitalization.

MOTIONS

On motion of Senator Zarelli, Second Substitute Senate Bill No. 5364 was substituted for Senate Bill No. 5364 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Second Substitute Senate Bill No. 5364 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5364.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5364 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Esser and Kline - 2.

SECOND SUBSTITUTE SENATE BILL NO. 5364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1707, by House Committee on Local Government (originally sponsored by Representatives Jarrett, Simpson, Shabro, Sullivan, Moeller, Berkey, Schindler, Linville and Anderson)

Revising environmental review provisions to improve the development approval process and enhance economic development.

The bill was read the second time.

MOTION

Senator Hargrove moved that the following amendment by Senators Hargrove, Doumit, and Morton be adopted:

On page 2, after line 14, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 43.21C RCW to read as follows:

Any decision or action of the department of natural resources and the board of natural resources concerning state trust lands are exempt from all of the procedural requirements for the preparation of an environmental impact statement or the making of a threshold determination required by this chapter for class I, II, and III forest practices as defined by rules adopted by the forest practices board under RCW 76.09.050. Such forest practices include timber sales by the department of natural resources and the board of natural resources. State trust lands include federally granted trust lands, forest board transfer lands, forest board purchase lands, and the community college reserve trust lands.

NEW SECTION. Sec. 3. A new section is added to chapter 79.68 RCW to read as follows:

State trust lands are subject to the provisions of section 1 of this act."

Renumber the remaining sections consecutively and correct internal references accordingly.

POINT OF ORDER

Senator Fraser: "A point of order, Mr. President. I believe the amendment exceeds the scope and object of the bill. The underlying bill exempts from SEPA urban infill within urban growth areas. The amendment exempts timber sales from state trust lands, so I think, they are clearly very different and urge you to so rule."

Senator Hargrove: "Thank you, Mr. President. Both have--the underlying bill and the amendment--relate to exemptions from the SEPA process. It is just simply a different type of exemption, so I think that is just changing the definition."

MOTION

On motion of Senator Sheahan, further consideration of the amendment by Senators Hargrove, Doumit and Morton on page 2, after line 14, to Substitute House Bill No. 1707 was deferred.

MOTION

On motion of Senator Hewitt, Senator Benton was excused.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken and Kline be adopted:
On page 2, line 30, strike "voluntary measures by the proponent" and insert "mitigation measures included by changing, clarifying, or conditioning of the proposed action"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken and Kline on page 2, line 30, to Substitute House Bill No. 1707.

The motion by Senator Mulliken carried and the amendment was adopted.

MOTION

On motion of Senator Sheahan, further consideration of Substitute House Bill No. 1707 was deferred.

SECOND READING

HOUSE BILL NO. 1292, by Representatives Rockefeller, Delvin, Grant, Moeller, Hankins, Hinkle, Mastin, Eickmeyer, Orcutt, Wallace, Fromhold, Haigh, Holmquist, McMahan and Woods

Authorizing additional superior court judicial positions.

The bill was read the second time.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1292.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1292 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Haugen - 1.

Excused: Senator Benton - 1.

HOUSE BILL NO. 1292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1707 and the pending amendment by Senators Hargrove, Doumit and Morton on page 2, after line 14, deferred earlier today.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point order raised by Senator Fraser as to the scope and object of the amendment by Senators Hargrove, Doumit and Morton to Substitute House Bill No. 1707, the President finds and rules as follows:

"Substitute House Bill No. 1707 is a measure which exempts development of urban infill areas from the SEPA process. The amendment would exempt forest practices, including timber sales, from the SEPA process. While they both deal with exemptions from the SEPA process, the amendment exceeds the scope and object of the underlying bill, which has nothing to do with timber practices. "Senator Fraser's point is well taken."

The President declared the amendment by Senators Hargrove, Doumit and Morton on page 2, after line 4, to Substitute House Bill No. 1707 to be out of order.

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute House Bill No. 1707, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1707, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1707, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McCauliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Fairley, Fraser and Thibaudeau - 3.

Absent: Senators Finkbeiner and Kline - 2.

SUBSTITUTE HOUSE BILL NO. 1707, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4014, by Representatives Woods, Miloscia, Priest, Hankins, Shabro, Rockefeller, Sehlin, Lovick, Bailey, Holmquist, Ericksen, Tom, Schindler, Clements, Morris, Anderson, Sullivan, Dickerson, Wood, Murray, Ruderman, Kirby, Kenney, Haigh, Kagi, Schual-Berke, Linville, Moeller, Chase, Romero, Simpson, Quall, Conway, Santos, Upthegrove, Darneille, Voloria, Pearson, Alexander, Skinner and Talcott

Naming the "Maryann Mitchell Memorial Interchange."

The joint memorial was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, House Joint Memorial No. 4014 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4014.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4014 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCauliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE JOINT MEMORIAL NO. 4014, having received the constitutional majority, was declared passed.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2027, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Kirby, Delvin, Morris, DeBolt and Sullivan)

Regulating the sale of cigarettes.

The bill was read the second time.

MOTION

On motion of Senator Esser, the following Committee on Technology and Communications striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.155.010 and 1993 c 507 s 2 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to RCW 70.155.020 through 70.155.130. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.

(2) "Delivery sale" means any sale of cigarettes to a consumer in the state where either: (a) The purchaser submits an order for a sale by means of a telephonic or other method of voice transmission, mail delivery, any other delivery service, or the internet or other online service; or (b) the cigarettes are delivered by use of mail delivery or any other delivery service. A sale of cigarettes shall be a delivery sale regardless of whether the seller is located within or without the state. A sale of cigarettes not for personal consumption to a person who is a wholesaler licensed pursuant to chapter 82.24 RCW or a retailer pursuant to chapter 82.24 RCW is not a delivery sale.

(3) "Delivery service" means any private carrier engaged in the commercial delivery of letters, packages, or other containers that requires the recipient of that letter, package, or container to sign to accept delivery.

(4) "Minor" refers to an individual who is less than eighteen years old.

((3)) (5) "Public place" means a public street, sidewalk, or park, or any area open to the public in a publicly owned and operated building.

((4)) (6) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

((5)) (7) "Sampler" means a person engaged in the business of sampling other than a retailer.

((6)) (8) "Sampling" means the distribution of samples to members of the general public in a public place.

((7)) (9) "Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.

(10) "Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.

(11) "Tobacco product" means a product that contains tobacco and is intended for human consumption.

NEW SECTION. Sec. 2. A new section is added to chapter 70.155 RCW to read as follows:

(1) It is unlawful for a person who mails, ships, or otherwise delivers cigarettes to fail to:

(a) Verify the age of the receiver of the cigarettes upon delivery; and

(b) Obtain in writing, before the first delivery sale of cigarettes, verification of the receiver's address and that the receiver of the cigarettes is not a minor. The statement must also confirm that the purchaser understands: (i) That signing another person's name to the certification is a violation of RCW 9A.60.040(1)(a); (ii) that the sale of cigarettes to a minor is a violation of RCW 26.28.080; (iii) that the purchase of cigarettes by minors is a violation of RCW 70.155.080; and (iv) that he or she has the option to receive mailings from a tobacco company about tobacco products.

(2) It is unlawful for a person to mail, ship, or otherwise deliver cigarettes in connection with a delivery sale unless before the first delivery sale to the consumer that person:

(a) Either verifies the information contained in the certification provided by the prospective consumer in subsection (1) of this section against a commercially available data base, or obtains a photocopy of an officially issued identification containing the bearer's age, signature, and photograph. The only forms of identification that are acceptable as proof of age for the purchase for tobacco products are:

(i) A liquor control authority card of identification issued by a state of the United States or a province of Canada, (ii) a driver's license, instruction permit, or identification card issued by a state of the United States or a province of Canada, (iii) a United States military identification card, (iv) a passport, or (v) a merchant marine identification card issued by the United States coast guard;

(b) Provides to the prospective consumer through electronic mail or other means a notice that meets the requirements of subsection (3) of this section; and

(c) In the case of an order for cigarettes pursuant to an advertisement on the internet, receives payment for the delivery sale from the prospective consumer by a credit card or debit card, or by check that has been issued in the prospective consumer's name.

(3) The notice required under subsection (2)(b) of this section must include:

(a) A prominent and clearly legible statement that cigarette sales to minors are illegal;

(b) A prominent and clearly legible statement that consists of one of the warnings set forth in section 4(a)(1) of the federal cigarette labeling and advertising act (15 U.S.C. Sec. 1333(a)(1)) rotated on a quarterly basis;

(c) A prominent and clearly legible statement that sales of cigarettes are restricted to those consumers who provide verifiable proof of age in accordance with subsection (1) of this section; and

(d) A prominent and clearly legible statement that cigarette sales are subject to tax pursuant to chapters 82.24 and 82.12 RCW, with an explanation of how the tax has been or is to be paid with respect to a delivery sale.

(4) It is unlawful for a person who mails, ships, or otherwise delivers cigarettes in connection with a delivery sale to fail to:

(a) Include as part of the bill of lading, or other shipping documents, a clear and conspicuous statement that states: "Cigarettes: Washington Law Prohibits Shipping to Individuals Under 18, and Requires the Payment of all Applicable Taxes";

(b) Contract only with private carriers who employ delivery agents who will verify the receiver of the cigarettes is not a minor upon delivery. The only forms of identification that are acceptable as proof of age for the purchase for tobacco products are: (i) A liquor control authority card of identification issued by a state of the United States or a province of Canada, (ii) a driver's license, instruction permit, or identification card issued by a state of the United States or a province of Canada, (iii) a United States military identification card, (iv) a passport, or (v) a merchant marine identification card issued by the United States coast guard;

(c) Provide to the delivery service retained for the delivery sale evidence of full compliance with this section.

(5)(a) Before making delivery sales or mailings, shipping, or otherwise delivering cigarettes to a Washington address in connection with any sales, any person who mails, ships, or otherwise delivers cigarettes shall file with the board a statement setting forth the person's name, trade name, and the address of the person's principal place of business and any other place of business.

(b) Any person who mails, ships, or otherwise delivers cigarettes in connection with a delivery sale shall within fifteen days after the first of each month file with the board a report of all delivery sales made by the person within this state for the preceding month. The report shall show the name and address of the consumer to whom the cigarettes were sold, the kind and quality, and the date of delivery thereof.

(6)(a) Any person other than a delivery service who violates any of the provisions of this section is guilty of a class C felony punishable by up to five years in prison and a fine of ten thousand dollars, and payment of the cost of investigation and prosecution, including attorneys' fees.

(b) Any person other than a delivery service who commits a second or subsequent violation of this section is a class B felony punishable by up to ten years in prison and a fine of twenty thousand dollars, and payment of the cost of investigation and prosecution, including attorneys' fees.

(c) Any delivery service that violates any provision of this section shall be guilty of a gross misdemeanor punishable by up to one year in jail and a fine of five thousand dollars.

(7) Any person that fails to collect or remit to the department of revenue any tax required under chapter 82.24 RCW in connection with a delivery sale shall be assessed, in addition to any other penalty, a penalty of five times the retail value of the cigarettes involved.

(8) For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this title, the board or any of its agents may inspect the books, documents, and records of any person who makes delivery sales or mailings, or ships or otherwise delivers cigarettes or retains another person to make delivery sales or mailings, or to ship or otherwise deliver cigarettes insofar as such books, documents, and/or records pertain to the financial transaction involved. If such a person neglects or refuses to produce and submit for inspection any book, record, or document as required by this section when requested to do so by the board or its agent, then the board or the attorney general may seek an order in superior court compelling such production of books, records, or documents.

Sec. 3. RCW 9A.82.010 and 2001 c 222 s 3 and 2001 c 217 s 11 are each reenacted and amended to read as follows:

Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

(e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;

(f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;

(g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;

(h) Child selling or child buying, as defined in RCW 9A.64.030;

(i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;

(j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;

(k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;

(l) Extortionate extension of credit, as defined in RCW 9A.82.020;

(m) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;

(n) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;

(o) Collection of an unlawful debt, as defined in RCW 9A.82.045;

(p) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(q) Trafficking in stolen property, as defined in RCW 9A.82.050;

(r) Leading organized crime, as defined in RCW 9A.82.060;

(s) Money laundering, as defined in RCW 9A.83.020;

(t) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;

(u) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;

(v) Promoting pornography, as defined in RCW 9.68.140;

(w) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;

(x) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;

(y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;

(z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;

(aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;

(bb) A pattern of equity skimming, as defined in RCW 61.34.020;

(cc) Commercial telephone solicitation in violation of RCW 19.158.040(1);

(dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;

(ee) Unlawful practice of law, as defined in RCW 2.48.180;

(ff) Commercial bribery, as defined in RCW 9A.68.060;

(gg) Health care false claims, as defined in RCW 48.80.030;

(hh) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);

(ii) Improperly obtaining financial information, as defined in RCW 9.35.010; ((e))

(jj) Identity theft, as defined in RCW 9.35.020;

(kk) Unlawful shipment of cigarettes in violation of section 2(6) (a) or (b) of this act; or

(ll) Unlawful shipment of cigarettes in violation of RCW 82.24.110(2).

(5) "Dealer in property" means a person who buys and sells property as a business.

(6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling;

(b) In a gambling activity in violation of federal law; or

(c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

Sec. 4. RCW 82.24.130 and 1999 c 193 s 3 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers; and any container or package of cigarettes possessed or held for sale that does not comply with this chapter.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(d) All cigarettes sold, delivered, or attempted to be delivered in violation of section 2 of this act.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes, any enforcement officer of the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, the board, or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler or retailer, licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband."

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

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 70.155.010 and 82.24.130; reenacting and amending RCW 9A.82.010; adding a new section to chapter 70.155 RCW; and prescribing penalties."

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 2027, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2027, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2027, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2027, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

HOUSE BILL NO. 2063, by Representatives Kristiansen, Blake, Linville, Schoesler, Hatfield, Eickmeyer and Orcutt

Extending the expiration date for reporting requirements on timber purchases.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, House Bill No. 2063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2063.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2063 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

HOUSE BILL NO. 2063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1726, by Representatives Haigh and Armstrong (by request of Office of Financial Management)

Changing provisions relating to an employer's indebtedness to a deceased person for unpaid wages, labor, or services performed.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed House Bill No. 1726 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1726.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1726 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

ENGROSSED HOUSE BILL NO. 1726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 5991, by Senators Stevens, Hargrove, Parlette, Regala, Carlson, McAuliffe and Winsley

Changing minimum requirements for the existing secure community transition facility.

The bill was read the second time.

MOTION

Senator Stevens moved that the following striking amendment by Senators Stevens and Hargrove be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 71.09.300 and 2001 2nd sp.s. c 12 s 216 are each amended to read as follows:

~~((+))~~ Secure community transition facilities shall meet the following minimum staffing requirements:

~~(1)(a)~~ At any time the census of a facility that accepts its first resident before July 1, 2003, is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per three residents during normal waking hours and one awake staff per four residents during normal sleeping hours. In no case shall the staffing ratio permit less than two staff per housing unit.

~~(b)~~ At any time the census of a facility that accepts its first resident on or after July 1, 2003, is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff per three residents during normal sleeping hours. In no case shall the staffing ratio permit less than two staff per housing unit.

~~((b))~~ ~~(2)~~ At any time the census of a facility is six or fewer residents, all staff shall be classified as residential rehabilitation counselor II or have a classification that indicates ~~((a))~~ an equivalent or higher level of skill, experience, and training.

~~((e))~~ ~~(3)~~ Before being assigned to a facility, all staff shall have training in sex offender issues, self-defense, and crisis de-escalation skills in addition to departmental orientation and, as appropriate, management training. All staff with resident treatment or care duties must participate in ongoing in-service training.

~~((d))~~ ~~(4)~~ All staff must pass a departmental background check and the check is not subject to the limitations in chapter 9.96A RCW. A person who has been convicted of a felony, or any sex offense, may not be employed at the secure community transition facility or be approved as an escort for a resident of the facility.

~~((2))~~ ~~With respect to the facility established pursuant to RCW 71.09.250(1), the department shall, no later than December 1, 2001, provide a staffing plan to the appropriate committees of the legislature that will cover the growth of that facility to its full capacity.)~~

Sec. 2. RCW 71.09.020 and 2002 c 68 s 4 and 2002 c 58 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

(3) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

(4) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

(5) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

(6) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

(7) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(9) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

(10) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(11) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

(12) "Secretary" means the secretary of social and health services or the secretary's designee.

(13) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(14) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the ~~(facilities)~~ facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(15) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(16) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(17) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a ~~(secure)~~ total confinement facility by the secretary.

Sec. 3. RCW 71.09.250 and 2001 2nd sp.s. c 12 s 201 are each amended to read as follows:

(1)(a) The secretary is authorized to site, construct, occupy, and operate (i) a secure community transition facility on McNeil Island for persons authorized to petition for a less restrictive alternative under RCW 71.09.090(1) and who are conditionally released; and (ii) a special commitment center on McNeil Island with up to four hundred four beds as a total confinement facility under this chapter, subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington. The total number of beds in the secure community transition facility shall be limited to twenty-four, consisting of up to fifteen transitional beds ~~((shall be limited to fifteen))~~ and up to nine pretransitional beds. The residents occupying ~~((these))~~ the transitional beds shall be the only residents eligible for transitional services occurring in Pierce county. In no event shall more than fifteen residents of the secure community transition facility be participating in off-island transitional, educational, or employment activity at the same time in Pierce county. The department shall provide the Pierce county sheriff, or his or her designee, with a list of the fifteen residents so designated, along with their photographs and physical descriptions, and ~~((#))~~ the list shall be immediately updated whenever a residential change occurs. The Pierce county sheriff, or his or her designee, shall be provided an opportunity to confirm the residential status of each resident leaving McNeil Island.

(b) For purposes of this subsection, "transitional beds" means beds only for residents ~~((in halfway house status))~~ who are judged by a qualified expert to be suitable to leave the island for treatment, education, and employment.

(2)(a) The secretary is authorized to site, either within the secure community transition facility established pursuant to subsection (1)(a)(i) of this section, or within the special commitment center, up to nine pretransitional beds.

(b) Residents assigned to pretransitional beds shall not be permitted to leave McNeil Island for education, employment, treatment, or community activities in Pierce county.

(c) For purposes of this subsection, "pretransitional beds" means beds for residents whose progress toward a less secure residential environment and transition into more complete community involvement is projected to take substantially longer than a typical resident of the special commitment center.

(3) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility on McNeil Island and a total confinement facility on McNeil Island.

(4) To the greatest extent possible, until June 30, 2003, persons who were not civilly committed from the county in which the secure community transition facility established pursuant to subsection (1) of this section is located may not be conditionally released to a setting in that same county less restrictive than that facility.

(5) As of June 26, 2001, the state shall immediately cease any efforts in effect on such date to site secure community transition facilities, other than the facility authorized by subsection (1) of this section, and shall instead site such facilities in accordance with the provisions of this section.

(6) The department must:

(a) Identify the minimum and maximum number of secure community transition facility beds in addition to the facility established under subsection (1) of this section that may be necessary for the period of May 2004 through May 2007 and provide notice of these numbers to all counties by August 31, 2001; and

(b) ~~((In consultation with the joint select committee established in section 225, chapter 12, Laws of 2001 2nd sp. sess.))~~ Develop and publish policy guidelines for the siting and operation of secure community transition facilities ~~((by October 1, 2001; and~~

~~((c) Provide a status report to the appropriate committees of the legislature by December 1, 2002, on the development of facilities under the incentive program established in RCW 71.09.255. The report shall include a projection of the anticipated number of secure community transition facility beds that will become operational between May 2004 and May 2007. If it appears that an insufficient number~~

of beds will be operational, the department's report shall recommend a progression of methods to facilitate siting in counties and cities including, if necessary, preemption of local land use planning process and other laws).

(7)(a) The total number of secure community transition facility beds that may be required to be sited in a county between June 26, 2001, and June 30, 2008, may be no greater than the total number of persons civilly committed from that county, or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made on April 1, 2001. The total number of secure community transition facility beds required to be sited in each county between July 1, 2008, and June 30, 2015, may be no greater than the total number of persons civilly committed from that county or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made as of July 1, 2008.

(b) Counties and cities that provide secure community transition facility beds above the maximum number that they could be required to site under this subsection are eligible for a bonus grant under the incentive provisions in RCW 71.09.255. The county where the special commitment center is located shall receive this bonus grant for the number of beds in the facility established in subsection (1) of this section in excess of the maximum number established by this subsection.

(c) No secure community transition facilities in addition to the one established in subsection (1) of this section may be required to be sited in the county where the special commitment center is located until after June 30, 2008, provided however, that the county and its cities may elect to site additional secure community transition facilities and shall be eligible under the incentive provisions of RCW 71.09.255 for any additional facilities meeting the requirements of that section.

(8) In identifying potential sites within a county for the location of a secure community transition facility, the department shall work with and assist local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to:

(a) The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and

(b) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

(9)(a) "Equitable distribution" means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant; and

(b) "Jurisdiction" means a city, town, or geographic area of a county in which ~~((district))~~ distinct political or judicial authority may be exercised.

Sec. 4. RCW 71.09.275 and 2001 2nd sp.s. c 12 s 211 are each amended to read as follows:

~~(1) ((By August 1, 2001, the department must provide the appropriate committees of the legislature with a transportation plan to address the issues of coordinating the movement of residents of the secure community transition facility established pursuant to RCW 71.09.250(1) between McNeil Island and the mainland with the movement of others who must use the same docks or equipment within the funds appropriated for this purpose.~~

~~((2))~~ If the department does not provide a separate vessel for transporting residents of the secure community transition facility established in RCW 71.09.250(1) between McNeil Island and the mainland, the ~~((plan))~~ department shall ~~((include at least the following components))~~:

(a) ~~((The))~~ Separate residents ~~((shall be separated))~~ from minors and vulnerable adults, except vulnerable adults who have been found to be sexually violent predators.

(b) ~~((The))~~ Not transport residents ~~((shall not be transported))~~ during times when children are normally coming to and from the mainland for school.

~~((3))~~ (2) The department shall designate a separate waiting area at the points of debarkation, and residents shall be required to remain in this area while awaiting transportation.

~~((4))~~ (3) The department shall provide law enforcement agencies in the counties and cities in which residents of the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(I) regularly participate in employment, education, or social services, or through which these persons are regularly transported, with a copy of the court's order of conditional release with respect to these persons.

Sec. 5. RCW 71.09.290 and 2001 2nd sp.s. c 12 s 214 are each amended to read as follows:

The secretary shall establish policy guidelines for the siting of secure community transition facilities, other than the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(I), which shall include at least the following minimum requirements:

(1) The following criteria must be considered prior to any real property being listed for consideration for the location of or use as a secure community transition facility:

(a) The proximity and response time criteria established under RCW 71.09.285;

(b) The site or building is available for lease for the anticipated use period or for purchase;

(c) Security monitoring services and appropriate back-up systems are available and reliable;

(d) Appropriate mental health and sex offender treatment providers must be available within a reasonable commute; and

(e) Appropriate permitting for a secure community transition facility must be possible under the zoning code of the local jurisdiction.

(2) For sites which meet the criteria of subsection (1) of this section, the department shall analyze and compare the criteria in subsections (3) through (5) of this section using the method established in RCW 71.09.285.

(3) Public safety and security criteria shall include at least the following:

(a) Whether limited visibility between the facility and adjacent properties can be achieved prior to placement of any person;

(b) The distance from, and number of, risk potential activities and facilities, as measured using the ~~((rules))~~ policies adopted under RCW 71.09.285;

(c) The existence of or ability to establish barriers between the site and the risk potential facilities and activities;

(d) Suitability of the buildings to be used for the secure community transition facility with regard to existing or feasibly modified features; and

(e) The availability of electronic monitoring that allows a resident's location to be determined with specificity.

(4) Site characteristics criteria shall include at least the following:

(a) Reasonableness of rental, lease, or sale terms including length and renewability of a lease or rental agreement;

(b) Traffic and access patterns associated with the real property;

(c) Feasibility of complying with zoning requirements within the necessary time frame; and

(d) A contractor or contractors are available to install, monitor, and repair the necessary security and alarm systems.

(5) Program characteristics criteria shall include at least the following:

(a) Reasonable proximity to available medical, mental health, sex offender, and chemical dependency treatment providers and facilities;

(b) Suitability of the location for programming, staffing, and support considerations;

(c) Proximity to employment, educational, vocational, and other treatment plan components.

(6) For purposes of this section "available" or "availability" of qualified treatment providers includes provider qualifications and willingness to provide services, average commute time, and cost of services.

NEW SECTION. Sec. 6. RCW 71.09.270 (Transition facility--Law enforcement presence) and 2001 2nd sp.s. c 12 s 210 are each repealed.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove to Senate Bill No. 5991.

The motion by Senator Stevens carried and the striking amendment was adopted.

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

On page 1, line 2 of the title, after "facility;" strike the remainder of the title and insert "amending RCW 71.09.300, 71.09.250, 71.09.275, and 71.09.290; reenacting and amending RCW 71.09.020; repealing RCW 71.09.270; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Senate Bill No. 5991 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5991.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5991 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 9; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Voting nay: Senators Doumit, Eide, Franklin, Jacobsen, Kastama, Keiser, Prentice, Rasmussen and Roach - 9.

Absent: Senator McAuliffe - 1.

ENGROSSED SENATE BILL NO. 5991, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5006, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5006.

MOTION

At 4:28 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 6:54 p.m. by President Owen.

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

MOTION

On motion of Senator Sheahan, Senators Horn and McCaslin were excused.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

MOTION

On motion of Senator Hewitt, Senator Schmidt was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1269, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville and Schoesler) (by request of Department of Agriculture)

Regulating structural pest inspectors.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1269.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1269 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senator Finkbeiner - 1.

Excused: Senators Horn, McCaslin, Poulsen and Schmidt - 4.

SUBSTITUTE HOUSE BILL NO. 1269, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1841, by House Committee on Appropriations (originally sponsored by Representatives Kagi, Boldt, O'Brien, McIntire, Hunt, Schual-Berke, Shabro, Cooper, Linville, Pettigrew, Upthegrove, Moeller, Darneille, Miloscia, Dickerson, Clements, Armstrong, Orcutt, Fromhold, Delvin, Roach, Kenney, Haigh, Lovick, Chase, Santos and Hudgins)

Establishing funding criteria for prevention and early intervention services.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.190 RCW to read as follows:

The legislature finds that investment in effective prevention and early intervention services: (1) Produces immediate and long-term improvements for children and families; and (2) avoids future public costs in education, child welfare, substance abuse, health, and mental health treatment, law enforcement, the courts, and juvenile and adult corrections. The legislature further finds that state agencies receiving funds for prevention and early intervention services should contract for or operate services that have a strong likelihood of achieving expected outcomes.

NEW SECTION. Sec. 2. A new section is added to chapter 70.190 RCW to read as follows:

(1) The family policy council shall, by June 30, 2004, identify and recommend criteria for funding prevention and early intervention services and programs in the department of social and health services, children's administration that are either state-operated or contracted. The criteria must require that funded programs, at a minimum: (a) Define clear, measurable outcomes; (b) identify research that may be applicable; (c) identify anticipated cost benefits; (d) describe broad community involvement, support, and partnerships; and (e) provide data related to program outcomes and cost benefits.

(2) The family policy council shall begin collecting and analyzing the program outcome and cost benefit data July 1, 2005.

(3) For the purposes of this section, "prevention and early intervention services and programs" may include, but not be limited to, the following state-operated or contracted programs or their successors:

(a) Alternate response system;

- (b) Family reconciliation services;
- (c) Family preservation services;
- (d) Intensive family preservation services;
- (e) Continuum of care;
- (f) Parent trust programs;
- (g) Public health nurse early intervention program; or
- (h) Other prevention and early intervention services and programs.

(4) The department of social and health services, children's administration shall incorporate the recommended funding criteria into contracts and operating procedures beginning January 1, 2005, within existing resources.

NEW SECTION. Sec. 3. A new section is added to chapter 70.190 RCW to read as follows:

Nothing in this act creates:

- (1) An entitlement to services;
- (2) Judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable, or the child or family is not eligible for such services; or
- (3) A private right of action or claim on the part of any individual, entity, or agency against the family policy council, any state agency, or contractor.

NEW SECTION. Sec. 4. A new section is added to chapter 70.190 RCW to read as follows:

The family policy council shall itself or by contract identify and recommend the criteria described in section 2 of this act.

The family policy council shall: Beginning with its 2005 annual report and each subsequent report, list the prevention and early intervention services to which the funding criteria established in section 2(1) of this act are applied; and beginning with its 2006 annual report and in each subsequent annual report, include the outcome and cost benefit data collected under section 2(2) of this act and provide an analysis of the success and cost benefit program outcomes."

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

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and adding new sections to chapter 70.190 RCW."

MOTION

On motion of Senator Stevens, the rules were suspended, Second Substitute House Bill No. 1841, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Thibaudeau: "Senator Stevens, did I understand you to say that you will now have the Family Policy Council establishing the criteria for Children and Family Services?"

Senator Stevens: "It is recommended criteria, not establishing criteria. If I said that, I misspoke."

Senator Thibaudeau: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1841, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1841, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Horn, McCaslin, Poulsen and Schmidt - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 1841, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1106, by Representatives Bush, Haigh, Kenney, Miloscia, McDonald, Campbell, Cox, Edwards, Clements, Veloria, Wood, Pearson, Schindler, Mielke, Woods, Sullivan, Shabro, Roach, Benson, Buck, Condotta, Talcott, Priest, Sump, Carrell, Anderson, Lantz, Schoesler, Darneille, Nixon, Kagi, Boldt, Lovick, McDermott, Pflug, McCoy, Upthegrove and McMahan

Authorizing the secretary of state to observe county election facilities.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Bill No. 1106 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1106.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1106 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senator Thibaudeau - 1.

Excused: Senators Horn, McCaslin, Poulsen and Schmidt - 4.

HOUSE BILL NO. 1106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5071, by Senators Reardon, Schmidt, Shin, Stevens and Rasmussen

Revising business and occupation taxation for certain aviation businesses.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5071 was substituted for Senate Bill No. 5071 and the substitute bill was placed on second reading and read the second time.

Senator Roach moved that the following amendment by Senators Roach, Tim Sheldon and Morton be adopted:

On page 2, line 7, after "station with" strike "an airframe class 4 rating and limited capabilities in instruments, radio equipment" and insert "airframe and instrument ratings and limited ratings for nondestructive testing, radio, Class 3 Accessory and"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Roach, Tim Sheldon and Morton on page 2, line 7, to Substitute Senate Bill No. 5071.

The motion by Senator Roach carried and the amendment was adopted.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute Senate Bill No. 5071 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

POINT OF INQUIRY

Senator Regala: "Senator Reardon, can you tell me what the fiscal cost is now that the bill has been amended?"

Senator Reardon: "Specifically, I am unable to do that. I will tell you this. The fiscal note that was presented was around a million dollars. The same piece of legislation was introduced last year in the House, by me, and the fiscal note was three hundred and fifty thousand dollars. What I would submit to you is the current fiscal note of million dollars is much higher than what it will actually cost. Most of that money will be captured in paper work. The addition of the amendment from the good lady in the thirty-fifth district, I don't believe, will increase the fiscal note, because the fiscal note right now is inflated. I think the bill will roughly cost, maybe, three hundred and fifty thousand dollars--total. The addition of the amendment, I don't think, will have much impact at all"

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5071.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Keiser, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Johnson, Kastama, Kline, McAuliffe, Regala, Spanel and Thibaudeau - 11.

Excused: Senators Horn, McCaslin, Poulsen and Schmidt - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904, by House Committee on Health Care (originally sponsored by Representatives O'Brien, Boldt, Kagi, Roach and Miloscia)

Revising standards for reporting incidents involving harm to vulnerable adults.

The bill was read the second time.

MOTION

Senator Deccio moved that the following Committee on Health and Long-Term Care striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.34.020 and 1999 c 176 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person's profit or advantage.

(7) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

(8) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

(9) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid((s)) or prevent((s)) physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety.

(10) "Permissive reporter" means any person, employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

(11) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult, who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

(12) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

(13) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider.

Sec. 2. RCW 74.34.035 and 1999 c 176 s 5 are each amended to read as follows:

(1) When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the department.

~~((#))~~ (2) ~~When~~ there is reason to suspect that sexual ~~((or physical))~~ assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.

~~((#))~~ (3) ~~When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm:~~

~~(a) Mandated reporters shall immediately report to the department; and~~

~~(b) Mandated reporters shall immediately report to the appropriate law enforcement agency, except as provided in subsection (4) of this section.~~

~~(4) A mandated reporter is not required to report to a law enforcement agency, unless requested by the injured vulnerable adult or his or her legal representative or family member, an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than basic first aid, unless:~~

~~(a) The injury appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;~~

~~(b) There is a fracture;~~

~~(c) There is a pattern of physical assault between the same vulnerable adults or involving the same vulnerable adults; or~~

~~(d) There is an attempt to choke a vulnerable adult.~~

~~(5) Permissive reporters may report to the department or a law enforcement agency when there is reasonable cause to believe that a vulnerable adult is being or has been abandoned, abused, financially exploited, or neglected.~~

~~((#))~~ (6) No facility, as defined by this chapter, agency licensed or required to be licensed under chapter 70.127 RCW, or facility or agency under contract with the department to provide care for vulnerable adults may develop policies or procedures that interfere with the reporting requirements of this chapter.

~~((#))~~ (7) Each report, oral or written, must contain as much as possible of the following information:

(a) The name and address of the person making the report;

(b) The name and address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult;

(c) The name and address of the legal guardian or alternate decision maker;

(d) The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect;

(e) Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect;

(f) The identity of the alleged perpetrator, if known; and

(g) Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.

~~((#))~~ (8) Unless there is a judicial proceeding or the person consents, the identity of the person making the report under this section is confidential.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

Senator Roach moved that the following amendment by Senators Roach, Rossi, Rasmussen, Keiser and Eide to the Committee on Health and Long-Term Care striking amendment be adopted:

On page 5, after line 23 of the amendment, insert the following:

"**Sec. 3.** RCW 4.24.550 and 2002 c 118 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources ~~((other than state funds))~~, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III registered sex offenders in the state of Washington. The web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall

provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county- operated web sites that offer sex offender registration information.

(6) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

(10) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee (~~(of the~~) or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs."

Renumber the remaining section consecutively.

POINT OF ORDER

Senator Deccio: "A point of order, Mr. President. I can understand the sponsor of the amendment to the committee amendment, but I think I will challenge the scope and object of it. I don't think it fits the title."

MOTION

On motion of Senator Sheahan, further consideration of Engrossed Substitute House Bill No. 1904 was deferred.

MOTION

On motion of Senator Honeyford, Senator Hewitt was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1784, by House Committee on Appropriations (originally sponsored by Representatives Darneille, Upthegrove, Chase, Linville, Wallace, Kagi, Kessler, Kenney, Schual-Berke, Wood, Dickerson, Santos, Simpson and Morrell)

Improving coordination of services for children's mental health.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature affirms its support for: Improving field-level cross-program collaboration and efficiency; collecting reliable mental health cost, service, and outcome data specific to children; revising the early periodic screening diagnosis and treatment plan to reflect the current mental health system structure; and identifying and promulgating the approaches used in school districts where mental health and education systems coordinate services and resources to provide public mental health care for children.

NEW SECTION. Sec. 2. A new section is added to chapter 71.36 RCW to read as follows:

(1) The legislature supports recommendations made in the August 2002 study of the public mental health system for children conducted by the joint legislative audit and review committee.

(2) The department shall, within available funds:

(a) Identify internal business operation issues that limit the agency's ability to meet legislative intent to coordinate existing categorical children's mental health programs and funding;

(b) Collect reliable mental health cost, service, and outcome data specific to children. This information must be used to identify best practices and methods of improving fiscal management;

(c) Revise the early periodic screening diagnosis and treatment plan to reflect the mental health system structure in place on the effective date of this section and thereafter revise the plan as necessary to conform to subsequent changes in the structure.

(3) The department and the office of the superintendent of public instruction shall jointly identify school districts where mental health and education systems coordinate services and resources to provide public mental health care for children. The department and the office of the superintendent of public instruction shall work together to share information about these approaches with other school districts, regional support networks, and state agencies.

NEW SECTION. Sec. 3. A new section is added to chapter 71.36 RCW to read as follows:

(1) In addition to any follow-up requirements recommended by the joint legislative audit and review committee, the department of social and health services shall submit a report to the governor and the legislature on the status of the implementation of the recommendations provided in section 2(2) (a) through (c) of this act and, in coordination with the office of the superintendent of public instruction, on section 2(3) of this act. An initial implementation status report must be submitted to the governor and appropriate policy and fiscal committees of the legislature by June 1, 2004. A final report shall be provided no later than June 1, 2006.

(2) This section expires June 30, 2006.

Sec. 4. RCW 71.36.020 and 1991 c 326 s 13 are each amended to read as follows:

~~((1) The office of financial management shall provide the following information to the appropriate committees of the legislature on or before December 1, 1991, and update such information biennially thereafter:~~

~~(a) An inventory of state and federally funded programs providing mental health services to children in Washington state. For purposes of the inventory, "children's mental health services" shall be broadly construed to include services related to children's mental health provided through education, children and family services, juvenile justice, mental health, health care, alcohol and substance abuse, and developmental disabilities programs, such as: The primary intervention program; treatment foster care; the fair start program; therapeutic child care and day treatment for children in the child protective services system, as provided in RCW 74.14B.040; family reconciliation services counseling, as provided in chapter 13.32A RCW; the community mental health services act, as provided in chapter 71.24 RCW; mental health services for minors, as provided in chapter 71.34 RCW; mental health services provided by the medical assistance program, limited casualty program for the medically needy and children's health program, as provided in chapter 74.09 RCW; counseling for delinquent children, as provided in RCW 72.05.170; mental health service provided by child welfare services, as provided in chapter 74.13 RCW; and services to emotionally disturbed and mentally ill children, as provided in chapter 74.14A RCW.~~

~~(b) For each program or service inventoried pursuant to (a) of this subsection:~~

~~(i) Statutory authority;~~

~~(ii) Level and source of funding statewide and for each county and school district in the state during the biennium ending June 30, 1991, to the extent such information is available;~~

~~(iii) Agency administering the service statewide and description of how administration and service delivery are organized and provided at the regional and local level;~~

~~(iv) Programmatic or financial eligibility criteria;~~

~~(v) Characteristics of, and number of children served statewide and in each county and school district during the biennium ending June 30, 1991, to the extent such information is available;~~

~~(vi) Number of children of color served, by race and nationality, and number and type of minority mental health providers, by race and nationality, in each regional support network area, to the extent such information is available; and~~

~~(vii) Statutory changes necessary to remove categorical restrictions in the program or service, including federal statutory or regulatory changes.~~

~~(2)) The department, in consultation with the office of financial management, ((in consultation with the department,)) shall develop a plan and criteria for the use of early periodic screening, diagnosis, and treatment services related to mental health that includes at least the following components:~~

~~((a)) (1) Criteria for screening and assessment of mental illness and emotional disturbance;~~

~~((b)) (2) Criteria for determining the appropriate level of medically necessary services a child receives, including but not limited to development of a multidisciplinary plan of care when appropriate, and prior authorization for receipt of mental health services;~~

~~((c)) (3) Qualifications for children's mental health providers;~~

~~((d)) (4) Other cost control mechanisms, such as managed care arrangements and prospective or capitated payments for mental health services; and~~

~~((e)) (5) Mechanisms to ensure that federal medicaid matching funds are obtained for services ((inventoried pursuant to subsection (1) of this section)), to the greatest extent practicable.~~

In developing the plan, the ~~((office of financial management))~~ department shall provide an opportunity for comment by the major child-serving systems and regional support networks. The plan shall be submitted to appropriate committees of the legislature on or before December 1, ~~((1991))~~ 2003."

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

On page 1, line 2 of the title, after "health;" strike the remainder of the title and insert "amending RCW 71.36.020; adding new sections to chapter 71.36 RCW; and creating a new section."

MOTION

On motion of Senator Stevens, the rules were suspended, Second Substitute House Bill No. 1784, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1784, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1784, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke,

Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Hewitt, Horn, McCaslin, Poulsen and Schmidt - 5.

SECOND SUBSTITUTE HOUSE BILL NO. 1784, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Jacobsen, Senator Kastama was excused.

SECOND READING

HOUSE BILL NO. 1073, by Representatives Haigh and Eickmeyer

Modifying the collection of property taxes on land subleased for residential and recreational purposes.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, House Bill No. 1073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1073.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1073 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Absent: Senator Deccio - 1.

Excused: Senators Horn, Kastama, McCaslin, Poulsen and Schmidt - 5.

HOUSE BILL NO. 1073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5499, by Senators Oke, Haugen, Horn and Winsley (by request of Department of Transportation)

Transferring accident data processing to the department of transportation.

MOTIONS

On motion of Senator Oke, Substitute Senate Bill No. 5499 was substituted for Senate Bill No. 5499 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Oke, the rules were suspended, Substitute Senate Bill No. 5499 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5499.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5499 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senator Reardon - 1.

Excused: Senators Horn, McCaslin, Poulsen and Schmidt - 4.

SUBSTITUTE SENATE BILL NO. 5499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1882, by Representatives Grant, Delvin, Miloscia, Jarrett and Upthegrove

Modifying local improvement district provisions.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1882 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1882.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1882 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators McCaslin, Poulsen and Schmidt - 3.

HOUSE BILL NO. 1882, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1202, by House Committee on Appropriations (originally sponsored by Representatives Simpson, Cooper, Delvin, Conway, Pflug, Hinkle, McDermott and Chase) (by request of Joint Committee on Pension Policy)

Allowing fire fighter emergency medical technicians to transfer public employees' retirement system service credit to the law enforcement officers' and fire fighters' plan 2.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 1202 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1202.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1202 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators McCaslin, Poulsen and Schmidt - 3.

SUBSTITUTE HOUSE BILL NO. 1202, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5659, by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles

Authorizing additional funding for local governments.

MOTIONS

On motion of Senator Winsley, Substitute Senate Bill No. 5659 was substituted for Senate Bill No. 5659 and the substitute bill was placed on second reading and read the second time.

Senator Mulliken moved that the following amendment by Senators Mulliken, Winsley and Tim Sheldon be adopted:

On page 1, on line 10, after "residents." insert "It is further the intent of the legislature to provide local governments relief from regulatory burdens that do not harm the public health and safety of the citizens of the state as a means of minimizing the need to generate new revenues authorized under this act."

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken, Winsley and Tim Sheldon on page 1, line 10, to Substitute Senate Bill No. 5659.

The motion by Senator Mulliken carried and the amendment was adopted on a rising vote.

MOTION

Senator Winsley moved that the following amendment by Senators Winsley and Rasmussen be adopted:

On page 2, after line 11, strike the remainder of the bill and insert the following:

"Sec. 3. RCW 84.55.050 and 1989 c 287 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (3)(b) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state any conditions which are applicable under subsection (3) of this section.

(2) After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, except as provided in subsections (3) and (4) of this section.

(3) A proposition placed before the voters under this section may:

(a) Limit the period for which the increased levy is to be made;

(b) Authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years;

(c) Limit the purpose for which the increased levy is to be made, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

~~((e))~~(d) Set the levy at a rate less than the maximum rate allowed for the district;

(e) Provide that the maximum allowable dollar amount of the final annual levy of the period specified in the measure shall be used to compute the limitations provided for in this chapter on levy increases occurring after the expiration of the period; or

~~((f))~~(f) Include any combination of the conditions in this subsection.

(4) Except as otherwise provided in an approved ballot measure under this section, after the expiration of a limited period or the satisfaction of a limited purpose, whichever comes first, subsequent levies shall be computed as if:

(a) The limited proposition under subsection (3) of this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the limited proposition."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Winsley, you were talking about the statutory limit. I just want to make clear in my own mind if it is a statutory limit, then it is a simple fifty percent vote. Right? If it were to be above and beyond the constitutional or statutory limit, it would be similar to a school levy, which would normally require for fire districts and so on, a sixty percent vote. But, even with a sixty percent vote, it is not authorized, under this bill, to go beyond the statutory limit. Is that correct?"

Senator Winsley: "That is correct."

Senator Benton: "Okay. Thank you very much."

The President declared the question before the Senate to be the adoption of the amendment by Senators Winsley and Rasmussen on page 2, line 11, to Substitute Senate Bill No. 5659.

The motion by Senator Winsley carried and the amendment was adopted.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken, Hargrove, Winsley and Tim Sheldon be adopted:

On page 2, after line 11, insert the following:

"Sec. 3. RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to

the time periods specified in subsection (4) of this section. A county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(b) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. The schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for ~~((Clallam,))~~ Clark, ~~((Jefferson,))~~ King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, Clallam, Jefferson, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section shall have the requisite authority to receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. Only those counties and cities in compliance with the schedules in this section shall receive preference for grants or loans subject to the provisions of RCW 43.17.250.

Debate ensued.

POINT OF ORDER

Senator Kline: "A point of order, Mr. President. I question whether this amendment is within the scope and object of Substitute Senate Bill No. 5659. The scope and object of this bill is local government taxation and local government funding. In fact, that is pretty well stated by the status of the bill. I believe that this is a growth management amendment. It has to do with several counties and their growth management procedure. I believe this is outside the scope and object of the bill."

Senator Hargrove: "Well, I would think that funding and revenue for local counties is directly impacted by their necessity to do these plans. If you look--well, I don't need to talk about the substance of the amendment, but definitely the revenue of these two counties is going to be significantly impacted by having to do this plan a year earlier, instead of a year later. So, I think it fits the scope and object of the very broad bill below it."

MOTION

On motion of Senator Sheahan, further consideration of the amendment by Senators Mulliken, Hargrove, Winsley and Tim Sheldon on page 2, after line 11, was deferred.

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken, Winsley, Morton and Tim Sheldon be adopted:

On page 2, after line 11, insert the following:

"Sec. 3. RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read as follows:

(1)(a) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection ~~((5))~~ (6) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

(b) Once a county meets either of these sets of criteria and the county has not removed itself from the requirement to plan under this section pursuant to subsection (3) of this section, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter unless the county removes itself from the requirement to plan under this section pursuant to subsection (3) of this section.

(3) A county that is east of the Cascade crest and north of Interstate 90, with a population of less than ten thousand and a taxable land base of fifteen percent or less may adopt a resolution removing the county, and the cities located within the county, from the requirement to plan under this section if the resolution is adopted and filed with the department. Removal shall occur on the date the resolution is filed with the department.

(4) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section and has not removed itself under subsection (3) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within

the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((4))~~ (5) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section and the county has not removed itself pursuant to subsection (3) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((5))~~ (6) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((6))~~ (7) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

~~((7))~~ (8) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000."

Remember the sections consecutively and correct any internal references accordingly.
Debate ensued.

POINTS OF ORDER

Senator Kline: "Mr. President, a point of order. First, I would like to withdraw my request to challenge the amendment by Senators Mulliken, Hargrove, Winsley and Tim Sheldon on page 2, line 11.

"However, I believe that this amendment by Senators Mulliken, Winsley, Morton and Tim Sheldon, again, is outside the scope and object of the Senate Bill No. 5659--for the same reason."

MOTION

On motion of Senator Sheahan, further consideration of the amendment by Senators Mulliken, Winsley, Morton and Tim Sheldon on page 2, after line 11, was deferred.

The President declared the question before the Senate to be the adoption of the amendment on page 2, line 11, by Senators Mulliken, Hargrove, Winsley and Tim Sheldon, which Senator Mulliken earlier moved to be adopted.

The motion by Senator Mulliken carried and the amendment by Senators Mulliken, Hargrove, Winsley and Tim Sheldon was adopted.

MOTION

Senator McAuliffe moved that the following amendment by Senators Kline and McAuliffe be adopted:
On page 1, after "authority" on line 13, delete the following: "in a county with a population of less than one million".
Debate ensued.

POINT OF INQUIRY

Senator Tim Sheldon: "Senator Kline, you didn't speak on your amendment. Do you have a body double in the front row?"

Senator Kline: "It is my twin brother, Dave."

Senator Tim Sheldon: "Senator Kline, has your car ever broken down or have you ever had a break down in Ferry County?"

Senator Kline: "My car has never been to Ferry County."

Senator Tim Sheldon: "I understand. Thank you very much."

POINT OF INQUIRY

Senator Deccio: "Senator Kline, you mean that there are two of you?"

Senator Kline: "You are talking to the second. My car has never broken down in Yakima County yet, either, although, it has been there."

The President declared the question before the Senate to be the adoption of the amendment by Senator McAuliffe and Kline on page 1, line 13, to Substitute Senate Bill No. 5659.

The motion by Senator McAuliffe carried and the amendment was adopted.

POINT OF ORDER

Senator Kline: "A point of order, Mr. President, I would like to withdraw my request to challenge the scope and object of the amendment by Senators Mulliken, Winsley, Morton and Tim Sheldon on page 2, after line 11, to Substitute Senate Bill No. 5659.

The President declared the question before the Senate to be the adoption of the amendment by Senators Mulliken, Winsley, Morton and Tim Sheldon on page 2, after line 11, to Engrossed Substitute Senate Bill No. 5659.

The motion by Senator Mulliken carried and the amendment was adopted

There being no objection, the following title amendments were considered simultaneously and were adopted:

On page 1, on line 2 of the title, after "governments;," strike the remainder of the title and insert "amending RCW 84.55.050; adding a new section to chapter 82.14 RCW; and creating a new section."

On page 1, on line 2 of the title, after "84.52.043", insert "and 36.70A.040"

On page 1, on line 3 of the title, after "84.52.043", insert "43.17.130"

MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 5659 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5659.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5659 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Sheahan, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 37.

Voting nay: Senators Benton, Esser, Finkbeiner, Johnson, Roach, Rossi, Sheldon, T., Stevens and Zarelli - 9.

Excused: Senators McCaslin, Poulsen and Schmidt - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5049,
SUBSTITUTE SENATE BILL NO. 5062,
SECOND SUBSTITUTE SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5204,
SENATE BILL NO. 5211,
SENATE BILL NO. 5226, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 10, 2003

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5425,
SENATE BILL NO. 5429,
SUBSTITUTE SENATE BILL NO. 5452,
SUBSTITUTE SENATE BILL NO. 5561,
SENATE BILL NO. 5651, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5780, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 10, 2003

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5632

SENATE BILL 5720, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 10, 2003

MR. PRESIDENT:

The Speaker has signed:
HOUSE BILL NO. 1348,

**HOUSE BILL NO. 1460,
HOUSE BILL NO. 1531,
HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1722,
SUBSTITUTE HOUSE BILL NO. 1738,
SUBSTITUTE HOUSE BILL NO. 1848,
ENGROSSED HOUSE BILL NO. 2030,
SUBSTITUTE HOUSE BILL NO. 2039, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

April 10, 2003

MR. PRESIDENT:

The Speaker has signed:

**HOUSE BILL NO. 1045,
SUBSTITUTE HOUSE BILL NO. 1086,
HOUSE BILL NO. 1110,
SECOND SUBSTITUTE HOUSE BILL NO. 1241,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1243,
HOUSE BILL NO. 1318,
SUBSTITUTE HOUSE BILL NO. 1346,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1462,
HOUSE BILL NO. 1526,
SUBSTITUTE HOUSE BILL NO. 1550,
HOUSE BILL NO. 1566,
HOUSE BILL NO. 1591,
HOUSE BILL NO. 1637,
ENGROSSED HOUSE BILL NO. 1808,
ENGROSSED HOUSE BILL NO. 2064, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5049,
SUBSTITUTE SENATE BILL NO. 5062,
SECOND SUBSTITUTE SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5204,
SENATE BILL NO. 5211,
SENATE BILL NO. 5226.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5425,
SENATE BILL NO. 5429,
SUBSTITUTE SENATE BILL NO. 5452,
SUBSTITUTE SENATE BILL NO. 5561,
SENATE BILL NO. 5651.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5244,
SENATE BILL NO. 5632,
SENATE BILL NO. 5720.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5780.

SIGNED BY THE PRESIDENT

The President signed:

**HOUSE BILL NO. 1348,
HOUSE BILL NO. 1460,
HOUSE BILL NO. 1531,
HOUSE BILL NO. 1631,
SUBSTITUTE HOUSE BILL NO. 1722,
SUBSTITUTE HOUSE BILL NO. 1738,
SUBSTITUTE HOUSE BILL NO. 1848,
ENGROSSED HOUSE BILL NO. 2030,
SUBSTITUTE HOUSE BILL NO. 2039.**

SIGNED BY THE PRESIDENT

The President signed:

**HOUSE BILL NO. 1045,
SUBSTITUTE HOUSE BILL NO. 1086,
HOUSE BILL NO. 1110,
SECOND SUBSTITUTE HOUSE BILL NO. 1241,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1242,
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HOUSE BILL NO. 1566,
HOUSE BILL NO. 1591,
HOUSE BILL NO. 1637,
ENGROSSED HOUSE BILL NO. 1808,
ENGROSSED HOUSE BILL NO. 2064.**

MOTION

At 8:18 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Friday, April 11, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-EIGHTH DAY, APRIL 10, 2003

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

EIGHTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 11, 2003

The Senate was called to order at 8:30 a.m. by Vice President Pro Tempore Winsley.

MOTION

On motion of Senator Sheahan, the Senate recessed until 9:00 a.m.

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Crystal Creel and Andrea Garner, presented the Colors. Reverend Dr. Charlotte Beeler-Petty, pastor of the Risen Faith Fellowship in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 10, 2003

SB 6072 Prime Sponsor, Senator Horn: Funding pollution abatement and response. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6072 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Finkbeiner, Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair and Mulliken.

Passed to Committee on Rules for second reading.

April 10, 2003

SB 6074 Prime Sponsor, Senator Horn: Making technical changes to passenger-only ferry service statutes. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6074 be substituted therefor, and the substitute bill do pass. Signed by Senators Horn, Chair; Swecker, Vice Chair; Haugen, Jacobsen, Kastama, Oke, Prentice and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Vice Chair and Mulliken.

Passed to Committee on Rules for second reading.

April 10, 2003

HB 2065 Prime Sponsor, Representative Simpson: Facilitating license plate technology advances. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Haugen, Kastama, Oke and Prentice.

Passed to Committee on Rules for second reading.

April 10, 2003

SHB 2215 Prime Sponsor, House Committee on Transportation: Allowing car dealers to charge documentary service fees. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Benton, Vice Chair; Esser, Finkbeiner, Jacobsen, Kastama, Mulliken, Oke and Prentice.

Passed to Committee on Rules for second reading.

April 10, 2003

ESHB 2228 Prime Sponsor, House Committee on Transportation: Extending commute trip reduction incentives. Reported by Committee on Highways and Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Horn, Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama and Prentice.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 8, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The Speaker has signed SENATE BILL NO. 5989, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5006,

SENATE BILL NO. 5076,

SUBSTITUTE SENATE BILL NO. 5088,

SENATE BILL NO. 5090,

SENATE BILL NO. 5096,

SENATE BILL NO. 5100,

SUBSTITUTE SENATE BILL NO. 5117,

SENATE BILL NO. 5122,

SENATE BILL NO. 5123,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5142,

SUBSTITUTE SENATE BILL NO. 5165,

SENATE BILL NO. 5167,

SENATE BILL NO. 5172,

SENATE BILL NO. 5224,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5229,

SUBSTITUTE SENATE BILL NO. 5240,

SENATE BILL NO. 5244,

SUBSTITUTE SENATE BILL NO. 5251,

SUBSTITUTE SENATE BILL NO. 5265,

SENATE BILL NO. 5273,

SUBSTITUTE SENATE BILL NO. 5290,

SUBSTITUTE SENATE BILL NO. 5321,

ENGROSSED SENATE BILL NO. 5374,

SUBSTITUTE SENATE BILL NO. 5505,

SUBSTITUTE SENATE BILL NO. 5550,

ENGROSSED SENATE BILL NO. 5560,

SENATE BILL NO. 5570,

SENATE BILL NO. 5574,

SUBSTITUTE SENATE BILL NO. 5719,

SENATE BILL NO. 5758,

SUBSTITUTE SENATE BILL NO. 5761,

SENATE BILL NO. 5937,

ENGROSSED SENATE BILL NO. 5938,

SUBSTITUTE SENATE BILL NO. 5966,

SENATE BILL NO. 5994,

SENATE JOINT MEMORIAL NO. 8008, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1163 by House Committee on Transportation (originally sponsored by Representative Murray) (by request of Governor Locke)

Making 2001-03 and 2003-05 transportation appropriations

HOLD.

ESHB 2231 by House Committee on Transportation (originally sponsored by Representatives Murray, Wallace, Cooper, Clibborn, Rockefeller, Simpson, Hudgins and Hankins)

Authorizing transportation financing alternatives.

HOLD.

MOTION

On motion of Senator Sheahan, Engrossed Substitute House Bill No. 1163 and Engrossed Substitute House Bill No. 2231 were held at the desk.

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 8655

By Senators Franklin, Regala and Rasmussen

WHEREAS, Established as a nonprofit organization in 1986, William M. Factory Small Business Incubator assists in the growth of disadvantaged companies and retains employment of local residents; and

WHEREAS, The small business incubator helps with transition of people from being government dependent to being self-sufficient, small business owners; and

WHEREAS, More than 250 people are employed by Incubator-based companies, utilizing local WorkSource, WorkFirst, and Employment Security referrals whenever possible; and

WHEREAS, The small business incubator is dedicated to economic development in the greater Tacoma and Pierce County area; and

WHEREAS, About 80 percent of its clients are women and minority business owners; and

WHEREAS, Its founder, William M. Factory, made enormous contributions to the Tacoma community for more than 40 years, including correcting past injustices that restricted African-American families from purchasing homes in Tacoma's neighborhoods; and

WHEREAS, Factory served as co-founder and president of Tacoma-Pierce County Small Business Incubator, which received a "Neighborhoods USA" national award in 1988; and

WHEREAS, He and his wife, Fumiko Sumi, raised their three children, Michael, Darnell, and Doris, in east Tacoma; and

WHEREAS, On December 6, 2002, William M. Factory Small Business Incubator held a ground-breaking ceremony for its new, three-story, 14,782 square-foot building; and

WHEREAS, As one of the earliest small business incubators in the country, it has become one of the few nonprofit organizations that has obtained enough capital to construct and own a new facility; and

WHEREAS, When completed, the Technology Center will provide specialized services for startup companies, including management consulting, financial advice, and technology infrastructure;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize William M. Factory Small Business Incubator for its innovative approach in helping small businesses succeed by providing economic stability to the community and bringing jobs to economically disadvantaged residents; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Reverend Arthur Banks, chairman of William M. Factory Small Business Incubator; Tim Strege, Executive Director; and Mrs. Fumiko Sumi Factory.

Senators Franklin and Regala spoke to Senate Resolution 8655.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the following guests from the William M. Factory Small Business Incubator: Mrs. Fumiko Sumi Factory, Doris Jackson, Tim Strege, Jo Santa Maria, Percy Jones, Peter Guzman, Michelle Hacking and Allen Coolinge, who were seated in the back of the Chamber.

MOTION

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

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1725, by House Committee on Appropriations (originally sponsored by Representatives Cooper and Upthegrove)

Concerning the cost of a catch record card.

The bill was read the second time.

MOTION

On motion of Senator Oke, the following Committee on Parks, Fish and Wildlife striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.32.430 and 1998 c 191 s 5 are each amended to read as follows:

(1) Catch record cards necessary for proper management of the state's food fish and game fish species and shellfish resources shall be administered under rules adopted by the commission and issued at no charge for the initial catch record card and ten dollars for each subsequent catch record card. A duplicate catch record costs ten dollars.

(2) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge as provided in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for two consecutive days.

(3) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

(4) The funds received from the sale of catch record cards must be deposited into the wildlife fund.

Sec. 2. RCW 77.32.256 and 2002 c 222 s 1 are each amended to read as follows:

The director shall by rule establish the conditions and fees for issuance of duplicate licenses, rebates, permits, tags, and stamps required by this chapter. The fee for duplicate licenses, rebates, permits, tags, and stamps, except catch record cards, may not exceed the actual cost to the department for issuing the duplicate.

NEW SECTION. Sec. 3. This act takes effect April 1, 2004."

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

On page 1, line 1 of the title, after "cards;" strike the remainder of the title and insert "amending RCW 77.32.430 and 77.32.256; and providing an effective date."

MOTION

On motion of Senator Oke, the rules were suspended, Second Substitute House Bill No. 1725, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1725, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1725, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 1725, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Hewitt: "A point of personal privilege, Mr. President. I recognize that the youth bank that the east side is someplace around Bellevue or that area, but the east side really is beyond the other side of the mountain. There is another part of this state and I know that is probably part of the reason that we have some problems over here. When we talk about the east side, we think it is one place and you think it is another. So, I just wanted to bring that to your attention and tell you that the east side is the--East Side."

PERSONAL PRIVILEGE

Senator Deccio: "Mr. President, a point of personal privilege. To follow up, the east side ends at Yakima County. The rest of the state is part of Western Idaho."

PERSONAL PRIVILEGE

Senator Regala: "Mr. President, a point of personal privilege. Maybe, on your behalf, I would like to invite the fine Senator from the Sixteenth District to come visit me this weekend and I will explain to him the difference between the east side of Tacoma and Bellevue."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1136, by House Committee on Capital Budget (originally sponsored by Representatives Flannigan, Ericksen, Armstrong, McIntire, Condotta, Wallace, Dunshee and Cooper)

Implementing the recommendations of the state parks and outdoor recreation funding task force relating to the use of the outdoor recreation account.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1136 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1136.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1136 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1127, by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Hatfield, Buck, Cooper, Blake, Pearson and Berkey)

Concerning the direct retail sale of salmon, crab, and sturgeon.

The bill was read the second time.

MOTION

Senator Oke, moved that the following Committee on Parks, Fish and Wildlife striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 77.08.010 and 2002 c 281 s 2 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of fish and wildlife.
- (2) "Department" means the department of fish and wildlife.
- (3) "Commission" means the state fish and wildlife commission.
- (4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.
- (6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.
- (10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.
- (11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.
- (12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.
- (13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.
- (14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.
- (15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering.

(42) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(43) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(49) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(50) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(51) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(52) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(53) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(54) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(55) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

Sec. 2. RCW 77.65.510 and 2002 c 301 s 2 are each amended to read as follows:

(1) The department must establish and administer a direct retail endorsement to serve as a single license that permits the holder of a Washington (~~salmon or crab commercial fishing~~) license to commercially harvest retail-eligible species and to clean, dress, and sell his or

her catch directly to consumers at retail, including over the internet. The direct retail endorsement must be issued as an optional addition to all holders of a ~~((salmon or crab))~~ commercial fishing license for retail-eligible species that the department offers under this chapter.

(2) The direct retail endorsement must be offered at the time of application for the qualifying commercial fishing license. Individuals in possession of a qualifying commercial fishing license issued under this chapter may add a direct retail endorsement to their current license at ~~((the))~~ any time ~~((they renew their commercial fishing license))~~. Individuals who do not have a commercial fishing license for ~~((salmon or crab))~~ retail-eligible species issued under this chapter may not receive a direct retail endorsement. The costs, conditions, responsibilities, and privileges associated with the endorsed commercial fishing license is not affected or altered in any way by the addition of a direct retail endorsement. These costs include the base cost of the license and any revenue and excise taxes.

(3) An individual need only add one direct retail endorsement to his or her license portfolio. If a direct retail endorsement is selected by an individual holding more than one commercial fishing license issued under this chapter, a single direct retail endorsement is considered to be added to all qualifying commercial fishing licenses held by that individual, and is the only license required for the individual to sell at retail ~~((the harvest of salmon or crab))~~ any retail-eligible species permitted by all of the underlying endorsed licenses. The direct retail endorsement applies only to the person named on the endorsed license, and may not be used by an alternate operator named on the endorsed license.

(4) In addition to any fees charged for the endorsed licenses and harvest documentation as required by this chapter or the rules of the department, the department may set a reasonable annual fee not to exceed the administrative costs to the department for a direct retail endorsement.

(5) The holder of a direct retail endorsement is responsible for documenting the commercial harvest of salmon and crab according to the provisions of this chapter, the rules of the department for a wholesale fish dealer, and the reporting requirements of the endorsed license. Any ~~((salmon or crab))~~ retail-eligible species caught by the holder of a direct retail endorsement must be ~~((landed in the round and))~~ documented on fish tickets ~~((as provided for by the department, before further processing))~~.

(6) The direct retail endorsement must be displayed in a readily visible manner by the seller wherever and whenever a sale to someone other than a licensed wholesale dealer occurs. The commission may require that the holder of a direct retail endorsement notify the department up to eighteen hours before conducting an in-person sale of retail-eligible species, except for in-person sales that have a cumulative retail sales value of less than one hundred fifty dollars in a twenty-four hour period that are sold directly from the vessel. For sales occurring in a venue other than in person, such as over the internet, through a catalog, or on the phone, the direct retail endorsement number of the seller must be provided to the buyer both at the time of sale and the time of delivery. All internet sales must be conducted in accordance with federal laws and regulations.

(7) The direct retail endorsement is to be held by a natural person and is not transferrable or assignable. If the endorsed license is transferred, the direct retail endorsement immediately becomes void, and the transferor is not eligible for a full or prorated reimbursement of the annual fee paid for the direct retail endorsement. Upon becoming void, the holder of a direct retail endorsement must surrender the physical endorsement to the department.

(8) The holder of a direct retail endorsement must abide by the provisions of Title 69 RCW as they apply to the processing and retail sale of seafood. The department must distribute a pamphlet, provided by the department of agriculture, with the direct retail endorsement generally describing the labeling requirements set forth in chapter 69.04 RCW as they apply to seafood.

(9) The holder of a qualifying commercial fishing license issued under this chapter must either possess a direct retail endorsement or a wholesale dealer license provided for in RCW 77.65.280 in order to lawfully sell their catch or harvest in the state to anyone other than a licensed wholesale dealer.

(10) The direct retail endorsement entitles the holder to sell ~~((wild-caught salmon or crab))~~ a retail-eligible species only at a temporary food service establishment as that term is defined in RCW 69.06.045, or directly to a restaurant or other similar food service business.

Sec. 3. RCW 77.65.515 and 2002 c 301 s 3 are each amended to read as follows:

(1) Prior to being issued a direct retail endorsement, an individual must:

(a) Obtain and submit to the department a signed letter on appropriate letterhead from the health department of the county in which the individual makes his or her official residence or where the hailing port for any documented vessel owned by the individual is located as to the fulfillment of all requirements related to county health rules, including the payment of all required fees. The local health department generating the letter may charge a reasonable fee for any necessary inspections. The letter must certify that the methods used by the individual to transport, store, and display any fresh ((salmon and crabs)) retail-eligible species meets that county's standards and the statewide standards adopted by the board of health for food service operations; and

(b) Submit proof to the department that the individual making the direct retail sales is in possession of a valid food and beverage service worker's permit, as provided for in chapter 69.06 RCW.

(2) The requirements of subsection (1) of this section must be completed each license year before a renewal direct retail endorsement can be issued.

(3) Any individual possessing a direct retail endorsement must notify the local health department of the county in which retail sales are to occur, except for the county that conducted the initial inspection, forty-eight hours before any transaction and make his or her facilities available for inspection by a fish and wildlife officer, the local health department of any county in which he or she sells ~~((salmon or crab))~~ any legally harvested retail-eligible species, and any designee of the department of health or the department of agriculture.

(4) Neither the department or a local health department may be held liable in any judicial proceeding alleging that consumption of or exposure to seafood sold by the holder of a direct retail endorsement resulted in a negative health consequence, as long as the department can show that the individual holding the direct retail endorsement complied with the requirements of subsection (1) of this section prior to being issued his or her direct retail license, and neither the department nor a local health department acted in a reckless manner. For the purposes of this subsection, the department or a local health district shall not be deemed to be acting recklessly for not conducting a permissive inspection.

Sec. 4. RCW 77.65.520 and 2002 c 301 s 4 are each amended to read as follows:

(1) The direct retail endorsement is conditioned upon compliance:

(a) With the requirements of this chapter as they apply to wholesale fish dealers and to the rules of the department relating to the payment of fines for violations of rules for the accounting of the commercial harvest of ~~((salmon or crabs))~~ retail eligible species; and

(b) With the state board of health and local rules for food service establishments.

(2) Violations of the requirements and rules referenced in subsection (1) of this section may result in the suspension of the direct retail endorsement. The suspended individual must not be reimbursed for any portion of the suspended endorsement. Suspension of the direct retail endorsement may not occur unless and until:

(a) The director has notified by order the holder of the direct retail endorsement when a violation of subsection (1) of this section has occurred. The notification must specify the type of violation, the liability to be imposed for damages caused by the violation, a notice that the amount of liability is due and payable by the holder of the direct retail endorsement, and an explanation of the options available to satisfy the liability; and

(b) The holder of the direct retail endorsement has had at least ninety days after the notification provided in (a) of this subsection was received to either make full payment for all liabilities owed or enter into an agreement with the department to pay off all liabilities within a reasonable time.

(3)(a) If, within ninety days after receipt of the order provided in subsection (2)(a) of this section, the amount specified in the order is not paid or the holder of the direct retail endorsement has not entered into an agreement with the department to pay off all liabilities, the prosecuting attorney for any county in which the persons to whom the order is directed do business, or the attorney general upon request of the department, may bring an action on behalf of the state in the superior court for Thurston county, or any county in which the persons to whom the order is directed do business, to seek suspension of the individual's direct retail endorsement for up to five years.

(b) The department may temporarily suspend the privileges provided by the direct retail endorsement for up to one hundred twenty days following the receipt of the order provided in subsection (2)(a) of this section, unless the holder of the direct retail endorsement has deposited with the department an acceptable performance bond on forms prescribed and provided by the department. This performance bond must be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond must be filed and maintained in an amount equal to one thousand dollars.

(4) For violations of state board of health and local rules under subsection (1)(b) of this section only, any person inspecting the facilities of a direct retail endorsement holder under RCW 77.65.515 may suspend the privileges granted by the endorsement for up to seven days. Within twenty-four hours of the discovery of the violation, the inspecting entity must notify the department of the violation. Upon notification, the department may proceed with the procedures outlined in this section for suspension of the endorsement. If the violation of a state board of health rule is discovered by a local health department, that local jurisdiction may fine the holder of the direct retail endorsement according to the local jurisdiction's rules as they apply to retail food operations.

(5) Subsections (2) and (3) of this section do not apply to a holder of a direct retail endorsement that executes a surety bond and abides by the conditions established in RCW 77.65.320 and 77.65.330 as they apply to wholesale dealers.

Sec. 5. RCW 36.71.090 and 2002 c 301 s 9 are each amended to read as follows:

(1) It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as ~~(herein)~~ defined ~~(- PROVIDED, That)~~ in this section. However, nothing (herein) in this section authorizes any person to sell, deliver, or peddle, without license, in any city or town, any dairy product, meat, poultry, eel, fish, mollusk, or shellfish where a license is required to engage legally in such activity in such city or town.

(2) It is lawful for an individual in possession of a valid direct retail endorsement, as established in RCW 77.65.510, to sell, deliver, or peddle ~~(wild-caught salmon or crab)~~ any legally harvested retail-eligible species, as that term is defined in RCW 77.08.010, that is caught, harvested, or collected under rule of the department of fish and wildlife by such a person at a temporary food service establishment, as that term is defined in RCW 69.06.045, and no city, town, or county may pass or enforce an ordinance prohibiting the sale by or requiring additional licenses or permits from the holder of the valid direct retail endorsement. However, this subsection does not prohibit a city, town, or county from inspecting an individual displaying a direct retail endorsement to verify that the person is in compliance with state board of health and local rules for food service operations.

Sec. 6. RCW 82.27.020 and 2001 c 320 s 9 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of enhanced food fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the enhanced food fish whose possession constitutes the taxable event. The taxable event is the first possession in Washington by an owner after the enhanced food fish has been landed. Processing and handling of enhanced food fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of enhanced food fish and liable to this tax may deduct from the price paid to the person from which the enhanced food fish (except oysters) are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax ~~(is the value of the)~~ for all enhanced food fish, including retail-eligible fish sold with a direct retail endorsement pursuant to RCW 77.65.510, is the comparable sales price for similar species of fish at the point of landing.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for enhanced food fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five and twenty-five one-hundredths percent;

(b) Pink and sockeye salmon: Three and fifteen one-hundredths percent;

(c) Other food fish and shellfish, except oysters, sea urchins, and sea cucumbers: Two and one-tenth percent;

(d) Oysters: Eight one-hundredths of one percent;

(e) Sea urchins: Four and six-tenths percent through December 31, 2005, and two and one-tenth percent thereafter; and

(f) Sea cucumbers: Four and six-tenths percent through December 31, 2005, and two and one-tenth percent thereafter.

(5) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Parks, Fish and Wildlife striking amendment.

The motion by Senator Oke carried and the committee striking amendment was adopted.

There being no objection the following title amendment was adopted:

On page 1, line 1 of the title, after "fish;" strike the remainder of the title and insert "and amending RCW 77.08.010, 77.65.510, 77.65.515, 77.65.520, 36.71.090, and 82.27.020."

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1127, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1127, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1127, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1127, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1289, by Representatives Hinkle, Grant, Sump, Blake, Bush, Hatfield, Newhouse, Hunt, Buck, Mielke and McDonald

Concerning temporary fishing licenses.

The bill was read the second time.

MOTION

Senator Oke, moved that the following amendment by Senators Oke and Doumit be adopted:

On page 2, after line 24, insert the following:

"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Oke and Doumit on page 2, line 24, to House Bill No. 1289.

The motion by Senator Oke carried and the amendment was adopted.

There being no objection the following title amendment was adopted:

On page 1, line 2 of the title, after "restrictions;" strike "and" and on line 3 of the title, after "77.32.470" insert "; and declaring an emergency."

MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1289, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1289, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1289, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1289, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1057, by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Hatfield, Buck, Blake and Kessler)

Creating the license suspension review committee.

The bill was read the second time.

MOTION

Senator Oke, moved that the following Committee on Parks, Fish and Wildlife striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The legislature finds that existing law as it relates to the suspension of commercial fishing licenses does not take into account the real-life circumstances faced by the state's commercial fishing fleets. The nature of the commercial fishing industry, together with the complexity of fisheries regulations, is such that honest mistakes can be made by well-meaning and otherwise law-abiding fishers. Commercial fishing violations that occur within an acceptable margin of error should not result in the suspension of fishing privileges. Likewise, fishers facing the possibility of license suspension or revocation deserve the opportunity to explain any extenuating circumstances prior to having his or her professional privileges suspended.

(b) The legislature intends, by creating the license suspension review committee, to provide a fisher with the opportunity to explain any extenuating circumstances that led to a commercial fishing violation. The legislature intends for the license suspension review committee

to give serious considerations to the case-specific facts and scenarios leading up to a violation, and for license suspensions to issue only when the facts indicate a willful act that undermines the conservation of fish stocks. Frivolous violations should not result in the suspension of privileges, and should be punished only by the criminal sanctions attached to the underlying crime.

(2)(a) The legislature further finds that gross abuses of fish stocks should not be tolerated. Individuals convicted of even one violation that is egregious in nature, causing serious detriment to a fishery or the competitive disposition of other fishers, should have his or her license suspended and revoked.

(b) The legislature intends for the license suspension review committee to take egregious fisheries' violations seriously. When dealing with individuals convicted of only one violation, the license suspension review committee should only consider suspension for individuals that are convicted of violations that are of a severe magnitude and show a wanton disregard for the public's resource.

Sec. 2. RCW 77.15.700 and 2001 c 253 s 46 are each amended to read as follows:

The department shall impose revocation and suspension of privileges upon conviction in the following circumstances:

(1) If directed by statute for an offense;

(2) If the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Such suspension of privileges may be permanent. ~~This subsection (2) does not apply to violations involving commercial fishing;~~

(3) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game, the department shall order revocation and suspension of all hunting privileges for two years. RCW 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;

(4) If a person is convicted three times in ten years of any violation of recreational hunting or fishing laws or rules, the department shall order a revocation and suspension of all recreational hunting and fishing privileges for two years(;

~~(5) If a person is convicted twice within five years of a gross misdemeanor or felony involving unlawful commercial fish or shellfish harvesting, buying, or selling, the department shall impose a revocation and suspension of the person's commercial fishing privileges for one year. A commercial fishery license revoked under this subsection may not be used by an alternate operator or transferred during the period of suspension).~~

NEW SECTION. Sec. 3. A new section is added to chapter 77.15 RCW to read as follows:

(1) If a person is convicted of two or more qualifying commercial fishing violations within a three-year period, the person's privileges to participate in the commercial fishery to which the violations applied may be suspended by the director for up to one year. A commercial fishery license that is suspended under this section may not be transferred after the director issues a notice of suspension, or used by an alternative operator or transferred during the period of suspension, if the person who is the subject of the suspension notice is the person who owns the commercial fishery license.

(2) For the purposes of this section only, "qualifying commercial fishing violation" means either:

(a) A conviction under RCW 77.15.500, 77.15.510, 77.15.520, 77.15.530, 77.15.550(1)(a), 77.15.570, 77.15.580, or 77.15.590;

(b) A gross misdemeanor or felony involving commercial fish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold fish, other than shellfish, groundfish, or coastal pelagic species of baitfish totals greater than six percent, by weight, of the harvest available for inspection at the time of citation and the cumulative value of the unlawfully harvested fish is more than two hundred fifty dollars at the time of citation;

(c) A gross misdemeanor or felony involving commercial groundfish or coastal pelagic baitfish harvest, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued under this title, if: (i) The quantity of unlawfully harvested, possessed, bought, or sold groundfish or coastal pelagic baitfish totals greater than ten percent, by weight, of the harvest available for inspection at the time of citation and has a cumulative value greater than five hundred dollars; or (ii) the quantity, by weight, of the unlawfully commercially harvested groundfish or coastal pelagic baitfish is ten percent greater than the landing allowances provided under rules adopted by the department for species categorized as over-fished by the national marine fisheries service; or

(d) A gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals greater than six percent of the harvest available for inspection at the time of citation; and (ii) totals fifty or more individual shellfish.

(3)(a) The director may refer a person convicted of one qualifying commercial fishing violation to the license suspension review committee if the director feels that the qualifying commercial fishing violation was of a severe enough magnitude to justify suspension of the individual's license renewal privileges.

(b) The director may refer any person convicted of one egregious shellfish violation to the license suspension review committee.

(c) For the purposes of this section only, "egregious shellfish violation" means a gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals more than twenty percent of the harvest available for inspection at the time of citation; (ii) totals five hundred or more individual shellfish; and (iii) is valued at two thousand five hundred dollars or more.

(4) A person who has a commercial fishing license suspended or revoked under this section may file an appeal with the license suspension review committee pursuant to section 4 of this act. An appeal must be filed within thirty-one days of notice of license suspension or revocation. If an appeal is filed, the suspension or revocation issued by the department does not take effect until after the license suspension review committee has delivered an opinion. If no appeal is filed within thirty-one days of notice of license suspension or revocation, the right to an appeal is considered waived. All suspensions ordered under this section take effect either thirty- one days following the conviction for the second qualifying commercial fishing violation, or upon a decision pursuant to section 4 of this act, whichever is later.

(5) A fishing privilege suspended under this section is in addition to the statutory penalties assigned to the underlying crime.

(6) For the purposes of this section only, the burden is on the state to show the dollar amount or the percent of a harvest that is comprised of unlawfully harvested, bought, or sold individual fish or shellfish.

NEW SECTION. Sec. 4. A new section is added to chapter 77.15 RCW to read as follows:

(1) The license suspension review committee is created. The license suspension review committee may only hear appeals from commercial fishers who have had a license revoked or suspended pursuant to section 3 of this act.

(2)(a) The license suspension review committee is composed of five voting members and up to four alternates.

(b) Two of the members must be appointed by the director and may be department employees.

(c) Three members, and up to four alternates, must be peer-group members, who are individuals owning a commercial fishing license issued by the department. If a peer-group member appears before the license suspension review committee because of a qualifying commercial fishing violation, the member must recuse himself or herself from the proceedings relating to that violation. No two voting peer-group members may reside in the same county. All peer-group members must be appointed by the commission, who may accept recommendations from professional organizations that represent commercial fishing interests or from the legislative authority of any Washington county.

(d) All license suspension review committee members serve a two- year renewable term.

(e) The commission may develop minimum member standards for service on the license suspension review committee, and standards for terminating a member before the expiration of his or her term.

(3) The license suspension review committee must convene and deliver an opinion on a license renewal suspension within three months of appeal or of referral from the department. The director shall consider the committee's opinion and make a decision and may issue, not issue, or modify the license suspension.

(4) The license suspension review committee shall collect the information and hear the testimony that it feels necessary to deliver an opinion on the proper length, if any, of a suspension of a commercial license. The opinion may be based on extenuating circumstances presented by the individual convicted of the qualifying commercial fishing violation or considerations of the type and magnitude of violations that have been committed by the individual. The maximum length of any suspension may not exceed one year.

(5) All opinions of the license suspension review committee must be by a majority vote of all voting members. Alternate committee members may only vote when one of the voting members is unavailable, has been recused, or has decided not to vote on the case before the committee. Nonvoting alternates may be present and may participate at all license suspension review committee meetings.

(6) Members of the license suspension review committee serve as volunteers, and are not eligible for compensation other than travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(7) Staff of the license suspension review committee must be provided by the department."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Parks, Fish and Wildlife striking amendment.

The motion by Senator Oke carried and the committee striking amendment was adopted.

There being no objection the following title amendment was adopted:

On page 1, line 1 of the title, after "violations;" strike the remainder of the title and insert "amending RCW 77.15.700; adding new sections to chapter 77.15 RCW; and creating a new section."

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1057, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1057, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1057, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1057, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1144, by Representatives Haigh, Sump, Cooper, Armstrong, Pearson, McDermott and Chase (by request of Department of Fish and Wildlife)

Allowing the department of fish and wildlife to use approved controlled substances for chemical capture programs.

The bill was read the second time.

MOTION

Senator Oke moved that the following Committee on Parks, Fish and Wildlife striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the department of fish and wildlife is responsible for the proper management of the state's diverse wildlife resources. Wildlife management often requires the department of fish and wildlife to immobilize individual animals in order for the animals to be moved, treated, examined, or for other legitimate purposes. The legislature finds that it is often necessary for the department to use certain controlled substances to accomplish these purposes. Therefore, the legislature finds that the department of fish and wildlife, in coordination with the board of pharmacy, must be enabled to use approved controlled substances in order to accomplish its legitimate wildlife management goals.

NEW SECTION. Sec. 2. A new section is added to chapter 69.50 RCW to read as follows:

The department of fish and wildlife may apply to the department of health for registration pursuant to the applicable provisions of this chapter to purchase, possess, and administer controlled substances for use in chemical capture programs. The department of fish and wildlife must not permit a person to administer controlled substances unless the person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

The department of health may issue a limited registration to carry out the provisions of this section. The board may adopt rules to ensure strict compliance with the provisions of this section. The board, in consultation with the department of fish and wildlife, must by rule add or remove additional controlled substances for use in chemical capture programs. The board shall suspend or revoke registration upon determination that the person administering controlled substances has not demonstrated adequate knowledge as required by this section. This authority is granted in addition to any other power to suspend or revoke registration as provided by law."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Parks, Fish and Wildlife striking amendment.

The motion by Senator Oke carried and the committee striking amendment was adopted.

There being no objection the following title amendment was adopted:

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "adding a new section to chapter 69.50 RCW; and creating a new section."

MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1144, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1144, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1144, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1144, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1335, by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Cooper, Sump, Berkey and Hudgins) (by request of Parks and Recreation Commission)

Continuing the development of water trail sites in Washington state.

The bill was read the second time.

MOTION

Senator Oke moved that the following Committee on Parks, Fish and Wildlife striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.380 and 1993 c 182 s 1 are each amended to read as follows:

The legislature recognizes the increase in water-oriented recreation by users of human and wind-powered, beachable vessels such as kayaks, canoes, or day sailors on Washington's waters. These recreationists frequently require overnight camping facilities along the shores of public or private beaches. The legislature now creates a water trail recreation program, to be administered by the Washington state parks and recreation commission. The legislature recognizes that the effort to develop water trail sites is a continuing need and that the commission provides beneficial expertise and consultation to water trail user groups, agencies, and private landowners for the existing Cascadia marine trail and Willapa Bay water trail.

Sec. 2. RCW 79A.05.385 and 1993 c 182 s 2 are each amended to read as follows:

In addition to its other powers, duties, and functions, the commission may:

(1) Plan, construct, and maintain suitable facilities for water trail activities on lands administered or acquired by the commission or as authorized on lands administered by tribes or other public agencies or private landowners by agreement.

(2) ~~((Provide and issue, upon payment of the proper fee, with the assistance of those authorized agents as may be necessary for the convenience of the public, water trail permits to utilize designated water trail facilities. The commission may, after consultation with the water trail advisory committee, adopt rules authorizing reciprocity of water trail permits provided by another state or Canadian province, but only to the extent that a similar exemption or provision for water trail permits is issued by that state or province.~~

(3) Compile, publish, distribute, and charge a fee for maps or other forms of public information indicating areas and facilities suitable for water trail activities.

~~((4))~~ (3) Contract with a public agency, private entity, or person for the actual conduct of these duties.

~~((5))~~ (4) Work with individuals or organizations who wish to volunteer their time to support the water trail recreation program.

(5) Provide expertise and consultation to individuals, agencies, and organizations in the continued development of water trail sites in this state.

Sec. 3. RCW 79A.05.410 and 1993 c 182 s 7 are each amended to read as follows:

The commission may ~~((after consultation with the water trail advisory committee,))~~ adopt rules to administer the water trail program and facilities on areas owned or administered by the commission. Where water trail facilities administered by other public or private entities are incorporated into the water trail system, the rules adopted by those entities shall prevail. The commission is not responsible or liable for enforcement of these alternative rules.

NEW SECTION. Sec. 4. Any unspent balance of funds in the water trail program account created in RCW 79A.05.405 as of June 30, 2003, must be transferred to the state parks renewal and stewardship account created in RCW 79A.05.215. All receipts from sales of materials under RCW 79A.05.385 and all monetary civil penalties collected under RCW 79A.05.415 must be deposited in the state parks renewal and stewardship account. Any gifts, grants, donations, or moneys from any source received by the commission for the water trail program must also be deposited in the state parks renewal and stewardship account. Funds transferred or deposited into the state parks renewal and stewardship account under this section must be used solely for water trail program purposes.

Sec. 5. RCW 79A.05.630 and 2000 c 11 s 50 are each amended to read as follows:

Lands within the Seashore Conservation Area shall not be sold, leased, or otherwise disposed of, except as (~~herein~~) provided in this section and section 6 of this act. The commission may, under authority granted in RCW 79A.05.175 and 79A.05.180, exchange state park lands in the Seashore Conservation Area for lands of equal value to be managed by the commission consistent with this chapter. Only state park lands lying east of the Seashore Conservation Line, as it is located at the time of exchange, may be so exchanged. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas(~~:-PROVIDED, That~~). However, oil drilling rigs and equipment will not be placed on the Seashore Conservation Area or state-owned accreted lands.

Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the commission to be reasonable, and not generally harmful or destructive to the character of the land(~~:-PROVIDED, That~~). However, the commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Seashore Conservation Area if found by the commission to be reasonable and not generally harmful or destructive to the character of the land(~~:-PROVIDED~~). Further, That net income from such leases shall be deposited in the state parks renewal and stewardship account.

NEW SECTION. Sec. 6. At the request of the city of Long Beach, the state parks and recreation commission shall convey to the city of Long Beach all commission-owned lands lying between 5th street southwest and 4th street northwest, and lying between 8th street northwest and 14th street northwest, all lying between the 1889 ordinary high tide line (also known as the western boundary of upland ownership) and the line of ordinary high tide of the Pacific ocean, and all lying within sections 8 and 17, township 10 north, range 11, west, W.M., Pacific county, Washington. The city of Long Beach must maintain these lands for city park purposes, including open space, parks, interpretive centers, or museums. The title, and any other documents necessary for the transfer of these lands, will include covenants ensuring that the city of Long Beach will maintain all conveyed land as a city park. If the city of Long Beach breaches these covenants, ownership of all park lands conveyed under this section reverts to the state parks and recreation commission.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) RCW 79A.05.400 (Water trail recreation program--Permits) and 1993 c 182 s 5;
- (2) RCW 79A.05.405 (Water trail recreation program--Account created) and 2000 c 11 s 40 & 1993 c 182 s 6; and
- (3) RCW 79A.05.420 (Water trail advisory committee) and 2000 c 11 s 41, 1994 c 264 s 21, & 1993 c 182 s 9."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Parks, Fish and Wildlife striking amendment.

The motion by Senator Oke carried and the committee striking amendment was adopted.

There being no objection the following title amendment was adopted:

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 79A.05.380, 79A.05.385, 79A.05.410, and 79A.05.630; creating new sections; and repealing RCW 79A.05.400, 79A.05.405, and 79A.05.420."

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1335, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1335, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1335, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1335, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1512, by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Cox, Fromhold, Sump, Schoesler, Hatfield, Ahern, Clements and Armstrong)

Allowing special hunts to reduce crop damage caused by wildlife.

The bill was read the second time.

MOTION

On motion of Senator Oke, the following Committee on Parks, Fish and Wildlife striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.36.020 and 1996 c 54 s 3 are each amended to read as follows:

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, and to kill the animals when no other practical means of damage control is feasible.

If the department receives recurring complaints regarding property being damaged as described in this section or RCW 77.36.030 from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall (~~consider conducting~~) conduct a special hunt or special hunts or take remedial action to reduce the potential for such damage. The

commission shall authorize either one or two antlerless permits per hunter for special hunts held in damage areas where qualified department staff, or their designee, have confirmed six incidents of crop damage by deer or elk.

As an alternative to hunting, the department shall work with affected entities to relocate deer and elk when needed to augment existing herds.

Sec. 2. RCW 77.12.150 and 1987 c 506 s 24 are each amended to read as follows:

(1) By emergency rule only, and in accordance with criteria established by the commission, the director may close or shorten a season for game animals, game birds, or game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director shall advise the commission of the adoption of emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

(2)(a) If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the commission may establish a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. ~~((The director shall determine by random selection the identity of hunters who may hunt within the area and shall determine the conditions and requirements of the selection process.))~~ The director shall include notice of the special season in the rules establishing open seasons.

(b) When the department receives six complaints concerning damage to commercial agricultural and horticultural crop production by wildlife from the owner or tenant of real property, or from several owners or tenants in a locale, the commission shall conduct a special hunt or special hunts or take remedial action to reduce the potential for the damage, and shall authorize either one or two permits per hunter. Each complaint must be confirmed by qualified department staff, or their designee.

(c) ~~The director shall determine by random selection the identity of hunters who may hunt within the area of the special hunt and shall determine the conditions and requirements of the selection process. Within this process, the department must maintain a list of all persons holding valid wildlife hunting licenses, arranged by county of residence, who may hunt deer or elk that are causing damage to crops. The department must update the list annually and utilize the list when contacting persons to assist in controlling game damage to crops. The department must make all reasonable efforts to contact individuals residing within the county where the hunting of deer or elk will occur before contacting a person who is not a resident of that county. The department must randomize the names of people on the list in order to provide a fair distribution of the hunting opportunities. Hunters who participate in hunts under this section must report any kills to the department. The department must include a summary of the wildlife harvested in these hunts in the annual game management reports it makes available to the public.~~

There being no objection the following title amendment was adopted:

On page 1, line 1 of the title, after "crops;" strike the remainder of the title and insert "and amending RCW 77.36.020 and 77.12.150."

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1512, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1512, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1512, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Fairley, Kohl-Welles and Prentice - 3.

SUBSTITUTE HOUSE BILL NO. 1512, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1698, by House Committee on Capital Budget (originally sponsored by Representatives Cooper, Anderson, Wood, Jarrett, O'Brien, Murray, Upthegrove, Pflug and Dunshee)

Concerning the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities.

The bill was read the second time.

MOTION

On motion of Senator Oke, the following Committee on Parks, Fish and Wildlife striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.09.280 and 1986 c 206 s 13 are each amended to read as follows:

(1) ~~The interagency committee for outdoor recreation shall establish ((a committee of nonhighway road recreationists, including representatives of organized ORV groups.))~~ the nonhighway and off-road vehicle advisory committee to provide advice regarding the administration of this chapter. The nonhighway and off-road vehicle advisory committee consists of a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including people with off-road vehicle, hiking, hunting, fishing, and wildlife viewing experience. Only representatives of organized ORV groups may be voting members of the committee with respect to expenditure of funds received under RCW 46.09.110.

(2) By January 1, 2004, the nonhighway and off-road vehicle advisory committee must review the existing nonhighway and off-road vehicle distribution formulas and policies in RCW 46.09.170 and develop recommendations for statutory changes. The

recommendations should be consistent with the results of the most recent fuel use study, and address the operation and maintenance needs of existing facilities. For the review in this subsection, the committee must include representatives of county sheriffs, recreational land managers, the state parks and recreation commission, the department of fish and wildlife, and the department of natural resources, and the chairs of the house of representatives and senate committees with jurisdiction over this issue."

MOTION

Senator Oke moved that the following striking amendment by Senators Oke and Doumit be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.09.280 and 1986 c 206 s 13 are each amended to read as follows:

The interagency committee for outdoor recreation shall establish (~~a committee of nonhighway road recreationists, including representatives of organized ORV groups,~~) the nonhighway and off-road vehicle advisory committee to provide advice regarding the administration of this chapter. The nonhighway and off-road vehicle advisory committee consists of a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with off-road vehicle, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience. Only representatives of organized ORV groups may be voting members of the committee with respect to expenditure of funds received under RCW 46.09.110.

NEW SECTION. Sec. 2. The nonhighway and off-road vehicle advisory committee created in RCW 46.09.280 must review the existing nonhighway and off-road vehicle distribution formulas and policies in RCW 46.09.020, 46.09.170, and 46.09.280 and develop recommendations for statutory changes. The recommendations should be consistent with the results of the most recent fuel use study, and address the operation and maintenance needs of existing facilities. For the review in this section, the committee must also include representation of county sheriffs, recreational land managers, the state parks and recreation commission, the department of fish and wildlife, and the department of natural resources, and the chairs of the house of representatives and senate committees with jurisdiction over this issue. Recommendations must be submitted to the appropriate standing committees of the legislature by January 1, 2004."

MOTION

Senator Fraser moved that the following amendment by Senators Fraser, Oke, Fairly and Doumit to the striking amendment by Senators Oke and Doumit be adopted:

On page 1, line 27, after "resources, and" strike "the chairs of the house of representatives and senate committees with jurisdiction over this issue." and insert "two members of the Senate appointed by the president of the senate, to include one member from each major caucus, and two members of the house of representatives appointed by the speaker of the house of representatives, to include one member from each major caucus. In the senate members must be selected from the parks, fish and wildlife committee and ways and means committee. In the house of representatives members must be selected from the fisheries, ecology, and parks committee and either the appropriations or capital budget committee."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fraser, Oke, Fairley and Doumit to the striking amendment by Senators Oke and Doumit.

The motion by Senator Fraser carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Oke and Doumit, as amended.

The motion by Senator Oke carried and the striking amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "programs:" strike the remainder of the title and insert "amending RCW 46.09.280; and creating a new section."

MOTION

On motion of Senator Oke, the rules were suspended, Second Substitute House Bill No. 1698, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Oke, I notice that a considerable number of House members, on both sides of the aisle actually, voted 'no' on this bill. Can you tell me the difference--the primary difference--between the Senate striking amendment and how it would change this bill, as opposed to what they voted on, actually, over there? Can you give me some comparison?"

Senator Oke: "Yes sir, Senator. Initially, the bill came over to us and did have controversy in it, because it was trying to take funding that was traditionally used by the off road vehicles and moved some of those funds into those site-seers fisherpersons and so forth. We have looked at that and tried to work with it and felt that we needed more time to study the issue and that is why the study is before us, versus actually trying to make the determination who uses the funds and how they are used. During the interim, we will make that decision. It is a good bill now, I think, for us and we will come, I hope, with a good solution at the end of the interim."

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1698, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1698, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 1698, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1887, by House Committee on Appropriations (originally sponsored by Representatives Linville, Sump, Cooper, Buck and Hatfield)

Creating the commercial fisheries permit buyback account.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Second Substitute House Bill No. 1887, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1887.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1887, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND SUBSTITUTE HOUSE BILL NO. 1887, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1972, by Representative Hatfield

Making a commercial fish seller's failure to account for commercial harvest a misdemeanor.

The bill was read the second time.

MOTION

On motion of Senator Oke, the following Committee on Parks, Fish and Wildlife striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 77.15 RCW to read as follows:

Since violation of rules of the department relating to the accounting of the commercial harvest of food fish, commercialized game fish, and shellfish result in damage to the resources of the state, persons selling such fish and shellfish at retail, including but not limited to stores, markets, and restaurants, must maintain sufficient records for the department to be able to ascertain the origin of the fish and shellfish in their possession.

(1) A retail fish seller is guilty of retail fish seller's failure to account for commercial harvest if the retail seller sells fish or shellfish at retail, the fish or shellfish were required to be entered on a Washington state fish receiving ticket, the seller is not a wholesale fish dealer or fisher selling under a direct retail sale endorsement, and the seller fails to maintain sufficient records at the location where the fish or shellfish are being sold to determine the following:

(a) The name of the wholesale fish dealer or fisher selling under a direct retail sale endorsement from whom the fish were purchased;

(b) The wholesale fish dealer's license number or the number of the fisher's sale under a direct retail sale endorsement;

(c) The fish receiving ticket number documenting original receipt, if known;

(d) The date of purchase; and

(e) The amount of fish or shellfish originally purchased from the wholesale dealer or fisher selling under a direct retail sale endorsement.

(2) A retail fish seller's failure to account for commercial harvest is a misdemeanor."

There being no objection the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "fish;" strike the remainder of the title and insert "adding a new section to chapter 77.15 RCW; and prescribing penalties."

MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1972, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1972, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1972, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1972, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1993, by Representatives Cooper, Sump, Berkey and Hinkle

Authorizing the parks and recreation commission to rent certain undeveloped land for a term of forty years.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, House Bill No. 1993 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1993.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1993 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45

Voting nay: Senators Fairley, Regala, Shin and Thibaudeau - 4

HOUSE BILL NO. 1993, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1904 and the pending amendment by Senators Roach, Rossi, Eide, Rasmussen and Kline, on page 5, line 23, to the Committee on Health and Long-Term Care Committee striking amendment, deferred April 10, 2003.

RULING BY THE PRESIDENT

President Owen: 'In ruling upon the point of order raised by Senator Deccio as to the scope and object of the amendment by Senators Roach, Rossi, Eide, Rasmussen and Kline on page 5, line 23, to the Committee on Health and Long-Term Care Committee striking amendment, the President finds and rules as follows:

"Engrossed Substitute House Bill No. 1904 is a measure which limits the reporting requirements for mandated reporters of incidents involving vulnerable adults. The amendment to the committee amendment would require that the Washington Association of Sheriffs and Police Chiefs create and maintain a statewide sex offender web site available to the public when funds to do so are provided by any source, including state funds. This exceeds the scope and object of the underlying bill, which was limited only to vulnerable adults. Senator Deccio's point is well taken."

The President ruled that the amendment by Senators Roach, Rossi, Eide, Rasmussen and Kline on page 5, line 23, to the Committee on Health and Long-Term Care Committee striking amendment to be out of order.

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care Committee striking amendment to Engrossed Substitute House Bill No. 1904.

The motion by Senator Deccio carried and the striking amendment was adopted.

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

On page 1, line 2 of the title, after "reporters;" strike the remainder of the title and insert "amending RCW 74.34.020 and 74.34.035; and declaring an emergency."

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No. 1904, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1904, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1904, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1430, by Representatives Miloscia, Armstrong, Haigh and Benson

Requiring state agencies to prepare housing impact statements.

The bill was read the second time.

MOTION

Senator Kastama moved that the following amendment by Senators Kastama and McCaslin be adopted:

On page 2, after "housing" on line 26, delete the following:

", or on the cost of a component of housing".

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kastama and McCaslin on page 2, line 26, to House Bill No. 1430.

The motion by Senator Kastama failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1430 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1430.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1430 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Carlson, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 16.

HOUSE BILL NO. 1430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, by House Committee on State Government (originally sponsored by Representatives Haigh, Armstrong and Miloscia)

The bill was read the second time.

MOTION

Senator Roach moved that the following Committee on Government Operations and Elections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

When a municipality receives a written protest from a bidder for a public works project which is the subject of competitive bids, the municipality shall not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute a contract for the project; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted in determining the minimum two-day notice period.

NEW SECTION. Sec. 2. A new section is added to chapter 39.04 RCW to read as follows:

A low bidder on a public works project who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

Sec. 3. RCW 39.10.061 and 2002 c 46 s 2 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:

- (a) Implementation of the project involves complex scheduling requirements; or
- (b) The project involves construction at an existing facility which must continue to operate during construction; or
- (c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

- (a) Adequate financial resources or the ability to secure such resources;
- (b) History of successful completion of a contract of similar type and scope;
- (c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;

- (d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;
- (e) Ability to accurately estimate the subcontract bid package scope of work;
- (f) Ability to meet subcontract bid package shop drawing and other coordination procedures;
- (g) Eligibility to receive an award under applicable laws and regulations; and
- (h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general

contractor/construction manager. If a general contractor/construction manager receives a written protest from a subcontractor bidder, the general contractor/construction manager shall not execute a contract for the subcontract bid package with anyone other than the protesting bidder without first providing at least two full business days' written notice of the general contractor/construction manager's intent to execute a contract for the subcontract bid package. Intermediate Saturdays, Sundays, and legal holidays are not counted in determining the minimum two-day notice period. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:

(a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;

(b) The bid opening is managed by the public body; and

(c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations and Elections striking amendment to Engrossed Substitute House Bill No. 2056.

The motion by Senator Roach carried and the committee striking amendment was adopted.

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

On page 1, line 1 of the title, after "bidding;" strike the remainder of the title and insert "amending RCW 39.10.061; and adding new sections to chapter 39.04 RCW."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Substitute House Bill No. 2056, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2056, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2056, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Prentice - 1

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1805, by House Committee on Judiciary (originally sponsored by Representatives O'Brien, Nixon, Kagi, Tom, Sommers and Clibborn)

Changing the number of district court judges.

The bill was read the second time.

MOTION

Senator Esser moved that the following Committee on Judiciary striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 3.34.010 and 2002 c 138 s 1 are each amended to read as follows:

The number of district judges to be elected in each county shall be: Adams, two; Asotin, one; Benton, three; Chelan, two; Clallam, two; Clark, ((five)) six; Columbia, one; Cowlitz, two; Douglas, one; Ferry, one; Franklin, one; Garfield, one; Grant, two; Grays Harbor, two; Island, one; Jefferson, one; King, ((twenty-six)) twenty-one; Kitsap, three; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven; San Juan, one; Skagit, two; Skamania, one; Snohomish,

eight; Spokane, ten; Stevens, one; Thurston, two; Wahkiakum, one; Walla Walla, two; Whatcom, two; Whitman, one; Yakima, four. This number may be increased only as provided in RCW 3.34.020.

Sec. 2. RCW 3.34.020 and 2002 c 83 s 1 are each amended to read as follows:

(1) Any change in the number of full and part-time district judges after January 1, 1992, shall be determined by the legislature after receiving a recommendation from the supreme court. The supreme court shall make its recommendations to the legislature based on an objective workload analysis that takes into account available judicial resources and the caseload activity of each court.

(2) The administrator for the courts, under the supervision of the supreme court, may consult with the board of judicial administration and the district and municipal court judge's association in developing the procedures and methods of applying the objective workload analysis.

(3) For each recommended change from the number of full and part-time district judges in any county as of January 1, 1992, the administrator for the courts, under the supervision of the supreme court, shall complete a judicial impact note detailing any local or state cost associated with such recommended change.

(4) If the legislature approves an increase in the base number of district judges in any county as of January 1, 1992, such increase in the base number of district judges and all related costs may be paid for by the county from moneys provided under RCW 82.14.310, and any such costs shall be deemed to be expended for criminal justice purposes as provided in RCW 82.14.315, and such expenses shall not constitute a supplanting of existing funding.

(5)(a) A county legislative authority that desires to change the number of full or part-time district judges from the base number on January 1, 1992, must first request the assistance of the supreme court. The administrator for the courts, under the supervision of the supreme court, shall conduct an objective workload analysis and make a recommendation of its findings to the legislature for consideration as provided in this section. Changes in the number of district court judges may only be made by the legislature in a year in which the quadrennial election for district court judges is not held.

(b) The legislative authority of any county may change a part-time district judge position to a full-time position.

Sec. 3. RCW 3.34.100 and 1992 c 76 s 1 are each amended to read as follows:

If a district judge dies, resigns, is convicted of a felony, ceases to reside in the district, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The county legislative authority shall fill all vacancies by appointment and the judge thus appointed shall hold office until the next general election and until a successor is elected and qualified. However, if a vacancy in the office of district court judge occurs and the total number of district court judges remaining in the county is equal to or greater than the number of district court judges authorized in RCW 3.34.010 then the position shall remain vacant. District judges shall be granted sick leave in the same manner as other county employees. A district judge may receive when vacating office remuneration for unused accumulated leave and sick leave at a rate equal to one day's monetary compensation for each full day of accrued leave and one day's monetary compensation for each four full days of accrued sick leave, the total remuneration for leave and sick leave not to exceed the equivalent of thirty days' monetary compensation.

Sec. 4. RCW 3.38.020 and 1984 c 258 s 23 are each amended to read as follows:

The district court districting committee shall meet at the call of the prosecuting attorney to prepare ((a)) or amend the plan for the districting of the county into one or more district court districts in accordance with the provisions of chapters 3.30 through 3.74 RCW. The plan shall include the following:

(1) The boundaries of each district proposed to be established;

(2) The number of judges to be elected in each district or electoral district, if any. In determining the number of judges to be elected, the districting committee shall consider the results of an objective workload analysis conducted by the administrator for the courts;

(3) The location of the central office, courtrooms and records of each court;

(4) The other places in the district, if any, where the court shall sit;

(5) The number and location of district court commissioners to be authorized, if any;

(6) The departments, if any, into which each district court shall be initially organized, including municipal departments provided for in chapter 3.46 RCW;

(7) The name of each district; and

(8) The allocation of the time and allocation of salary of each judge who will serve part time in a municipal department.

Sec. 5. RCW 3.38.040 and 1984 c 258 s 27 are each amended to read as follows:

(1) The districting committee may meet for the purpose of amending the districting plan at any time on call of the county legislative authority, the chairperson of the committee or a majority of its members. Amendments to the plan shall be submitted to the county legislative authority not later than March 15th of each year for adoption by the county legislative authority following the same procedure as with the original districting plan. Amendments shall be adopted not later than May 1st following submission by the districting committee. Any amendment which would reduce the salary or shorten the term of any judge shall not be effective until the next regular election for district judge. All other amendments may be effective on a date set by the county legislative authority.

(2) The districting committee shall meet within forty-five days of the effective date of changes in the number of judges to be elected in each district court district, or electoral district, if any. Amendments to the plan concerning the number of judges to be elected in each district court district, or electoral district, if any, shall be submitted to the county legislative authority not later than ninety days after the effective date of changes in RCW 3.34.010, and the amendments shall be adopted not later than one hundred eighty days after the effective date of changes in RCW 3.34.010.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment to Substitute House Bill No. 1805.

The motion by Senator Esser carried and the committee striking amendment was adopted.

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

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 3.34.010, 3.34.020, 3.34.100, 3.38.020, and 3.38.040; and declaring an emergency."

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1805, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1805, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1805, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

SUBSTITUTE HOUSE BILL NO. 1805, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1207, by Representatives Alexander, Conway, Cooper, Simpson, Delvin and Campbell (by request of Joint Committee on Pension Policy)

Providing a death benefit for certain public employees.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, House Bill No. 1207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1207.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1207 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Fairley - 1.

HOUSE BILL NO. 1207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1909, by House Committee on Higher Education (originally sponsored by Representatives Jarrett, Kenney, Cox, Fromhold, Chase, Berkey, Pearson, McCoy, Gombosky, Lantz, Clements, Talcott, Buck, Rockefeller, Pflug, Moeller, Priest, Edwards and Santos)

Creating a pilot project for competency-based transfer in higher education.

The bill was read the second time.

MOTION

Senator Carlson moved that the following Committee on Higher Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the focus of transfer between institutions of higher education has been on students' accumulation of credits, where courses necessary for entry to each successive level of higher education have been individually identified and vary by institution and academic discipline. It is the legislature's intent to begin a process that will change the focus of transfer to defining and recognizing student competencies.

NEW SECTION. Sec. 2. (1) The higher education coordinating board, in consultation with the state board for community and technical colleges and the council of presidents, shall recruit and select institutions of higher education to participate in a pilot project to define transfer standards in selected academic disciplines on the basis of student competencies. Participants shall include one public four-year institution of higher education, two or more community or technical colleges that regularly transfer a substantial number of students to that four-year institution, and one or more private career colleges that prepare students in the academic disciplines selected under the pilot project. Such colleges shall be accredited and licensed under chapter 28C.10 RCW.

(2) The pilot project participants shall identify several academic disciplines to form the basis of the project and develop a work plan, timelines, and expected products for the project, which shall be presented by the higher education coordinating board in a preliminary report to the higher education committees of the legislature by December 1, 2004.

(3) Under the pilot project, participants shall develop standards, definitions, and procedures for quality assurance for a transfer system based on student competencies. It is the legislature's intent that under such a system, four-year institutions of higher education, in collaboration with two-year institutions of higher education, define the knowledge, skills, and abilities students should possess in order to enter an upper division program in a particular academic discipline. The two and four-year institutions providing lower division preparation for such an upper division program are responsible for certifying that a student meets the expected standards, but have flexibility to determine

how to assess whether the student has obtained the necessary knowledge, skills, and abilities. Such assessments need not be based on completion of particular courses or accumulation of credits.

(4) The pilot project participants may request assistance in their work from the higher education coordinating board, the western interstate commission on higher education, the state board for community and technical colleges, or the council of presidents. The pilot project participants and the higher education coordinating board shall structure the work of the project in such a way that development costs for the project are absorbed within existing institution and agency budgets.

(5) In collaboration with the higher education coordinating board, the pilot project participants shall report to the higher education committees of the legislature by December 1, 2005, on the progress and status of the pilot project. The report shall identify any barriers encountered by the project and make recommendations for next steps in developing a competency-based transfer system for higher education.

(6) This section expires June 30, 2006."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Higher Education striking amendment to Substitute House Bill No. 1909.

The motion by Senator Carlson carried and the committee striking amendment was adopted.

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

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 1909, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1909, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1909, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1909, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2111, by House Committee on Higher Education (originally sponsored by Representatives Priest, Jarrett and Cox)

Exploring opportunities to create performance contracts between the state and institutions of higher education.

The bill was read the second time.

MOTION

Senator Carlson moved that the following Committee on Higher Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that ten years have passed since the state attempted to redefine the relationship with its institutions of higher education based on trust, evidence, and a new alignment of responsibilities, as articulated in chapter 363, Laws of 1993.

(2) However, the legislature also finds that the intent to combine institutional flexibility and authority to make decisions at the local level with accountability for achieving statewide goals and objectives has never been fully achieved, in part because there has not been an operating mechanism through which to implement this relationship.

(3) Therefore, the legislature intends to explore opportunities to create performance contracts between the state and public institutions of higher education. It is the intent of the legislature that such a contract would constitute a negotiated agreement between the state and an institution, where the state's primary interest would lie not in the management and operations of an institution, but in the institution's contribution to achieving agreed-upon statewide goals and objectives for higher education.

NEW SECTION. Sec. 2. (1) A work group on higher education performance contracts is established. The work group shall consist of members as follows:

- (a) The members of the house and senate higher education and fiscal committees;
- (b) One representative of the higher education coordinating board, appointed by the board;
- (c) One representative of the state board for community and technical colleges, appointed by the state board;
- (d) Two representatives of public four-year institutions of higher education, appointed by the council of presidents;
- (e) Two representatives of the community and technical colleges, appointed by the Washington association of community and technical colleges; and
- (f) One representative of the governor's office and one representative of the office of financial management, each appointed by the governor.

(2) The work group may invite input from other interested parties, including but not limited to faculty and student representatives and representatives of the business community. Within available funds, the work group may obtain additional expertise or engage consultants if necessary to carry out its work.

(3) The work group shall:

(a) Examine the experience of other states in developing and implementing performance contracts with institutions of higher education;

(b) Consider the feasibility of implementing performance contracts in Washington;

(c) Identify whether amendments to current laws may be necessary to implement performance contracts; and

(d) Develop guidelines and possible models for performance contracts, including:

(i) The types of indicators and benchmarks that could be included in a contract to measure an institution's progress in meeting the contract's objectives; and

(ii) The types of flexibility, exemptions, or commitments that could be included in a contract to reflect the state's obligation to an institution.

(4) The work group shall use legislative facilities and staff from senate committee services and the office of program research. Each nonlegislative member of the work group shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Travel expenses for the nonlegislative members shall be paid by their respective institutions or agencies.

(5) The work group shall report its findings and recommendations to the higher education and fiscal committees of the legislature by December 15, 2003.

NEW SECTION. Sec. 3. This act expires June 30, 2004."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Higher Education striking amendment to Substitute House Bill No. 2111.

The motion by Senator Carlson carried and the committee striking amendment was adopted.

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

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 2111, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2111, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2111, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2111, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1571, by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Holmquist, Dickerson, Delvin, Upthegrove, Pettigrew, Hinkle, Priest, Condotta, Kristiansen, Orcutt, Rockefeller, Bush, McCoy and Clements)

Enhancing enforcement of child support obligations.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the following Committee on Children and Family Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there is an urgent need for vigorous enforcement of child support obligations. The legislature further finds that the duty of child support to provide for the needs of dependent children, including their necessary food, clothing, shelter, education, and health care, should not be avoided because of where an obligor resides. A person owing a duty of child support who chooses to engage in behaviors that result in the person becoming incarcerated should not be able to avoid child support obligations.

The legislature also finds the current system of child support collections due from persons confined in state correctional facilities does not facilitate family preservation nor does it promote the best interests of children. The legislature intends that, particularly in instances of very low payment levels, child support deductions go directly to the person or persons in whose custody the child is and who is responsible for the daily support of the child. The legislature does not intend the child support system to be a mechanism for the support of government, but rather to directly assist children in need of support.

Sec. 2. RCW 72.09.111 and 2002 c 126 s 2 are each amended to read as follows:

(1) The secretary shall deduct from the gross wages or gratuities of each inmate working in correctional industries work programs, taxes and legal financial obligations. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages and gratuities.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration; ~~((and))~~

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

~~(c) ((The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration.~~

~~((d))~~ The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the purpose of crime victims' compensation; and

(ii) Fifteen percent for any child support owed under a support order.

(d) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under (a)(ii) or (b)(ii) of this subsection.

The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

In the event that the offender worker's wages or gratuity is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(2) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(3) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(4) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

(5) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(6) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

Sec. 3. RCW 72.09.480 and 1999 c 325 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection ~~((6))~~ (7) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions ~~((# RCW 72.09.111(1)(a)))~~ and the priorities established in chapter 72.11 RCW:

(a) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent to the department to contribute to the cost of incarceration;

(d) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(e) Fifteen percent for any child support owed under a support order.

(3) When an inmate, except as provided in subsection (7) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

~~((3))~~ (4) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

~~((4))~~ (5) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release.

~~((5))~~ (6) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

~~((6))~~ (7) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation ~~((and)),~~ twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

~~((7))~~ (8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(9) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(10) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action."

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

On page 1, line 1 of the title, after "payments;" strike the remainder of the title and insert "amending RCW 72.09.111 and 72.09.480; and creating a new section."

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute House Bill No. 1571, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1571, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1571, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Franklin and Roach - 2.

SUBSTITUTE HOUSE BILL NO. 1571, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Roach was excused.

SECOND READING

HOUSE BILL NO. 1519, by Representatives Wood, Fromhold, Simpson, Cooper, Schindler, Conway, Delvin, Hunt, Gombosky, Sullivan, Wallace, Santos and Kenney

Calculating the death benefits for members of the teachers' retirement system, school employees' retirement system, and public employees' retirement system.

The bill was read the second time.

MOTION

On motion of Senator West, the rules were suspended, House Bill No. 1519 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1519.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1519 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

HOUSE BILL NO. 1519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2186, by Representatives Fromhold, Armstrong and Sommers

Making an irrevocable choice to waive rights to the defined benefit under the plan 3 retirement systems.

The bill was read the second time.

MOTION

On motion of Senator Parlette, the following Committee on Ways and Means amendment was adopted:

On page 2, after line 6, insert the following:

"**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

On page 1, on line 4 of the title, strike "and adding a new section to chapter 41.40 RCW" and insert "adding a new section to chapter 41.40 RCW; and declaring an emergency"

MOTION

On motion of Senator Parlette, the rules were suspended, House Bill No. 2186, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2186, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2186, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

HOUSE BILL NO. 2186, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Rule 46 was suspended for the remainder of the day.

EDITOR'S NOTE: Rule 46 states, 'No committee shall sit during the daily session of the senate unless by special leave.'

MOTION

At 12:00 noon, on motion of Senator Sheahan, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9159, Dan C. Wilder, as a member of the Board of Trustees for Peninsula Community College District No. 1, was confirmed.

Senators Carlson and Hargrove spoke to the confirmation of Dan C. Wilder as a member of the Board of Trustees for Peninsula Community College District No. 1.

APPOINTMENT OF DAN C. WILDER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Horn - 1.

Excused: Senator Roach - 1.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1597, by House Committee on Transportation (originally sponsored by Representatives Mielke, Armstrong, Boldt, Orcutt, Wood, Woods, Kristiansen, Campbell, Hatfield, Sump and Schoesler)

Allowing holders of commercial drivers' licenses to delay a physical examination.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1597 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1597.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1597 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West and Zarelli - 39.

Voting nay: Senators Fairley, Franklin, Fraser, Haugen, Kohl-Welles, Prentice, Regala, Sheldon, B., Spanel and Winsley - 10.

SUBSTITUTE HOUSE BILL NO. 1597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8022, by Senators Honeyford, Kohl-Welles, Johnson, McAuliffe, Sheahan, Rasmussen, Doumit, Morton, Hargrove, Parlette, T. Sheldon, Brandland, Eide, Schmidt, B. Sheldon, Mulliken, Hewitt, Prentice, West, McCaslin, Deccio, Hale, Swecker, Jacobsen, Shin, Esser, Oke, Kastama, Haugen, Franklin, Regala, Benton, Poulsen, Fairley, Fraser, Brown, Winsley, Roach, Thibaudeau, Kline, Reardon, Stevens, Zarelli, Spanel and Finkbeiner

Requesting just compensation to Washington state for the impact of federal land ownership on the state's ability to fund public education.

The joint memorial was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Joint Memorial No. 8022 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8022.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8022 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE JOINT MEMORIAL NO. 8022, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2183, by Representatives Ericksen and Romero

Adjusting the amount allowed for unbid sewer and water projects.

The bill was read the second time.

MOTION

On motion of Senator Roach, the following Committee on Government Operations and Elections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 57.08.050 and 2000 c 138 s 212 are each amended to read as follows:

(1) All work ordered, the estimated cost of which is in excess of (~~five~~) ten thousand dollars, shall be let by contract and competitive bidding. Before awarding any such contract the board of commissioners shall publish a notice in a newspaper of general circulation where the district is located at least once thirteen days before the last date upon which bids will be received, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of commissioners subject to the public inspection. The notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of commissioners on or before the day and hour named therein.

Each bid shall be accompanied by a certified or cashier's check or postal money order payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid, or accompanied by a bid bond in an amount not less than five percent of the bid with a corporate surety licensed to do business in the state, conditioned that the bidder will pay the district as liquidated damages the amount specified in the bond, unless the bidder enters into a contract in accordance with the bidder's bid, and no bid shall be considered unless accompanied by such check, cash or bid bond. At the time and place named such bids shall be publicly opened and read and the board of commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file or to the best bidder submitting the bidder's own plans and specifications. The board of commissioners may reject all bids for good cause and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If the contract is let, then all checks, cash, or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for doing the work, and a bond to perform such work furnished with sureties satisfactory to the board of commissioners in the full amount of the contract price between the bidder and the commission in accordance with the bid. If the bidder fails to enter into the contract in accordance with the bid and furnish the bond within ten days from the date at which the bidder is notified that the bidder is the successful bidder, the check, cash, or bid bonds and the amount thereof shall be forfeited to the district. If the bidder fails to enter into a contract in accordance with the bidder's bid, and the board of commissioners deems it necessary to take legal action to collect on any bid bond required by this section, then the district shall be entitled to collect from the bidder any legal expenses, including reasonable attorneys' fees occasioned thereby. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

(2) As an alternative to requirements under subsection (1) of this section, a water-sewer district may let contracts using the small works roster process under RCW 39.04.155.

(3) Any purchase of materials, supplies, or equipment, with an estimated cost in excess of ten thousand dollars, shall be by contract. Any purchase of materials, supplies, or equipment, with an estimated cost of less than fifty thousand dollars shall be made using the process provided in RCW 39.04.190. Any purchase of materials, supplies, or equipment with an estimated cost of fifty thousand dollars or more shall be made by competitive bidding following the procedure for letting contracts for projects under subsection (1) of this section.

(4) The board may waive the competitive bidding requirements of this section pursuant to RCW 39.04.280 if an exemption contained within that section applies to the purchase or public work."

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

On line 1 of the title, after "projects;" strike the remainder of the title and insert "and amending RCW 57.08.050."

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2183, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2183, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2183, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 2183 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, by House Committee on Transportation (originally sponsored by Representatives Simpson and Ericksen)

Regulating special license plates.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature has seen an increase in the demand from constituent groups seeking recognition and funding through the establishment of commemorative or special license plates. The high cost of implementing a new special license plate series coupled with the uncertainty of the state's ability to recoup its costs, has led the legislature to delay the implementation of new special license plates. In order to address these issues, it is the intent of the legislature to create a mechanism that will allow for the evaluation of special license plate requests and establish a funding policy that will alleviate the financial burden currently placed on the state. Using these two strategies, the legislature will be better equipped to efficiently process special license plate legislation.

PART I SPECIAL LICENSE PLATE REVIEW BOARD

NEW SECTION. Sec. 101. A new section is added to chapter 46.16 RCW to read as follows:

SPECIAL LICENSE PLATE REVIEW BOARD CREATED. (1) The special license plate review board is created.

(2) The board will consist of seven members: One member appointed by the governor and who will serve as chair of the board; four members of the legislature, one from each caucus of the house of representatives and the senate; a department of licensing representative appointed by the director; and a Washington state patrol representative appointed by the chief.

(3) Members shall serve terms of four years, except that four of the members initially appointed will be appointed for terms of two years. No member may be appointed for more than three consecutive terms.

(4) The legislative transportation committee may remove members from the board before the expiration of their terms only for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office as ordered by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

NEW SECTION. Sec. 102. A new section is added to chapter 46.16 RCW to read as follows:

ADMINISTRATION OF THE BOARD. (1) The board shall meet periodically at the call of the chair, but must meet at least one time each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.

(2) The board will be compensated from the general appropriation for the legislative transportation committee in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) The department of licensing shall provide administrative support to the board, which must include at least the following:

(a) Provide general staffing to meet the administrative needs of the board;

(b) Report to the board on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;

(c) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization;

(d) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the board for review and approval.

(5) The legislative transportation committee shall provide general oversight of the board, which must include at least the following:

(a) Process and approve board member compensation requests;

(b) Review the annual financial reports submitted to the board by sponsoring organizations;

(c) Review annually the list of the board's approved and rejected special license plate proposals submitted by sponsoring organizations.

NEW SECTION. Sec. 103. A new section is added to chapter 46.16 RCW to read as follows:

AUTHORITY AND RESPONSIBILITIES OF THE BOARD. (1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the legislative transportation committee;

(b) Report annually to the legislative transportation committee on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees.

PART II ELIGIBILITY REQUIREMENTS FOR A SPONSORING ORGANIZATION

NEW SECTION. Sec. 201. A new section is added to chapter 46.16 RCW to read as follows:

ELIGIBILITY REQUIREMENTS. (1) For an organization to qualify for a special license plate under the special license plate approval program created in sections 101 through 303 of this act, the sponsoring organization must submit documentation in conjunction with the application to the department that verifies:

(a) That the organization is a nonprofit organization, as defined in 26 U.S.C. Sec. 501(c)(3). The department may request a copy of an Internal Revenue Service ruling to verify an organization's nonprofit status; and

(b) That the organization is located in Washington and has registered as a charitable organization with the secretary of state's office as required by law.

(2) For a governmental body to qualify for a special license plate under the special license plate approval program created in sections 101 through 303 of this act, a governmental body must be:

(a) A political subdivision, including but not limited to any county, city, town, municipal corporation, or special purpose taxing district that has the express permission of the political subdivision's executive body to sponsor a special license plate;

(b) A federally recognized tribal government that has received the approval of the executive body of that government to sponsor a special license plate;

(c) A state agency that has both received approval from the director of the agency or the department head, and has the express statutory authority to sponsor a special license plate; or

(d) A community or technical college that has the express permission of the college's board of trustees to sponsor a special license plate.

PART III GENERAL REQUIREMENTS

NEW SECTION. Sec. 301. A new section is added to chapter 46.16 RCW to read as follows:

APPLICATION REQUIREMENTS. (1) A sponsoring organization meeting the requirements of section 201 of this act, applying for the creation of a special license plate to the special license plate review board must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section. If the sponsoring organization cannot meet the payment requirements of subsection (2) of this section, then the organization must meet the requirements of subsection (3) of this section.

(2) The sponsoring organization shall:

(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under section 302(3) of this act;

(b) Provide a proposed license plate design;

(c) Provide a marketing strategy outlining short and long-term marketing plans for the special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

(d) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; and

(e) Provide proof of organizational qualifications as determined by the department as provided for in section 201 of this act.

(3) If the sponsoring organization is not able to meet the payment requirements of subsection (2)(a) of this section and can demonstrate this fact to the satisfaction of the department, the sponsoring organization shall:

(a) Submit an application and nonrefundable fee of two thousand dollars, for deposit in the motor vehicle account, to the department;

(b) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of two thousand intended purchases of the special license plate;

(c) Provide a proposed license plate design;

(d) Provide a marketing strategy outlining short and long-term marketing plans for the special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

(e) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; and

(f) Provide proof of organizational qualifications as determined by the department as provided in section 201 of this act.

(4) After an application is approved by the special license plate review board, the application need not be reviewed again by the board for a period of three years.

NEW SECTION. Sec. 302. A new section is added to chapter 46.16 RCW to read as follows:

DISPOSITION OF REVENUES. (1)(a) Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in section 301(3) of this act must be deposited into the motor vehicle account until the department determines that the state's implementation costs have been fully reimbursed. The department shall apply the application fee required under section 301(3)(a) of this act towards those costs.

(b) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the treasurer, and commence the distribution of the revenue as otherwise provided by law.

(2) If reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Special plates issued before discontinuation are valid until replaced under RCW 46.16.233. The state must be reimbursed for its portion of the implementation costs within two years from the date the new plate series goes on sale to the public.

(3) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants, except the application fee as provided in section 301(3) of this act, must be deposited into the account. Only the director of the department or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, nor is an appropriation required for disbursements.

(4) The department shall provide the special license plate applicant with a written receipt for the payment.

(5) The department shall maintain a record of each special license plate applicant trust account deposit, including, but not limited to, the name and address of each special license plate applicant whose funds are being deposited, the amount paid, and the date of the deposit.

(6) After the department receives written notice that the special license plate applicant's application has been:

(a) Approved by the legislature the director shall request that the money be transferred to the motor vehicle account;

(b) Denied by the special license plate review board or the legislature the director shall provide a refund to the applicant within thirty days; or

(c) Withdrawn by the special license plate applicant the director shall provide a refund to the applicant within thirty days.

NEW SECTION. Sec. 303. A new section is added to chapter 46.16 RCW to read as follows:

SPECIAL LICENSE PLATE ON-GOING REQUIREMENTS. (1) Within thirty days of legislative enactment of a new special license plate series for a qualifying organization meeting the requirements of section 201(1) of this act, the department shall enter into a written agreement with the organization that sponsored the special license plate. The agreement must identify the services to be performed by the sponsoring organization. The agreement must be consistent with all applicable state law and include the following provision:

"No portion of any funds disbursed under the agreement may be used, directly or indirectly, for any of the following purposes:

(a) Attempting to influence: (i) The passage or defeat of legislation by the legislature of the state of Washington, by a county, city, town, or other political subdivision of the state of Washington, or by the Congress; or (ii) the adoption or rejection of a rule, standard, rate, or other legislative enactment of a state agency;

(b) Making contributions reportable under chapter 42.17 RCW; or

(c) Providing a: (i) Gift; (ii) honoraria; or (iii) travel, lodging, meals, or entertainment to a public officer or employee."

(2) The sponsoring organization must submit an annual financial report by September 30th of each year to the department detailing actual revenues and expenditures of the revenues received from sales of the special license plate. Consistent with the agreement under subsection (1) of this section, the sponsoring organization must expend the revenues generated from the sale of the special license plate series for the benefit of the public, and it must be spent within this state. Disbursement of the revenue generated from the sale of the special license plate to the sponsoring organization is contingent upon the organization meeting all reporting and review requirements as required by the department.

(3) If the sponsoring organization ceases to exist or the purpose of the special license plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle account.

(4) A sponsoring organization may not seek to redesign its plate series until all of the inventory is sold or purchased by the organization itself. All cost for redesign of a plate series must be paid by the sponsoring organization.

NEW SECTION. Sec. 304. A new section is added to chapter 46.16 RCW to read as follows:

NONREVIEWED PLATES. (1) A special license plate series created by the legislature after January 1, 2004, that has not been reviewed and approved by the special license plate review board is subject to the following requirements:

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund. The creation and implementation of the plate series may not commence until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the revenues generated from the sale of the special license plates must be deposited in the motor vehicle account until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it is determined that the state has been fully reimbursed the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

(c) The sponsoring organization must provide a proposed license plate design to the department within thirty days of enactment of the legislation creating the plate series.

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Those plates issued before discontinuation are valid until replaced under RCW 46.16.233.

(3) If the sponsoring organization ceases to exist or the purpose of the special plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle account.

(4) A sponsoring organization may not seek to redesign their plate series until all of the existing inventory is sold or purchased by the organization itself. All cost for redesign of a plate series must be paid by the sponsoring organization.

PART IV STANDARD BACKGROUND

Sec. 401. RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of the background of all vehicle license plates may vary in color and design but must be ((issued on a standard background) legible and clearly identifiable as a Washington state license plate, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for

commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(2) Special license plate series approved by the special license plate review board created under section 101 of this act and enacted by the legislature may display a symbol or artwork approved by the special license plate review board.

PART V PRIOR SPECIAL PLATE SERIES CONTINUATION

Sec. 501. RCW 46.16.314 and 1997 c 291 s 9 are each amended to read as follows:

~~((After a period of three years from the initial issuance of a special license plate series,))~~ The department has the sole discretion, based upon the number of sales to date, to determine whether or not to continue issuing ~~((the))~~ license plates in a special series created before January 1, 2003.

PART VI TECHNICAL

NEW SECTION. **Sec. 601.** Part headings used in this act are not part of the law.

PART VII NULL AND VOID

NEW SECTION. **Sec. 701.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus transportation appropriations act, this act is null and void."

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

On line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.233 and 46.16.314; adding new sections to chapter 46.16 RCW; and creating new sections."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 1592, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1592, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1592, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1074, by House Committee on Transportation (originally sponsored by Representatives Bush, O'Brien, Shabro, Kirby, Armstrong, Mielke, Pearson, Anderson, Campbell, Miloscia, Sullivan and Carrell)

Allowing release of impounded vehicles to owners.

The bill was read the second time.

MOTION

Senator Esser moved that the following Committee on Judiciary amendments not be adopted:

On page 2, line 21, after "vehicle is a" insert "clearly marked"

On page 3, line 31, after "owner of" strike "the" and insert "a commercial"

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Esser to not adopt the Committee on Judiciary amendments on page 2, line 21, and page 3, line 31.

The motion by Senator Esser carried and the committee amendments were not adopted.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1074, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1074.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1074 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, by House Committee on Judiciary (originally sponsored by Representatives Kirby, Cooper, Sullivan and Lantz)

Clarifying the restrictions concerning occupational licenses.

The bill was read the second time.

MOTION

Senator Esser moved that the following Committee on Judiciary amendments be considered simultaneously and be adopted:

On page 2, line 16, after "program" strike "or" and insert "((~~or~~))₁"

On page 2, line 17, after "program" strike "for which" and insert "((~~for which~~)), or is gainfully employed and"

On page 3, line 7, after "apprenticeship" strike "or" and insert "((~~or~~))₁"

On page 3, line 7, after "program," insert "or is no longer gainfully employed."

On page 3, line 12, after "program" insert "or continued employment"

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary amendments on page 2, lines 16 and 17, and page 3, lines 7, (2) and page 3, line 12, to Engrossed Substitute House Bill No. 1033.

The motion by Senator Esser carried and the committee amendments were adopted..

MOTION

Senator Esser, moved that the following Committee on Judiciary amendments be considered simultaneously and be adopted:

On page 3, line 37, after "46.29 RCW" insert "; and

(e) The applicant, if the suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101, submits written verification of installation of an ignition interlock or other biological or technical device on the vehicle he or she intends to operate"

On page 4, after line 12, insert the following:

"(6) Any person issued an occupational driver's license whose license suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101 may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device for the duration of the period for which the occupational driver's license is valid."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary amendments on page 3, line 37, and page 4, line 12, to Engrossed Substitute House Bill No. 1033.

The motion by Senator Esser carried and the committee amendments were adopted..

MOTION

Senator Kline moved that the following amendment by Senators Esser, Kline and Johnson be adopted:

On page 4, after line 12, insert the following:

Sec. 2. RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. ~~If ((the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment)) a person is not able to pay a monetary penalty in full, the court shall enter into a payment plan with the person. "Payment plan," as used in this section, means a plan that requires a person to pay an initial payment of not less than five percent of the total owed, followed by reasonable payments in an amount established by the court. No required payment may exceed ten percent of the original amount owed; however, the person may voluntarily pay any amount at any time in addition to these payments.~~

(a) If a payment required to be made under the payment plan is delinquent by thirty days, the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid ~~(and), including the penalty provided in subsection (4) of this section ((has been paid)).~~

(b) If a person has not entered into a payment plan with the court and has not paid the penalty in full on or before the time established for payment, the court shall notify the department of the delinquency, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid, including the penalty provided in subsection (3) of this section, or until the person has entered into a payment plan under this section and has paid the initial payment.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the community restitution program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

Sec. 3. RCW 46.64.025 and 1999 c 86 s 7 are each amended to read as follows:

(1) Whenever any person violates his or her written promise to appear in court, ~~((or))~~ fails to appear for a scheduled court hearing, or fails to comply with the terms of a citation, the court in which the defendant failed to appear or comply shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

(2) Where compliance with the terms of a misdemeanor citation is limited to the payment of a monetary penalty, and a person is not able to pay the monetary penalty in full, the court shall enter into a payment plan with the person. "Payment plan," as used in this section, means a plan that requires a person to pay an initial payment of not less than five percent of the total owed, followed by reasonable payments in an amount established by the court. No required payment may exceed ten percent of the original amount owed. The person may voluntarily pay any amount at any time in addition to these payments. If a person has entered into a payment plan under this subsection, the court shall not notify the department of licensing that the person has failed

to comply with the terms of a citation as it applies to payment of the monetary penalty unless a payment required to be made under the payment plan is delinquent by thirty days."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline, Esser and Johnson on page 4, line 12, to Engrossed Substitute House Bill No. 1033.

The motion by Senator Kline carried and the amendment was adopted.

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "driver's licenses; amending RCW 46.64.025; and reenacting and amending RCW 46.20.391 and 46.63.110."

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Substitute House Bill No. 1033, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1075, by House Committee on Finance (originally sponsored by Representatives Blake, Cairnes and Gombosky)

Clarifying 2001 statutory changes made to forest tax statutes.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute House Bill No. 1075 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1075.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1075 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1075, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1813, by House Committee on State Government (originally sponsored by Representatives Miloscia, Boldt, Linville, Edwards, Romero, Cody, McDermott, Haigh, Hunt, Moeller, Ruderman, Santos, Rockefeller, Simpson, Conway, Wood and Kenney)

Expanding employment opportunities for people with disabilities.

The bill was read the second time.

MOTION

On motion of Senator Doumit, the rules were suspended, Substitute House Bill No. 1813 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1813.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1813 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1391, by Representatives Kagi, Delvin, O'Brien, Campbell, Sullivan, McIntire, Cooper, Moeller, Simpson, Flannigan, Wallace, Wood and Kenney

Adjusting procedures for postconviction DNA testing.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1391 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1391.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1391 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2202, by House Committee on Commerce and Labor (originally sponsored by Representatives McDonald and Conway)

Providing for cosmetology apprenticeships.

The bill was read the second time.

MOTION

Senator Benton moved that the following Committee on Financial Services, Insurance and Housing striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.16 RCW to read as follows:

A cosmetology apprenticeship pilot program is hereby created.

(1) An advisory board consisting of cosmetologists, salon owners, cosmetology schools, the department of licensing, the department of labor and industries, and other interested parties is created.

(a) The advisory board shall oversee the operation of the cosmetology apprenticeship pilot program.

(b) The department of licensing shall coordinate the activities of the advisory board.

(2) Up to twenty salons may participate in the pilot project. The participating salons shall proportionately represent the geographic diversity of Washington state, including rural and urban areas, and salons located in both eastern and western Washington.

(3) The advisory board shall create a written report regarding the outcome of the pilot program to be presented to the appropriate committees of the house of representatives and senate by December 31, 2005.

(4) The department of licensing shall adopt rules to implement the cosmetology apprenticeship pilot program.

(5) The cosmetology apprenticeship pilot program expires July 31, 2005.

Sec. 2. RCW 18.16.020 and 2002 c 111 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Apprenticeship program" means an apprenticeship pilot program approved under section 1 of this act for the practice of cosmetology, barbering, esthetics, and manicuring, which expires July 31, 2005.

(2) "Apprentice" means a person engaged in an apprenticeship program and who may receive a wage or compensation.

(3) "Department" means the department of licensing.

~~((2))~~ (4) "Board" means the cosmetology, barbering, esthetics, and manicuring advisory board.

~~((3))~~ (5) "Director" means the director of the department of licensing or the director's designee.

~~((4))~~ (6) "The practice of cosmetology" means arranging, dressing, cutting, trimming, styling, shampooing, permanent waving, chemical relaxing, straightening, curling, bleaching, lightening, coloring, waxing, tweezing, shaving, and mustache and beard design of the hair of the face, neck, and scalp; temporary removal of superfluous hair by use of depilatories, waxing, or tweezing; manicuring and pedicuring, limited to cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and nails of the hands and feet, excluding the application and removal of sculptured or otherwise

artificial nails; esthetics limited to toning the skin of the scalp, stimulating the skin of the body by the use of preparations, tonics, lotions, or creams; and tinting eyelashes and eyebrows.

~~((5))~~ (7) "Cosmetologist" means a person licensed under this chapter to engage in the practice of cosmetology.

~~((6))~~ (8) "The practice of barbering" means the cutting, trimming, arranging, dressing, curling, shampooing, shaving, and mustache and beard design of the hair of the face, neck, and scalp.

~~((7))~~ (9) "Barber" means a person licensed under this chapter to engage in the practice of barbering.

~~((8))~~ (10) "Practice of manicuring" means the cleaning, shaping, polishing, decorating, and caring for and treatment of the cuticles and the nails of the hands or feet, and the application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.

~~((9))~~ (11) "Manicurist" means a person licensed under this chapter to engage in the practice of manicuring.

~~((10))~~ (12) "Practice of esthetics" means care of the skin by application and use of preparations, antiseptics, tonics, essential oils, or exfoliants, or by any device or equipment, electrical or otherwise, or by wraps, compresses, cleansing, conditioning, stimulation, pore extraction, or product application and removal; the temporary removal of superfluous hair by means of lotions, creams, mechanical or electrical apparatus, appliance, waxing, tweezing, or depilatories; tinting of eyelashes and eyebrows; and lightening the hair, except the scalp, on another person.

~~((11))~~ (13) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

~~((12))~~ (14) "Instructor-trainee" means a person who is currently licensed in this state as a cosmetologist, barber, manicurist, or esthetician, and is enrolled in an instructor-trainee curriculum in a school licensed under this chapter.

~~((13))~~ (15) "School" means any establishment that offers curriculum of instruction in the practice of cosmetology, barbering, esthetics, manicuring, or instructor-trainee to students and is licensed under this chapter.

~~((14))~~ (16) "Student" means a person sixteen years of age or older who is enrolled in a school licensed under this chapter and receives instruction in any of the curricula of cosmetology, barbering, esthetics, manicuring, or instructor-training with or without tuition, fee, or cost, and who does not receive any wage or commission.

~~((15))~~ (17) "Instructor" means a person who gives instruction in a school in a curriculum in which he or she holds a license under this chapter, has completed at least five hundred hours of instruction in teaching techniques and lesson planning in a school, and has passed a licensing examination approved or administered by the director. An applicant who holds a degree in education from an accredited postsecondary institution shall upon application be licensed as an instructor to give instruction in a school in a curriculum in which he or she holds a license under this chapter. An applicant who holds an instructional credential from an accredited community or technical college and who has passed a licensing examination approved or administered by the director shall upon application be licensed as an instructor to give instruction in a school in a curriculum in which he or she holds a license under this chapter.

~~((16))~~ (18) "Person" means any individual, partnership, professional service corporation, joint stock association, joint venture, or any other entity authorized to do business in this state.

~~((17))~~ (19) "Salon/shop" means any building, structure, or any part thereof, other than a school, where the commercial practice of cosmetology, barbering, esthetics, or manicuring is conducted; provided that any person, except employees of a salon/shop, who operates from a salon/shop is required to meet all salon/shop licensing requirements.

~~((18))~~ (20) "Crossover training" means training approved by the director as training hours that may be credited to current licensees for similar training received in another profession licensed under this chapter.

~~((19))~~ (21) "Approved security" means surety bond.

~~((20))~~ (22) "Personal services" means a location licensed under this chapter where the practice of cosmetology, barbering, manicuring, or esthetics is performed for clients in the client's home, office, or other location that is convenient for the client.

~~((21))~~ (23) "Individual license" means a cosmetology, barber, manicurist, esthetician, or instructor license issued under this chapter.

~~((22))~~ (24) "Location license" means a license issued under this chapter for a salon/shop, school, personal services, or mobile unit.

~~((23))~~ (25) "Mobile unit" is a location license under this chapter where the practice of cosmetology, barbering, esthetics, or manicuring is conducted in a mobile structure. Mobile units must conform to the health and safety standards set by rule under this chapter.

~~((24))~~ (26) "Curriculum" means the courses of study taught at a school, set by rule under this chapter, and approved by the department. After consulting with the board, the director may set by rule a percentage of hours in a curriculum, up to a maximum of ten percent, that could include hours a student receives while training in a salon/shop under a contract approved by the department. Each curriculum must include at least the following required hours:

- (a) Cosmetologist, one thousand six hundred hours;
- (b) Barber, one thousand hours;
- (c) Manicurist, six hundred hours;
- (d) Esthetician, six hundred hours;
- (e) Instructor-trainee, five hundred hours.

~~((25))~~ (27) "Student monthly report" means the student record of daily activities and the number of hours completed in each course of a curriculum that is prepared monthly by the school and provided to the student, audited annually by the department, and kept on file by the school for three years.

Sec. 3. RCW 18.16.070 and 1984 c 208 s 4 are each amended to read as follows:

This chapter shall not apply to persons licensed under other laws of this state who are performing services within their authorized scope of practice and shall not be construed to require a license for students enrolled in a school or an apprentice engaged in an apprenticeship program.

Sec. 4. RCW 18.16.090 and 2002 c 111 s 6 are each amended to read as follows:

Examinations for licensure under this chapter shall be conducted at such times and places as the director determines appropriate. Examinations shall consist of tests designed to reasonably measure the applicant's knowledge of safe and sanitary practices and may also include the applicant's knowledge of this chapter and rules adopted pursuant to this chapter. The director may establish by rule a performance examination in addition to any other examination. The director shall establish by rule the minimum passing score for all examinations and the requirements for reexamination of applicants who fail the examination or examinations. The director may allow an independent person to conduct the examinations at the expense of the applicants.

The director shall take steps to ensure that after completion of the required course or apprenticeship program, applicants may promptly take the examination and receive the results of the examination.

Sec. 5. RCW 18.16.100 and 2002 c 111 s 7 are each amended to read as follows:

(1) Upon completion of an application approved by the department and payment of the proper fee, the director shall issue the appropriate license to any person who:

- (a) Is at least seventeen years of age or older;
- (b) ~~(i)~~ Has completed and graduated from a school licensed under this chapter in a curriculum approved by the director of sixteen hundred hours of training in cosmetology, one thousand hours of training in barbering, six hundred hours of training in manicuring, six hundred hours of training in esthetics, and/or five hundred hours of training as an instructor-trainee, or has met the requirements in RCW 18.16.020 or 18.16.130; or

(ii) Has successfully completed an apprenticeship training program; and

- (c) Has received a passing grade on the appropriate licensing examination approved or administered by the director.

(2) A person currently licensed under this chapter may qualify for examination and licensure, after the required examination is passed, in another category if he or she has completed the crossover training course.

(3) Upon completion of an application approved by the department, certification of insurance, and payment of the proper fee, the director shall issue a location license to the applicant.

(4) The director may consult with the state board of health and the department of labor and industries in establishing training, apprenticeship, and examination requirements."

MOTION

On motion of Senator Benton, the following amendments by Senators Benton, Haugen and Prentice to the committee striking amendment were considered simultaneously and were adopted:

On page 1, beginning on line 6 of the amendment, after "advisory" strike all material through "2005." on line 24 of the amendment and insert "committee is created that may consist of representatives from individuals and businesses licensed under chapter 18.16 RCW; cosmetology, barbering, esthetics, and manicuring advisory board members; department of labor and industries; department of licensing; United States department of labor apprenticeship; and other interested parties.

(a) The advisory committee shall meet to review progress of the cosmetology apprenticeship pilot program.

(b) The department of labor and industries apprenticeship council shall coordinate the activities of the advisory committee. The advisory committee shall issue annual reports on the progress of the apprenticeship program to interested parties and shall issue a final report regarding the outcome of the apprenticeship program to be presented to the appropriate committees of the house of representatives and senate by December 31, 2005.

(2) Up to twenty salons approved by the department of labor and industries apprenticeship council may participate in the apprenticeship program. The participating salons shall proportionately represent the geographic diversity of Washington state, including rural and urban areas, and salons located in both eastern and western Washington.

(3) The department of licensing shall adopt rules, including a mandatory requirement that apprentices complete in-classroom theory courses as a part of their training, to provide for the licensure of participants of the apprenticeship program.

(4) The cosmetology apprenticeship pilot program expires July 1, 2006."

On page 2, line 3 of the amendment, after "July" strike "31, 2005" and insert "1, 2006"

On page 2, line 4 of the amendment, after "engaged in" strike "an" and insert "a state-approved"

On page 2, line 5 of the amendment, after "compensation" insert "while engaged in the program"

On page 4, line 10 of the amendment, after "requirements" insert "and may participate in the apprenticeship program when certified by the advisory committee as established by the department of labor and industries apprenticeship council"

On page 5, line 15 of the amendment, after "engaged in" strike "an" and insert "a state-approved"

On page 5, line 16 of the amendment, after "program" insert "as defined in RCW 18.16.020"

On page 6, line 14 of the amendment, after "completed" strike "an" and insert "a state-approved"

On page 6, after line 27 of the amendment, insert the following:

"NEW SECTION. Sec. 6. This act takes effect September 15, 2003."

The President declared the question before the Senate to be the adoption of the Committee on Financial Services, Insurance and Housing striking amendment, as amended, to Substitute House Bill No. 2202.

The motion by Senator Benton carried and the committee striking amendment, as amended, was adopted.

There being no objection, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "apprenticeship;" strike the remainder of the title and insert "amending RCW 18.16.020, 18.16.070, 18.16.090, and 18.16.100; and adding a new section to chapter 18.16 RCW."

On page 7, line 1 of the title amendment, after "18.16.100;" strike "and"

On page 7, line 2 of the title amendment, after "RCW" insert ";"; and providing an effective date"

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 2202, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2202, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2202, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2202, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 8005, by Senators Benton, Swecker, Winsley, Mulliken, Honeyford, West, Hale, Esser and Schmidt

Requesting Congress to permanently repeal the estate tax.

The joint memorial was read the second time.

MOTION

Senator Benton moved that the rules be suspended and Senate Joint Memorial No. 8005 be advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

POINT OF ORDER

Senator Brown: "A point of order, Mr. President. I do not believe that this memorial is properly before us. Senate Concurrent Resolution No. 8400 states that Senate Bills must pass the Senate by Wednesday, March 19, 2003, unless the bill is a budget bill or a bill necessary to implement the budget. This joint memorial is not a budget bill and it is not necessary to implement the budget. Senate Joint Memorial 8005 is a letter to Congress asking them to--they have already passed the bill to phase out the estate taxes. This asks them to permanently repeal the estate tax. Numerous bills have been introduced in the US Congress. Since this is a federal issue and depends on action by Congress, I do not believe that this is necessary to implement the Washington State Budget. The action has already been taken to Congress, relative to the issue and I would ask the President to find that this bill does not affect our Washington State Budget and, therefore, is not properly before us."

MOTION

On motion of Senator Sheahan, further consideration of Senate Joint Memorial No. 8005 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1189, by House Committee on Health Care (originally sponsored by Representatives Alexander, Cody, Skinner, Schual-Berke, Pflug, Morrell, Moeller, Darneille, Clibborn, Campbell and Bailey)

Revising authority of public hospital districts to pay recruitment expenses and employee training and education expenses.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Substitute House Bill No. 1189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1189.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1189 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1855, by House Committee on Children and Family Services (originally sponsored by Representatives Dickerson, Campbell, McDermott and Skinner)

Clarifying licensed independent clinical social worker education and experience requirements.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1855 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1855.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1855 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Reardon moved that the Senate immediately consider Senate Joint Memorial No. 8006.

MOTION

Senator Sheahan moved to defer further consideration of Senate Joint Memorial No. 8006 and that the joint memorial hold its place on the second reading calendar.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Betti Sheldon: "A point of parliamentary inquiry, Mr. President. Does this motion require a vote?"

REPLY BY THE PRESIDENT

President Owen: "All motions require a vote, Senator."

Senator Betti Sheldon: "So, that is it. This does require a vote, correct?"

President Owen: "Yes. Senator Sheldon, the motion to consider a bill has a higher ranking than a motion to defer the bill."

MOTION

At 3:02 p.m., on motion of Senator Sheahan, the Senate adjourned until 9:00 a.m., Monday, April 14, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTY-NINTH DAY, APRIL 11, 2003

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

NINETY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 14, 2003

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Jacobsen, Poulsen and Thibaudeau.

The Sergeant at Arms Color Guard, consisting of Pages Nolan Donnelly and Hannah Jimma, presented the Colors. Reverend Curtis Bidwell, pastor of the First Baptist Church in Tumwater, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 11, 2003

SB 6049 Prime Sponsor, Senator Zarelli: Providing for stewardship and preservation of public college and university facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6049 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 11, 2003

SB 6073 Prime Sponsor, Senator Hargrove: Authorizing the increase of shellfish license fees. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6073 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 11, 2003

SHB 1211 Prime Sponsor, House Committee on Commerce and Labor: Modifying accountability requirements under the public accountancy act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on Rules without recommendation. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 11, 2003

SHB 1782 Prime Sponsor, House Committee on Capital Budget: Creating a competitive grant program for nonprofit youth organizations. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fraser, Hale, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 11, 2003

ESHB 2151 Prime Sponsor, House Committee on Capital Budget: Prioritizing proposed higher education capital projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 11, 2003

SHB 2197 Prime Sponsor, House Committee on Appropriations: Implementing Initiative Measure No. 790. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

April 11, 2003

SHB 2198 Prime Sponsor, House Committee on Appropriations: Removing the allocation of excess earnings from section 6 of Initiative Measure No. 790. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Regala, Roach, Sheahan, B. Sheldon and Winsley.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE
GUBERNATORIAL APPOINTMENT

April 11, 2003

GA 9042 HELEN HOWELL, appointed September 4, 2002, for a term ending at the Governor's pleasure, as Director of the Department of Financial Institutions
Reported by Committee on Financial Services, Insurance and Housing

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Benton, Chair; Winsley, Vice Chair; Keiser, Prentice, Reardon, Roach and Zarelli.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SB 6076 by Senators Esser and Thibaudeau

AN ACT Relating to committees of members of nonprofit corporations; and amending RCW 24.03.065, 24.03.075, and 24.03.465.
Referred to Committee on Judiciary.

MOTION

On motion of Senator Sheahan, the Senate advanced to the ninth order of business.

MOTION

Senator Sheahan moved that the Committee on Judiciary be relieved of further consideration of Engrossed Substitute House Bill No. 1001 and that the bill be placed on the second reading calendar.

MOTION

Senator Betti Sheldon moved to amend the motion by Senator Sheahan to include Engrossed Substitute House Bill No. 1431, Engrossed Second Substitute House Bill No. 1214, House Joint Resolution No. 4204 and Substitute House Bill No. 1809.

MOTION

Senator Sheahan moved that the question be divided and that each bill be taken separately.

REPLY BY THE PRESIDENT

President Owen: "In trying to place this together, I think the motion would be, as you stated, to divide the question, so what you are asking is to divide the question on the amendment to your motion."

PARLIAMENTARY INQUIRY

Senator Betti Sheldon: "A parliamentary inquiry, Mr. President. So, with his motion to divide the question, exactly where does that put all four bills--the amendment and the motion itself?"

REPLY BY THE PRESIDENT

President Owen: "That is exactly what I am trying to figure out."
Senator Betti Sheldon: "Thank you."

President Owen: "Senator Sheldon, in answer to your inquiry, the way that Senator Sheahan put it is that we will vote on to divide the question on each measure. If Engrossed Substitute House Bill No. 1431, for instance, has an affirmative vote, then it would be added to the motion to relieve the Committee--the way that this has been asked. Then, we will go to Engrossed Second Substitute House Bill No. 1214, and the same thing would take place on that motion and if that succeeds, then it will be added to relieve the committee and place the bill on the second reading calendar--the way the motion was made. So, the question before the Senate is shall Engrossed Substitute House Bill No. 1431 be added to the motion to relieve the committee of Judiciary of Engrossed Substitute House Bill No. 1001 and those bills be placed on the second reading calendar."

POINT OF ORDER

Senator West: "Mr, President, a point of order. The Senate, earlier this year, passed Senate Concurrent Resolution No. 8400. Senate Concurrent Resolution No. 8400 was a cutoff resolution for establishing the various cutoffs, as to when bills could be considered by the Senate and it had very few exceptions. On page two, line one, it indicates, Friday, April 4, 2003, the eighty-second day, to be the final day to read in committee reports on bills from the opposite house, with the exception of reports from Ways and Means, Highways and Transportation and the House of Representatives Fiscal Committees.

"I believe, Sir, that Senator Sheahan's motion and Senator Betti Sheldon's motion are out of order and it would take a new vote to amend the concurrent resolution or to change the Senate Rules."

REPLY BY THE PRESIDENT

President Owen: "Senator West, the motions are not out of order. The motion can be made. In previous rulings, the President has ruled that any measure is subject to the cutoff--that is not exempted from the cutoff, in order to be relieved from committee and placed on the calendar at this time--in less than the last three days before the cutoff--I believe it is three days before the cutoff--would take a two-thirds vote or a suspension of the rules. So, none of these measures are exempt from the cutoff and would take a two-thirds vote of this body--to relieve them of the committee. However, that is not a two-thirds vote for the amendments--just in the final relieving of the committees."

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall Engrossed Substitute House Bill No. 1431 be added to the motion to relieve the committee of Engrossed Substitute House Bill No. 1001.

MOTION

On motion of Senator Sheahan, the motion to divide the question was withdrawn.

MOTION

On motion of Senator Brown, the question was divided.

ROLL CALL

The Secretary called the roll and the motion to add Engrossed Substitute House Bill No. 1431 to the list of bills to be relieved from committee, failed by the following vote: Yeas, 19; Nays, 26; Absent, 4; Excused, 0.

Voting yea: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Winsley - 19.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

Absent: Senators Finkbeiner, Jacobsen, Poulsen and Thibaudeau - 4.

MOTIONS

On motion of Senator Hewitt, Senator Finkbeiner was excused.

On motion of Senator Eide, Senators Jacobsen, Poulsen and Thibaudeau were excused.

MOTION

Senator Sheahan moved the Senate revert to the eighth order of business.

Senator Brown demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to revert to the eighth order of business.

ROLL CALL

The Secretary called the roll and the motion to revert to the eighth order of business failed by the following vote: Yeas, 22; Nays, 23; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Esser, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 22.

Voting nay: Senators Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Winsley - 23.

Excused: Senators Finkbeiner, Jacobsen, Poulsen and Thibaudeau - 4.

PARLIAMENTARY INQUIRY

Senator Fairley: "A point of parliamentary inquiry, Mr. President. Can we now speak on the previous question?"

REPLY BY THE PRESIDENT

President Owen: "The question before the Senate is the motion by Senator Betti Sheldon that Engrossed Second Substitute House Bill No. 1214 be added to the motion to relieve the committee of Engrossed Substitute House Bill No. 1001."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

DEMAND FOR THE PREVIOUS QUESTION

Senators Sheahan, West and Hale demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be how put.

The demand for the previous question carried on a rising vote.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall Engrossed Second Substitute House Bill No. 1214 be added to the motion to relieve the committee of Engrossed Substitute House Bill No. 1001.

ROLL CALL

The Secretary called the roll and the motion to add Engrossed Second Substitute House Bill No. 1214 to the list of bills to be relieved from committee carried by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Reardon, Regala, Roach, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 27.

Voting nay: Senators Brandland, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 21.

Excused: Senator Poulsen -1.

DEMAND FOR THE PREVIOUS QUESTION

Senators Sheahan, West and Hale demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

PARLIAMENTARY INQUIRY

Senator Kastama: "A parliamentary inquiry. Can you explain this motion? Do we have a chance to debate on House Joint Resolution No. 4204? Is this nondebatable? Are we going to go directly to a vote? In other words, we need to know the consequences of this vote."

REPLY BY THE PRESIDENT

President Owen: "The consequences of this vote will end debate. However, Senator Betti Sheldon would be allowed to close debate since it was her motion."

PARLIAMENTARY INQUIRY

Senator McAuliffe: "A parliamentary inquiry, Mr. President. Are we not allowed to speak to this motion?"

REPLY BY THE PRESIDENT

President Owen: "The motion that is before us at this point is the motion to end debate, which if voted on in a positive way closes debate."

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried on a rising vote.
The President declared the question before the Senate to be shall House Joint Resolution No. 4204 be added to the motion to relieve the committee of Engrossed Substitute House Bill No. 1001.
Senator Betti Sheldon spoke to the motion to add House Joint Resolution No. 4204 to the motion to relieve the committee on Engrossed Substitute House Bill No. 1001.
Senator Betti Sheldon demanded a roll call and the demand was sustained.
The President declared the question before the Senate to be the roll call on shall House Joint Resolution No. 4204 be added to the motion to relieve the committee of Engrossed Substitute House Bill No. 1001.

ROLL CALL

The Secretary called the roll and the motion to add Engrossed House Joint Resolution No. 4204 to the list of bills to be relieved from committee carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.
Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 25.
Voting nay: Senators Benton, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli- 23.
Excused: Senator Poulsen -1.

DEMAND FOR THE PREVIOUS QUESTION

Senators Sheahan, West and Hale demanded the previous question and the demand was sustained.
The President declared the question before the Senate to be shall the main question be now put.
Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question carried by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.
Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26.
Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau- 22.
Excused: Senator Poulsen -1.

The President declared the question before the Senate to be shall Substitute House Bill No. 1809 be added to the motion to relieve the committee of Engrossed Substitute House Bill No. 1001.
Senator Betti Sheldon spoke to the motion to add Substitute House Bill No. 1809 to the motion to relieve the committee on Engrossed Substitute House Bill No. 1001.
Senator Betti Sheldon demanded a roll call and the demand was sustained.
The President declared the question before the Senate to be the roll call on shall Substitute House Bill No. 1809 be added to the motion to relieve the committee of Engrossed Substitute House Bill No. 1001.

ROLL CALL

The Secretary called the roll and the motion to add Substitute House Bill No. 1809 to the list of bills to be relieved from committee carried by the following vote: Yeas, 25; Nays, 23; Absent, 0; Excused, 1.
Voting yea: Senators Brown, Carlson, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 25.
Voting nay: Senators Benton, Brandland, Deccio, Esser, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West and Zarelli- 23.
Excused: Senator Poulsen -1.

POINT OF ORDER

Senator West: "Mr. President, a point of order. Senator Sheahan's motion is out of order according to the cutoff resolution that we passed at the beginning of the session--Cutoff Resolution 8400. I call again your attention to page two, line one, it says that Friday, April 4, 2003, the eighty-second day will be the final day to read in the committee reports on bills from the opposite house, with the exception of reports from Ways and Means, Highways and Transportation and the House of Representatives and then it goes on further, Sir. It says that April 7 will be the final day to read in Ways and Means, Highways and Transportation and House Fiscal Committee Reports.
"Sir, these bills are out of order, because we have passed that cutoff."
Debate ensued.

MOTION

At 10:05 a.m., on motion of Senator Sheahan, the Senate was declared to be ease.

The Senate was called to order at 10:15 a.m. by President Pro Tempore Winsley.
There being no objection, the President Pro Tempore advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 8658

By Senators Rasmussen, Winsley, Kastama, Regala, Jacobsen, Swecker, Roach, Fraser, Franklin, Kohl-Welles, McAuliffe and Spanel

WHEREAS, David T. Hellyer was a seasoned world traveler by age twelve, having lived with his family in Japan, Switzerland, and Great Britain, before moving to Santa Barbara, California; and

WHEREAS, David T. Hellyer attended Yale University, where he graduated with an Arts and Letters Degree in 1936. Following graduation, David, his wife, Connie, and the couple's two elkhounds headed west and landed in Tacoma; and

WHEREAS, Once in the Northwest, David and Connie fell in love with the country and made a fateful decision to purchase one hundred acres of land for \$4.50 an acre. The property in rural Pierce County included Horseshoe Lake and a view of Mount Rainier; and

WHEREAS, David returned to school where he completed premedical courses at the University of Washington and transferred to the University of Chicago Medical School in 1941. World War II came, and after a crash course in medicine, with no time off for summers, David T. Hellyer added M.D. to his name in 1944 and became a Doctor of Pediatrics; and

WHEREAS, After a stint in the Navy during World War II, it was back to Tacoma for Dr. Hellyer, wife Connie, and daughters Connie, Doro, and Tirrell, where he entered a medical partnership in pediatrics; and

WHEREAS, Over the years, the Hellyers had purchased bits and pieces of property around Horseshoe Lake and eventually owned nearly a section of land; and

WHEREAS, Dr. Hellyer retired from a distinguished medical practice at age 60, and remains a Life Member of the American Academy of Pediatrics, past President of the North Pacific Pediatric Society, and Professor Emeritus at the University of Washington School of Medicine; and

WHEREAS, Retirement allowed Dr. Hellyer to pursue his dream of creating what he has termed a "protected place, a microcosm where North American wildlife would exist in a varied and suitable habitat, where people, especially children, might experience wild animals in the dignity and beauty of a nearly pristine setting"; and

WHEREAS, Donation by Dr. Hellyer and Connie of the Horseshoe Lake property to the Metropolitan Park District of Tacoma began a process to create Northwest Trek Wildlife Park; and

WHEREAS, The determination, vision, and hard work of Dr. Hellyer, along with the help of his family, General Bill Elder, and a variety of friends, neighbors, and public officials, paid off in 1973 with voter approval of a bond issue for Northwest Trek, which opened to the public on July 17, 1975, with Governor Dan Evans cutting the ribbon, read that log, with a chainsaw; and

WHEREAS, Internationally renowned zoological park designer Grant Jones has said Northwest Trek "is not just unique in our own region. Northwest Trek is the only open range indigenous wildlife park and outdoor classroom in North America. It has inspired leaders committed to wildlife education from all over the world and has never been matched anywhere. It is truly one of a kind";

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor Dr. David T. Hellyer, who last year celebrated his 89th birthday, for his exceptional vision, determination, foresight, and hard work in donating the property and working to make Northwest Trek a facility of national repute that attracts more than 180,000 visitors a year; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Dr. David T. Hellyer and his wife, Connie, with heartfelt thanks of the Washington Senate for a job well done.

Senators Rasmussen, Roach, Fraser, Parlette, McAuliffe and Kastama spoke to Senate Resolution 8658.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Dr. David T. Hellyer and his wife, Connie, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Dr. Hellyer to address the Senate.

MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

SENATE RESOLUTION 8660

By Senators Kohl-Welles, Stevens, Hargrove, Fraser, McAuliffe, Spanel, Roach and Rasmussen

WHEREAS, Crime and the threat of violence have profound and devastating effects on individuals, families, and communities in America; and

WHEREAS, Over 24 million people in the United States are touched by crime each year; and

WHEREAS, The threat and reality of terrorism have challenged all Americans to realize the devastating consequences of violent crime, and the important roles in providing support to individuals and communities who are victimized; and

WHEREAS, Crime in America results in significant physical, psychological, financial, and spiritual effects on countless innocent victims; and

WHEREAS, Crime victims in every state, United States territory, and Federal jurisdiction have statutory rights to be kept informed of and involved in the criminal and juvenile justice processes, and to be afforded protection, restitution, and accountability from their offenders; and

WHEREAS, There are over 10,000 community and system-based victim service programs across our nation that provide a wide range of services and support to victims of crime; and

WHEREAS, In 2003, the Office for Victims of Crime within the United States Department of Justice commemorates 20 years of providing leadership to ensure that crime victims are treated with dignity and compassion; and

WHEREAS, America as a nation continues to face threats to personal and public safety, and continues to commit its collective energies to help citizens who are hurt by crime; and

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor crime victims and those who serve them and urge residents to honor them this week of April 6-12, Crime Victims Week; and

BE IT FURTHER RESOLVED, That we continue to fulfill the promise of justice and compassion for crime victims as individuals, as communities, and as a nation to justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Families and Friends of Violent Crime Victims.

Senators Kohl-Welles and Hargrove spoke to Senate Resolution 8660.

MOTION

At 10:47 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 11:57 a.m. by President Owen.

There being no objection, the Senate resumed consideration of the point of order raised by Senator West regarding the cutoff resolution, Senate Concurrent Resolution 8400.

RULING BY PRESIDENT

President Owen: "In ruling upon the point of order raised by Senator West, the President finds and rules as follows:

"A number of issues are presented by the floor action up to this point which need explanation. Consistent with past rulings on these issues, the President finds that all measures are subject to the cutoff resolution passed by both the House and the Senate this year--Senate Concurrent Resolution 8400. Pursuant to this cutoff resolution, April 4th was the last day to read in committee reports on House Bills from all committees except fiscal committees, which could be read in no later than April 7th. The specific language within the cutoff resolution for these committee cutoff dates is very important because it relates only to reporting by committees, not to consideration of the measure by the full Senate. The only relevant date for consideration of a House Bill by the full Senate is April 18. The ultimate say is and should be the will of the full body, which is reflected in Rule 48.

"Rule 48 clearly and unambiguously allows this body to recall a bill from committee with a simple majority vote of the full membership, in other words, twenty-five votes. The cutoff resolution also clearly and unambiguously sets April 18th as the final day by which the Senate may consider a House Bill. Combining these two precepts, the President rules, therefore, that the body may properly relieve any committee of a House Bill for consideration by the full Senate so long as it does so on or before 5:00 p.m. on April 18.

"The President has reviewed previous rulings on this subject and recognized that this ruling is a departure from an earlier ruling in 1997. The President believes, however, that today's ruling better harmonizes the interplay between Rule 48 and the cutoff resolution and is more consistent with the principles expressed by the Senate Rules, the Cutoff Resolution and Reed's Parliamentary Rules, which are to be construed in such a way as to allow the body to complete its business.

"Therefore, the President finds that Senator Sheahan's motion, as amended, is properly before the Senate."

The President ruled that the bills relieved from committee earlier today were properly before the Senate.

MOTION

Senator Sheahan, moved that the Senate revert to the sixth order of business.

OBJECTION TO REVERTING TO SIXTH ORDER OF BUSINESS

Senator Betti Sheldon objected to reverting to the sixth order of business.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to revert to the sixth order of business.

ROLL CALL

The Secretary called the roll call and the motion by Senator Sheahan to revert to the sixth order of business failed by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 24.

Voting nay: Senators Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 25.

MOTION

At 12:02 p.m., Senator West moved that the Senate go at ease.

OBJECTION TO MOTION TO GO AT EASE

Senator Betti Sheldon objected to the motion to go at ease.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

WITHDRAWAL OF MOTION

Senator Betti Sheldon withdrew the motion for a roll call vote and asked for a division of the vote.

The President declared the question before the Senate to be the motion by Senator West that the Senate go at ease. The motion by Senator West carried on a rising vote.

At 12:05 p.m., the President declared the Senate at ease.

The Senate was called to order at 1:51 p.m. by President Owen.

MOTION

Senator Sheahan moved that the Senate revert to the sixth order of business.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to revert to the sixth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan carried by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

Voting nay: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

MOTION

At 1:55 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 3:06 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9025, Rene' Ewing, as Chair of the Work Force Training and Education Coordinating Board, was confirmed.

APPOINTMENT OF RENE' EWING

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 5; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 44.

Absent: Senators Deccio, Honeyford, Kline, Rasmussen and Winsley - 5.

MOTION

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

MESSAGES FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE SENATE BILL NO. 5786,
SUBSTITUTE SENATE BILL NO. 5868,
SUBSTITUTE SENATE BILL NO. 5933,
SENATE BILL NO. 5970, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 11, 2003

MR. PRESIDENT:

The House has passed:
SENATE BILL NO. 5094,
SENATE BILL NO. 5134,
SUBSTITUTE SENATE BILL NO. 5407,
SUBSTITUTE SENATE BILL NO. 5996, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 14, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED SENATE BILL NO. 5256,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5299,
SUBSTITUTE SENATE BILL NO. 5396, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5786,
SUBSTITUTE SENATE BILL NO. 5868,
SUBSTITUTE SENATE BILL NO. 5933,
SENATE BILL NO. 5970.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5094,
SENATE BILL NO. 5134,
SUBSTITUTE SENATE BILL NO. 5407,
SUBSTITUTE SENATE BILL NO. 5996.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5256,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5299,
SUBSTITUTE SENATE BILL NO. 5396.

MOTION

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

MOTION

On motion of Senator Sheahan, Senator Deccio was excused.

SECOND READING

HOUSE BILL NO. 1206, by Representatives Pflug and Conway (by request of Joint Committee on Pension Policy)

Making optional plan 3 member contributions.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, House Bill No. 1206 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1206.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1206 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Poulsen - 1.

Excused: Senator Deccio - 1.

HOUSE BILL NO. 1206, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004, by House Committee on Finance (originally sponsored by Representatives Nixon, Campbell, Bush, Kessler, Talcott and Simpson)

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

The joint memorial was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute House Joint Memorial No. 4004 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Joint Memorial No. 4004.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Joint Memorial No. 4004 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 1388, by Representatives Woods, Ericksen, Ahern, Schindler, Jarrett, Bush, Shabro, Anderson, Bailey, Talcott, Clements, Chandler, Mielke, Boldt, Newhouse, Schoesler, Nixon, Pearson, Pflug and McMahan

Providing incentives to increase transportation revenues by reforming laws limiting the provision of passenger-only ferry service.

The bill was read the second time.

MOTION

On motion of Senator Oke, the rules were suspended, Engrossed House Bill No. 1388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1388.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1388 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45

Voting nay: Senators Mulliken and Prentice - 2,

Excused: Senator Deccio - 1.

ENGROSSED HOUSE BILL NO, 1388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1294, by Representatives McDermott, Haigh, Armstrong, Nixon, Miloscia, Dickerson and Mielke (by request of Public Disclosure Commission)

Revising campaign finance reporting requirements for out-of-state political committees.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House No. 1294.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1294 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

HOUSE BILL NO, 1294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1114, by Representatives Hinkle, Murray, Armstrong, Priest, Boldt, Lovick, Mielke and Haigh

Extending school or playground speed zones.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.440 and 1997 c 80 s 2 are each amended to read as follows:

(1) Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a highway either inside or outside an incorporated city or town when passing any marked school or playground crosswalk when such marked crosswalk is fully posted with standard school speed limit signs or standard playground speed limit signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk.

(2) A county or incorporated city or town may create a school or playground speed zone on a highway bordering a marked school or playground, in which zone it is unlawful for a person to operate a vehicle at a speed in excess of twenty miles per hour. The school or playground speed zone may extend three hundred feet from the border of the school or playground property; however, the speed zone may only include area consistent with active school or playground use.

(3) A person found to have committed any infraction relating to speed restrictions within a school or playground speed zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

~~((3))~~ (4) The school zone safety account is created in the custody of the state treasurer. Fifty percent of the moneys collected under subsection ~~((2))~~ (3) of this section shall be deposited into the account. Expenditures from the account may be used only by the Washington traffic safety commission solely to fund projects in local communities to improve school zone safety, pupil transportation safety, and student safety in school bus loading and unloading areas. Only the director of the traffic safety commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures until July 1, 1999, after which date moneys in the account may be spent only after appropriation."

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

On line 1 of the title, after "zones;" strike the remainder of the title and insert "and amending RCW 46.61.440."

MOTION

On motion of Senator Mulliken, the rules were suspended, House Bill No. 1114, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House No. 1114, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1114, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48

Excused: Senator Deccio - 1.

HOUSE BILL NO, 1114, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Benton was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1470, by House Committee on Education (originally sponsored by Representatives Cox, Haigh, Schoesler, Sump, Quall and Santos)

Expanding "residency" for purposes of attending Washington public schools.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the following Committee on Education striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.225.170 and 1969 ex.s. c 223 s 28A.58.210 are each amended to read as follows:

(1) Any child who is of school age and otherwise eligible residing within the boundaries of any military, naval, lighthouse, or other United States reservation, national park, or national forest or residing upon rented or leased undeeded lands within any Indian reservation within the state of Washington, shall be admitted to the public school, or schools, of any contiguous district without payment of tuition: PROVIDED, That the United States authorities in charge of such reservation or park shall cooperate fully with state, county, and school district authorities in the enforcement of the laws of this state relating to the compulsory attendance of children of school age, and all laws relating to and regulating school attendance.

(2) Any child who is of school age and otherwise eligible, residing in a home that is located in Idaho but that has a Washington address for the purposes of the United States postal service, shall be admitted, without payment of tuition, to the nearest Washington school district and shall be considered a resident student for state apportionment and all other purposes."

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

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "and amending RCW 28A.225.170."

MOTION

On motion of Senator Sheahan, the rules were suspended, Substitute House Bill No. 1470, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House No. 1470, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1470, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46

Voting nay: Senator McAuliffe - 1

Excused: Senators Benton, and Deccio - 2.

SUBSTITUTE HOUSE BILL NO. 1470, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1943, by House Committee on Finance (originally sponsored by Representatives McIntire, Delvin, Conway, Gombosky, Armstrong, Clements, Edwards and Kenney)

Modifying cigarette regulatory provisions.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the following striking amendment by Senators Honeyford and Keiser was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 82.24.020 and 1994 sp.s. c 7 s 904 are each amended to read as follows:

(1) There is levied and there shall be collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession or distribution of all cigarettes, in an amount equal to the rate of eleven and one-half mills per cigarette.

(2) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of five and one-fourth mills per cigarette. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to the rate of ten mills per cigarette through June 30, 1994, eleven and one-fourth mills per cigarette for the period July 1, 1994, through June 30, 1995, twenty mills per cigarette for the period July 1, 1995, through June 30, 1996, and twenty and one-half mills per cigarette thereafter. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(4) Wholesalers (~~and retailers~~) subject to the payment of this tax may, if they wish, absorb one-half mill per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

(5) For purposes of this chapter, "possession" shall mean both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession shall be deemed to occur at the location of the cigarettes being so transported or held.

Sec. 2. RCW 82.24.030 and 1995 c 278 s 2 are each amended to read as follows:

(1) In order to enforce collection of the tax hereby levied, the department of revenue shall design and have printed stamps of such size and denominations as may be determined by the department. The stamps must be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the department to readily ascertain by inspection, whether or not such tax has been paid or whether an exemption from the tax applies.

(2) Except as otherwise provided in this chapter, ~~(every person)~~ only a wholesaler shall cause to be affixed on every package of cigarettes, stamps of an amount equaling the tax due thereon or stamps identifying the cigarettes as exempt before he or she sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same: PROVIDED, That where it is established to the satisfaction of the department that it is impractical to affix such stamps to the smallest container or package, the department may authorize the affixing of stamps of appropriate denomination to a large container or package.

(3) Only wholesalers may purchase or obtain cigarette stamps. Wholesalers shall not sell or provide stamps to any other wholesaler or person.

(4) Each roll of stamps, or group of sheets, shall have a separate serial number, which shall be legible at the point of sale. The department of revenue shall keep records of which wholesaler purchases each roll or group of sheets. If the department of revenue permits wholesalers to purchase partial rolls or sheets, in no case may stamps bearing the same serial number be sold to more than one wholesaler. The remainder of the roll or sheet, if any, shall either be retained for later purchases by the same wholesaler or destroyed.

(5) Nothing in this section shall be construed as limiting any otherwise lawful activity under a cigarette tax compact pursuant to chapter 43.06 RCW.

Sec. 3. RCW 82.24.040 and 1995 c 278 s 3 are each amended to read as follows:

(1) Except as authorized by this chapter, no person other than a licensed wholesaler shall possess in this state unstamped cigarettes.

(2) No wholesaler in this state may possess within this state unstamped cigarettes except that:

(a) Every wholesaler in the state who is licensed under Washington state law may possess within this state unstamped cigarettes for such period of time after receipt as is reasonably necessary to affix the stamps as required; and

(b) Any wholesaler in the state who is licensed under Washington state law and who furnishes a surety bond in a sum satisfactory to the department, shall be permitted to set aside, without affixing the stamps required by this chapter, such part of the wholesaler's stock as may be necessary for the conduct of the wholesaler's business in making sales to persons in another state or foreign country or to instrumentalities of the federal government. Such unstamped stock shall be kept separate and apart from stamped stock.

~~((2))~~ (3) Every wholesaler licensed under Washington state law shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state or to a federal instrumentality, make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery, whether or not stamps were affixed thereto, and shall transmit such true duplicate invoice to the department, at Olympia, not later than the fifteenth day of the following calendar month. For failure to comply with the requirements of this section, the department may revoke the permission granted to the taxpayer to maintain a stock of goods to which the stamps required by this chapter have not been affixed.

~~((3))~~ (4) Unstamped cigarettes possessed by a wholesaler under subsection (2) of this section that are transferred by the wholesaler to another facility of the wholesaler within the borders of Washington shall be transferred in compliance with RCW 82.24.250.

(5) Every wholesaler who is licensed by Washington state law shall sell cigarettes to retailers located in Washington only if the retailer has a current cigarette retailer's license or is an Indian tribal organization authorized to possess untaxed cigarettes under this chapter and the rules adopted by the department.

(6) Nothing in this section shall be construed as limiting any otherwise lawful activity under a cigarette tax compact pursuant to chapter 43.06 RCW.

Sec. 4. RCW 82.24.050 and 1995 c 278 s 4 are each amended to read as follows:

(1) No retailer in this state may possess unstamped cigarettes within this state ~~((except as provided in this chapter))~~ unless the person is also a wholesaler in possession of the cigarettes in accordance with RCW 82.24.040.

(2) A retailer may obtain cigarettes only from a wholesaler subject to the provisions of this chapter.

Sec. 5. RCW 82.24.110 and 1999 c 193 s 2 are each amended to read as follows:

(1) Each of the following acts is a gross misdemeanor and punishable as such:

(a) To sell, except as a licensed wholesaler engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(b) To sell in Washington as a wholesaler to a retailer who does not possess and is required to possess a current cigarette retailer's license;

(c) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(d) For any person other than the department of revenue or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(e) To violate any of the provisions of this chapter;

(f) To violate any lawful rule made and published by the department of revenue or the board;

(g) To use any stamps more than once;

(h) To refuse to allow the department of revenue or its duly authorized agent, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(i) ~~((Except as provided in this chapter,))~~ For any retailer to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(j) For any person to make, use, or present or exhibit to the department of revenue or its duly authorized agent, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(k) For any wholesaler or retailer or his or her agents or employees to fail to produce on demand of the department of revenue all invoices of all the articles herein taxed or stamps bought by him or her or received in his or her place of business within five years prior to such demand unless he or she can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his or her control;

(l) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein;

(m) For any person to possess or transport in this state a quantity of sixty thousand cigarettes or less unless the proper stamps required by this chapter have been affixed or unless: (i) Notice of the possession or transportation has been given as required by RCW 82.24.250; (ii) the person transporting the cigarettes has in actual possession invoices or delivery tickets which show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (iii) the cigarettes are consigned to or purchased by any person in this state who is authorized by this chapter to possess unstamped cigarettes in this state;

(n) To possess, sell, or transport within this state any container or package of cigarettes that does not comply with this chapter.

(2) It is unlawful for any person knowingly or intentionally to possess or to transport in this state a quantity in excess of sixty thousand cigarettes unless the proper stamps required by this chapter are affixed thereto or unless: (a) Proper notice as required by RCW 82.24.250 has been given; (b) the person transporting the cigarettes actually possesses invoices or delivery tickets showing the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported; and (c) the cigarettes are consigned to or purchased by a person in this state who is authorized by this chapter to possess unstamped cigarettes in this state. Violation of this section shall be punished as a class C felony under Title 9A RCW.

(3) All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses described in this chapter shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer or any other person violating this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 82.24 RCW to read as follows:

(1) It is unlawful for any person to knowingly manufacture, sell, or possess counterfeit cigarettes. A cigarette is "counterfeit" if:

(a) The cigarette or its packaging bears any reproduction or copy of a trademark, service mark, trade name, label, term, design, or work adopted or used by a manufacturer to identify its own cigarettes; and

(b) The cigarette is not manufactured by the owner or holder of that trademark, service mark, trade name, label, term, design, or work, or by any authorized licensee of that person.

(2) Any person who violates the provisions of this section is guilty of a class C felony which is punishable by up to five years in prison and a fine of up to ten thousand dollars.

(3) Any person who is convicted of a second or subsequent violation of the provisions of this section is guilty of a class B felony which is punishable by up to ten years in prison and a fine of up to twenty thousand dollars.

Sec. 7. RCW 82.24.130 and 1999 c 193 s 3 are each amended to read as follows:

(1) The following are subject to seizure and forfeiture:

(a) Subject to RCW 82.24.250, any articles taxed in this chapter that are found at any point within this state, which articles are held, owned, or possessed by any person, and that do not have the stamps affixed to the packages or containers; ~~((and))~~ any container or package of cigarettes possessed or held for sale that does not comply with this chapter; and any container or package of cigarettes that is manufactured, sold, or possessed in violation of section 6 of this act.

(b) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) of this subsection, except:

(i) A conveyance used by any person as a common or contract carrier having in actual possession invoices or delivery tickets showing the true name and address of the consignor or seller, the true name of the consignee or purchaser, and the quantity and brands of the cigarettes transported, unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) A conveyance subject to forfeiture under this section by reason of any act or omission of which the owner thereof establishes to have been committed or omitted without his or her knowledge or consent;

(iii) A conveyance encumbered by a bona fide security interest if the secured party neither had knowledge of nor consented to the act or omission.

(c) Any vending machine used for the purpose of violating the provisions of this chapter.

(2) Property subject to forfeiture under this chapter may be seized by any agent of the department authorized to collect taxes, any enforcement officer of the board, or law enforcement officer of this state upon process issued by any superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant; or

(b) The department, the board, or the law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

(3) Notwithstanding the foregoing provisions of this section, articles taxed in this chapter which are in the possession of a wholesaler ((or retailer)), licensed under Washington state law, for a period of time necessary to affix the stamps after receipt of the articles, shall not be considered contraband unless they are manufactured, sold, or possessed in violation of section 6 of this act.

Sec. 8. RCW 82.24.250 and 1997 c 420 s 7 are each amended to read as follows:

(1) No person other than: (a) A licensed wholesaler in the wholesaler's own vehicle; or (b) a person who has given notice to the board in advance of the commencement of transportation shall transport or cause to be transported in this state cigarettes not having the stamps affixed to the packages or containers.

(2) When transporting unstamped cigarettes, such persons shall have in their actual possession or cause to have in the actual possession of those persons transporting such cigarettes on their behalf invoices or delivery tickets for such cigarettes, which shall show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity and brands of the cigarettes so transported.

(3) If the cigarettes are consigned to or purchased by any person in this state such purchaser or consignee must be a person who is authorized by this chapter ((82.24 RCW)) to possess unstamped cigarettes in this state.

(4) In the absence of the notice of transportation required by this section or in the absence of such invoices or delivery tickets, or, if the name or address of the consignee or purchaser is falsified or if the purchaser or consignee is not a person authorized by this chapter ((82.24 RCW)) to possess unstamped cigarettes, the cigarettes so transported shall be deemed contraband subject to seizure and sale under the provisions of RCW 82.24.130.

(5) Transportation of cigarettes from a point outside this state to a point in some other state will not be considered a violation of this section provided that the person so transporting such cigarettes has in his possession adequate invoices or delivery tickets which give the true name and address of such out-of-state seller or consignor and such out-of-state purchaser or consignee.

(6) In any case where the department or its duly authorized agent, or any peace officer of the state, has knowledge or reasonable grounds to believe that any vehicle is transporting cigarettes in violation of this section, the department, such agent, or such police officer, is authorized to stop such vehicle and to inspect the same for contraband cigarettes.

(7) For purposes of this section, the term "person authorized by this chapter ((82.24 RCW)) to possess unstamped cigarettes" means:

(a) A wholesaler ((or retailer)), licensed under Washington state law;

(b) The United States or an agency thereof; and

(c) Any person, including an Indian tribal organization, who, after notice has been given to the board as provided in this section, brings or causes to be brought into the state unstamped cigarettes, if within a period of time after receipt of the cigarettes as the department determines by rule to be reasonably necessary for the purpose the person has caused stamps to be affixed in accordance with RCW 82.24.030 or otherwise made payment of the tax required by this chapter in the manner set forth in rules adopted by the department.

(8) Nothing in this section shall be construed as limiting any otherwise lawful activity under a cigarette tax compact pursuant to chapter 43.06 RCW.

Sec. 9. RCW 82.24.260 and 1995 c 278 s 11 are each amended to read as follows:

(1) Other than:

(a) A ((person)) wholesaler required to be licensed under this chapter;

(b) A federal instrumentality with respect to sales to authorized military personnel; or

(c) An Indian tribal organization with respect to sales to enrolled members of the tribe.

a person who is in lawful possession of unstamped cigarettes and who intends to sell or otherwise dispose of the cigarettes shall pay, or satisfy its precollection obligation that is imposed by this chapter, the tax required by this chapter by remitting the tax or causing stamps to be affixed in the manner provided in rules adopted by the department.

(2) When stamps are required to be affixed, the person may deduct from the tax collected the compensation allowable under this chapter. The remittance or the affixing of stamps shall, in the case of cigarettes obtained in the manner set forth in RCW 82.24.250(7)(c), be made at the same time and manner as required in RCW 82.24.250(7)(c).

(3) This section shall not relieve the buyer or possessor of unstamped cigarettes from personal liability for the tax imposed by this chapter.

(4) Nothing in this section shall relieve a wholesaler ((or a retailer)) from the requirements of affixing stamps pursuant to RCW 82.24.040 and 82.24.050.

Sec. 10. RCW 82.24.500 and 1986 c 321 s 4 are each amended to read as follows:

No person may engage in or conduct the business of purchasing, selling, consigning, or distributing cigarettes in this state without a license under this chapter. A violation of this section is a ((misdemeanor)) class C felony.

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

On page 1, line 2 of the title, after "forfeiture;" strike the remainder of the title and insert "amending RCW 82.24.020, 82.24.030, 82.24.040, 82.24.050, 82.24.110, 82.24.130, 82.24.250, 82.24.260, and 82.24.500; adding a new section to chapter 82.24 RCW; and prescribing penalties."

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1943, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1943, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1943, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Benton and Deccio - 2.

SUBSTITUTE HOUSE BILL NO. 1943, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6028, by Senators Brandland, Spanel and Rasmussen

Modifying the business and occupation taxation of manufacturing flax seed into flax oil.

The bill was read the second time.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 6028 was substituted for Senate Bill No. 6028 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 6028 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6028.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6028 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 38.

Voting nay: Senators Fairley, Franklin, Fraser, Kastama, Keiser, Kline, McAuliffe, Poulsen, Prentice and Regala - 10.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 6028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1028, by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Dickerson, Delvin, Kagi, O'Brien, Kenney and Upthegrove)

Studying programs for at-risk youth intervention.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The Washington state institute for public policy has completed numerous studies that provide data, trends, and evaluations of community-based youth violence prevention projects. Related research shows that healthy, stable families are often the best line of defense against juvenile crime. A wide variety of research can be useful to the joint legislative audit and review committee and other members of the legislature.

The joint legislative audit and review committee shall review and analyze research, including research done by the Washington state institute for public policy, that identifies programs that can be implemented by local jurisdictions, are cost beneficial to the state, and are effective at preserving families and reducing crime committed by youth who are eleven to eighteen years of age. The joint legislative audit and review committee shall report their analysis on the success, cost benefits, and outcomes of the programs to the legislature by September 1, 2005.

The joint legislative audit and review committee shall also develop and report options regarding financial and other incentives that encourage local government investment in community-based research proven preventive and early intervention programs that reduce juvenile crime and preserve families. Among the incentives that must be considered are those that reimburse local governments for a portion of the savings that accrue to the state as the result of local government investment in such programs."

MOTION

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove and Stevens was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The joint legislative audit and review committee shall:

(1) Review and analyze research, including research conducted by the Washington state institute for public policy, to identify programs that have been proven effective at (a) preserving families and (b) reducing crime committed by youth who are eleven to eighteen years of age;

(2) Report on the research findings about costs, benefits, and outcomes of the programs identified in subsection (1) of this section that (a) have been successfully implemented by local jurisdictions in Washington state; (b) have resulted in documented and measurable positive outcomes related to family preservation and juvenile crime reduction in Washington state; and (c) have resulted in cost savings, or were cost neutral, to the state budget;

(3) Report on the research findings about the role that financial and other incentives have played in stimulating local government investment in the programs identified in subsection (1) of this section; and

(4) Evaluate, recommend, and report where appropriate, options for financial and other incentives designed to encourage local government investment in the programs identified in subsection (1) of this section. Among the incentives that may be considered are those that reimburse local jurisdictions for a portion of the savings that accrue to the state as the result of local government investment in such programs.

In carrying out this review, the joint legislative audit and review committee may consider using a sample of local communities and local governments, but should be attentive to regional differences within the state.

The committee shall submit an interim report to the appropriate policy and fiscal committees of the legislature by September 1, 2004, and a final report to the same committees by September 1, 2005.

This section expires December 31, 2005."

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a study of proven intervention and prevention programs for at-risk youth; creating a new section; and providing an expiration date."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1028, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1028, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1028, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1028, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1464, by House Committee on Children and Family Services (originally sponsored by Representatives Boldt, Nixon and Anderson)

Requiring department of social and health services to work with community-based and faith-based social services organizations.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall designate a person within each of the department's administrative regions to serve as a liaison for community-based and faith-based social services organizations. The liaison shall be available to such organizations to:

(1) Provide information to community-based and faith-based social services organizations that relates to opportunities for the organizations to cooperate with the department in providing community services throughout the state;

(2) Identify areas of need that are not currently being met in the state in which community-based and faith-based social services organizations may provide needed services;

(3) Coordinate efforts to promote involvement of community-based and faith-based social services organizations to provide community services throughout the state."

There being no objection, the following title amendment was adopted

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "and adding a new section to chapter 43.20A RCW."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1464, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Thibaudeau: "Senator Hargrove, because for years and years, we have worked and contracted with Catholic Community Services, The Lutheran Agency—I guess I don't understand why or the reason for this bill. Is it because of the President's initiative in this area? I guess I just don't understand the reason for this bill and why the reasons for the liaison with each—"

Senator Hargrove: "Well, Senator Thibaudeau, I am not the sponsor of the bill. Maybe, the chairman would like to try this, but you are correct. Catholic Community Services and the Lutheran Church has also contracted with the state. I think that there is some interest in having some other organizations have the opportunity to help out in some of these areas, too. It may be a little directed contact with them would get some volunteer activity going along with the contracts. So, that is my understanding of it and that is the best I can do."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1464, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1464, as amended by the Senate, and the bill passed

the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 40.

Voting nay: Senators Fairley, Fraser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala and Thibaudeau - 8.
Excused: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1464, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5545, by Senators Esser, Reardon, Poulsen, Sheahan and Winsley (by request of Department of Health)

Using fees to develop and maintain a web-based vital records system.

MOTIONS

On motion of Senator Esser, Substitute Senate Bill No. 5545 was substituted for Senate Bill No. 5545 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Esser, the rules were suspended, Substitute Senate Bill No. 5545 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5545.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5545 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 5545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6023, by Senators Hargrove, Rossi, Fairley and Kohl-Welles

Increasing certain assessments and penalties imposed by courts.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 6023 was substituted for Senate Bill No. 6023 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove and Rossi was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 3.62.090 and 2001 c 289 s 1 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to ~~((sixty))~~ seventy percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW 46.63.110~~((6))~~ (7) or the penalty imposed under RCW 46.63.110~~((7))~~ (8).

Sec. 2. RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection (4) of this section has been paid.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ~~((ten))~~ twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060."

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

On page 1, line 2 of the title, after "courts;" strike the remainder of the title and insert "amending RCW 3.62.090; reenacting and amending RCW 46.63.110; and prescribing penalties."

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute Senate Bill No. 6023 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6023.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6023 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6023, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5583, by Senators Haugen, Shin, T. Sheldon, Hale and Rasmussen

Promoting economic development through tax credits and exemptions.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5583 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5583.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5583 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Kastama - 1.

Excused: Senator Deccio - 1.

SENATE BILL NO. 5583, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6052, by Senators Johnson and Rossi (by request of Office of Financial Management)

Changing alternative route teacher certification provisions.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6052 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6052.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6052 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Deccio - 1.

SENATE BILL NO. 6052, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2001, by Representatives Murray, Skinner and Hudgins

Providing property tax exemptions for nonprofit organizations supporting artists.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 84.36 RCW to read as follows:

The real and personal property owned or used by a nonprofit organization is exempt from taxation if the property is used for solicitation or collection of gifts, donations, or grants for the support of individual artists and the organization meets all of the following conditions:

- (1) The organization is organized and conducted for nonsectarian purposes.
- (2) The organization is qualified for exemption under section 501(c)(3) of the federal internal revenue code.
- (3) The organization is governed by a volunteer board of directors of at least eight members.
- (4) If the property is leased, the benefit of the exemption inures to the user.

(5) The gifts, donations, and grants are used by the organization for grants, fellowships, information services, and educational resources in support of individual artists engaged in the production or performance of musical, dance, artistic, dramatic, or literary works.

Sec. 2. RCW 84.36.810 and 2001 c 126 s 3 are each amended to read as follows:

(1)(a) Upon cessation of a use under which an exemption has been granted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.041, 84.36.042, 84.36.043, 84.36.046, 84.36.050, 84.36.060, 84.36.550, section 1 of this act, 84.36.560, and 84.36.570, except as provided in (b) of this subsection, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the three years preceding, or the life of such exemption, if such be less, together with the interest at the same rate and computed in the same way as that upon delinquent property taxes. If the property has been granted an exemption for more than ten consecutive years, taxes and interest shall not be assessed under this section.

(b) Upon cessation of use by an institution of higher education of property exempt under RCW 84.36.050(2) the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the seven years preceding, or the life of the exemption, whichever is less.

(2) Subsection (1) of this section applies only when ownership of the property is transferred or when fifty-one percent or more of the area of the property loses its exempt status. The additional tax under subsection (1) of this section shall not be imposed if the cessation of use resulted solely from:

(a) Transfer to a nonprofit organization, association, or corporation for a use which also qualifies and is granted exemption under this chapter;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Official action by an agency of the state of Washington or by the county or city within which the property is located which disallows the present use of such property;

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the organization, association, or corporation changing the use of such property;

(e) Relocation of the activity and use of another location or site except for undeveloped properties of camp facilities exempted under RCW 84.36.030;

(f) Cancellation of a lease on leased property that had been exempt under this chapter (~~(or RCW 84.36.560)~~); or

(g) A change in the exempt portion of a home for the aging under RCW 84.36.041(3), as long as some portion of the home remains exempt.

(3) Subsections (2)(e) and (f) of this section do not apply to property leased to a state institution of higher education and exempt under RCW 84.36.050(2).

NEW SECTION. Sec. 3. This act applies to taxes levied for collection in 2004 and thereafter."

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

On page 1, line 2 of the title, after "artists;" strike the remainder of the title and insert "amending RCW 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section."

MOTION

On motion of Senator Rossi, the rules were suspended, House Bill No. 2001, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2001, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2001, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Kastama - 1

Excused: Senator Deccio - 1.

HOUSE BILL NO. 2001, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, by House Committee on Appropriations (originally sponsored by Representatives Quall, Schoesler, Blake, Sump, Morris, Grant, Hatfield, Sehlín, Bailey and Linville)

Regarding construction projects in state waters.

The bill was read the second time.

MOTION

On motion of Senator Swecker, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.55.060 and 1998 c 190 s 86 are each amended to read as follows:

(1) Subject to subsection (3) of this section, a dam or other obstruction across or in a stream shall be provided with a durable and efficient fishway approved by the director. Plans and specifications shall be provided to the department prior to the director's approval. The fishway shall be maintained in an effective condition and continuously supplied with sufficient water to freely pass fish.

(2) If a person fails to construct and maintain a fishway or to remove the dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice to comply has been served upon the owner, his or her agent, or the person in charge, the director may construct a fishway or remove the dam or obstruction. Expenses incurred by the department constitute the value of a lien upon the dam and upon the personal property of the person owning the dam. Notice of the lien shall be filed and recorded in the office of the county auditor of the county in which the dam or obstruction is situated. The lien may be foreclosed in an action brought in the name of the state.

If, within thirty days after notice to construct a fishway or remove a dam or obstruction, the owner, his or her agent, or the person in charge fails to do so, the dam or obstruction is a public nuisance and the director may take possession of the dam or obstruction and destroy it. No liability shall attach for the destruction.

(3) For the purposes of this section, "other obstruction" does not include tide gates, flood gates, and associated man-made agricultural drainage facilities that were originally installed as part of an agricultural drainage system on or before the effective date of this section or the repair, replacement, or improvement of such tide gates or flood gates.

Sec. 2. RCW 77.55.100 and 2002 c 368 s 2 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld or unreasonably conditioned.

(2)(a) The department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 77.55.110, "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 77.55.110.

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 77.55.110, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

(10) The department shall not require a fishway on a tide gate, flood gate, or other associated man-made agricultural drainage facilities as a condition of a hydraulic project approval if such fishway was not originally installed as part of an agricultural drainage system existing on or before the effective date of this section.

(11) Any condition requiring a self-regulating tide gate to achieve fish passage in an existing hydraulic project approval under this section may not be enforced.

NEW SECTION. Sec. 3. A new section is added to chapter 77.55 RCW to read as follows:

Upon written request of adversely affected landowners of land designated as agricultural lands of long-term commercial significance according to chapter 36.70A RCW or the associated special districts under RCW 85.38.180, the department shall authorize the removal of the self-regulating function of any self-regulating tide gate installed because of a condition imposed by the department in an approval issued according to RCW 77.55.100 or during implementation of fish passage requirements pursuant to RCW 77.55.060. The department shall make authorizing the removal of the self-regulating function of any self-regulating tide gate a priority. The department shall pay for any tide gate removal required by this section within existing resources.

NEW SECTION. Sec. 4. A new section is added to chapter 77.85 RCW to read as follows:

(1) If a limiting factors analysis has been conducted under this chapter for a specific geographic area and that analysis shows insufficient intertidal salmon habitat, the department of fish and wildlife and the county legislative authorities of the affected counties may jointly initiate a salmon intertidal habitat restoration planning process to develop a plan that addresses the intertidal habitat goals contained in the limiting factors analysis. The fish and wildlife commission and the county legislative authorities of the geographic area shall jointly appoint a task force composed of the following members:

- (a) One representative of the fish and wildlife commission, appointed by the chair of the commission;
- (b) Two representatives of the agricultural industry familiar with agricultural issues in the geographic area, one appointed by an organization active in the geographic area and one appointed by a statewide organization representing the industry;
- (c) Two representatives of environmental interest organizations with familiarity and expertise of salmon habitat, one appointed by an organization in the geographic area and one appointed by a statewide organization representing environmental interests;
- (d) One representative of a diking and drainage district, appointed by the individual districts in the geographic area or by an association of diking and drainage districts;
- (e) One representative of the lead entity for salmon recovery in the geographic area, appointed by the lead entity;
- (f) One representative of each county in the geographic area, appointed by the respective county legislative authorities; and
- (g) One representative from the office of the governor.

(2) Representatives of the United States environmental protection agency, the United States natural resources conservation service, federal fishery agencies, as appointed by their regional director, and tribes with interests in the geographic area shall be invited and encouraged to participate as members of the task force.

(3) The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the Washington state conservation commission.

(4) The task force shall:

- (a) Review and analyze the limiting factors analysis for the geographic area;
- (b) Initiate and oversee intertidal salmon habitat studies for enhancement of the intertidal area as provided in section 5 of this act;
- (c) Review and analyze the completed assessments listed in section 5 of this act;
- (d) Develop and draft an overall plan that addresses identified intertidal salmon habitat goals that has public support; and
- (e) Identify appropriate demonstration projects and early implementation projects that are of high priority and should commence immediately within the geographic area.

(5) The task force may request briefings as needed on legal issues that may need to be considered when developing or implementing various plan options.

(6) Members of the task force shall be reimbursed by the conservation commission for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(7) The task force shall provide annual reports that provide an update on its activities to the fish and wildlife commission, to the involved county legislative authorities, and to the lead entity formed under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 77.85 RCW to read as follows:

(1) In consultation with the task force, the conservation commission may contract with universities, private consultants, nonprofit groups, or other entities to assist it in developing a plan incorporating the following elements:

(a) An inventory of existing tide gates located on streams in the county. The inventory shall include location, age, type, and maintenance history of the tide gates and other factors as determined by the task force in consultation with the county and diking and drainage districts;

(b) An assessment of the role of tide gates located on streams in the county; the role of intertidal fish habitat for various life stages of salmon; the quantity and characterization of intertidal fish habitat currently accessible to fish; the quantity and characterization of the present intertidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential intertidal fish habitat on public lands and alternatives to enhance this habitat; the effects of saltwater intrusion on agricultural land, including the effects of backfeeding of saltwater through the underground drainage system; the role of tide gates in drainage systems, including relieving excess water from saturated soil and providing reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning intertidal fish habitat; a map of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term plan for intertidal salmon habitat enhancement to meet the goals of salmon recovery and protection of agricultural lands. The proposal shall consider all other means to achieve salmon recovery without converting farmland. The proposal shall include methods to increase fish passage and otherwise enhance intertidal habitat on public lands pursuant to subsection (2) of this section, voluntary methods to increase fish passage on private lands, a priority list of intertidal salmon enhancement projects, and recommendations for funding of high priority projects. The task force also may propose pilot projects that will be designed to test and measure the success of various proposed strategies.

(2) In conjunction with other public landowners and the task force, the department shall develop an initial salmon intertidal habitat enhancement plan for public lands in the county. The initial plan shall include a list of public properties in the intertidal zone that could be enhanced for salmon, a description of how those properties could be altered to support salmon, a description of costs and sources of funds to enhance the property, and a strategy and schedule for prioritizing the enhancement of public lands for intertidal salmon habitat. This initial plan shall be submitted to the task force at least six months before the deadline established in subsection (3) of this section.

(3) The final intertidal salmon enhancement plan shall be completed within two years from the date the task force is formed and funding has been secured. A final plan shall be submitted by the task force to the lead entity for the geographic area established under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 77.55 RCW to read as follows:

As used in this chapter, "tide gate" means a one-way check valve that prevents the backflow of tidal water.

NEW SECTION. Sec. 7. The process established in sections 4 and 5 of this act shall be initiated as soon as practicable in Skagit county.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

On page 1, line 1 of the title, after "infrastructure;" strike the remainder of the title and insert "amending RCW 77.55.060 and 77.55.100; adding new sections to chapter 77.55 RCW; adding new sections to chapter 77.85 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Second Substitute House Bill No. 1418, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1418, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1418, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Fairley, Kohl-Welles, Regala and Thibaudeau - 4.

Excused: Senator Deccio - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6029, by Senators Rossi and Fairley (by request of Office of Financial Management)

Funding the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Senate Bill No. 6029 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6029.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6029 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Thibaudeau, West and Zarelli - 32.

Voting nay: Senators Brown, Doumit, Eide, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Shin, Spanel and Winsley - 17.

SENATE BILL NO. 6029, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1561, by Representatives Orcutt, Kagi, Pettigrew and Boldt (by request of Department of Social and Health Services)

Eliminating certain department of social and health services' reporting requirements.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was adopted: Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.20B.030 and 1997 c 130 s 5 are each amended to read as follows:

(1) Except as otherwise provided by law, there will be no collection of overpayments and other debts due the department after the expiration of six years from the date of notice of such overpayment or other debt unless the department has commenced recovery action in a court of law or unless an administrative remedy authorized by statute is in place. However, any amount due in a case thus extended shall cease to be a debt due the department at the expiration of ten years from the date of the notice of the overpayment or other debt unless a court-ordered remedy would be in effect for a longer period.

(2) ~~((a))~~) The department, at any time, may accept offers of compromise of disputed claims or may grant partial or total write-off of any debt due the department if it is no longer cost-effective to pursue. The department shall adopt rules establishing the considerations to be made in the granting or denial of a partial or total write-off of debts.

~~((b) Beginning December 1, 1997, the department shall report by December 1 each year to the commerce and labor committees of the senate and house of representatives, the senate ways and means committee, and the house appropriations committee, or successor committees, the following information:~~

- ~~(i) The cumulative amount of debt due the department;~~
- ~~(ii) The cumulative amount of debt that has been written off by the department as no longer cost-effective to pursue;~~
- ~~(iii) The amount of debt due the department that has accrued in each of the previous five fiscal years; and~~
- ~~(iv) The amount of debt that has been written off in each of the previous five fiscal years as no longer cost-effective to pursue.)~~

Sec. 2. RCW 74.13.036 and 1996 c 133 s 37 are each amended to read as follows:

(1) The department of social and health services shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

- (a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;
- (b) Procedures for designating department staff responsible for family reconciliation services;
- (c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and
- (d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

- (a) Identify and evaluate resource needs in each region of the state;
- (b) Disseminate information collected as part of the oversight process to affected groups and the general public;
- (c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;
- (d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and
- (e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

~~((4) (The secretary shall submit a quarterly report to the appropriate local government entities.~~

~~((5))~~) The department shall provide an annual report to the legislature not later than December 1 ~~((, indicating))~~ of each year only when it has declined to accept custody of a child from a law enforcement agency or it has received a report of a child being released without placement. The report shall indicate the number of times it has declined to accept custody of a child from a law enforcement agency under chapter 13.32A RCW and the number of times it has received a report of a child being released without placement under RCW 13.32A.060(1)(c). The report shall include the dates, places, and reasons the department declined to accept custody and the dates and places children are released without placement.

Sec. 3. RCW 74.14C.070 and 1995 c 311 s 11 are each amended to read as follows:

The secretary of social and health services, or the secretary's regional designee, may transfer funds appropriated for foster care services to purchase preservation services and other preventive services for children at imminent risk of out-of-home placement or who face a substantial likelihood of out-of-home placement. This transfer may be made in those regions that lower foster care expenditures through efficient use of preservation services and permanency planning efforts. The transfer shall be equivalent to the amount of reduced foster care expenditures and shall be made in accordance with the provisions of this chapter and with the approval of the office of financial management. The ~~((secretary))~~ department shall present an annual report to the legislature regarding any transfers under this section only if transfers occur. The ~~((secretary))~~ department shall include caseload, expenditure, cost avoidance, identified improvements to the out-of-home care system, and outcome data related to the transfer in the report. The ~~((secretary))~~ department shall also include in the report information regarding:

- (1) The percent of cases where a child is placed in out-of-home care after the provision of intensive family preservation services or family preservation services;
- (2) The average length of time before ~~((sueh))~~ the child is placed out-of-home;
- (3) The average length of time ~~((sueh))~~ the child is placed out-of-home; and
- (4) The number of families that refused the offer of either family preservation services or intensive family preservation services.

Sec. 4. RCW 26.44.030 and 1999 c 267 s 20 and 1999 c 176 s 30 are each reenacted and amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(c) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(d) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving reports of alleged abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the

interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation.

(11) Upon receiving a report of alleged child abuse and neglect, the department or investigating law enforcement agency shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(12) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(13) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

~~((The department shall provide annual reports to the legislature on the effectiveness of the risk assessment process.))~~

(14) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(15) The department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which: (a) The department believes there is a serious threat of substantial harm to the child; (b) the report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or (c) the department has, after investigation, a report of abuse or neglect that has been founded with regard to a member of the household within three years of receipt of the referral.

Sec. 5. RCW 13.40.030 and 1996 c 232 s 5 are each amended to read as follows:

(1) The secretary shall submit guidelines pertaining to the nature of the security to be imposed on youth placed in his or her custody based on the age, offense(s), and criminal history of the juvenile offender. Such guidelines shall be submitted to the legislature for its review no later than November 1st of each year. ~~((At the same time the secretary shall submit a report on security at juvenile facilities during the preceding year. The report shall include the number of escapes from each juvenile facility, the most serious offense for which each escapee had been confined, the number and nature of offenses found to have been committed by juveniles while on escape status, the number of authorized leaves granted, the number of failures to comply with leave requirements, the number and nature of offenses committed while on leave, and the number and nature of offenses committed by juveniles while in the community on minimum security status; to the extent this information is available to the secretary.))~~ The department shall include security status definitions in the security guidelines it submits to the legislature pursuant to this section.

(2) The permissible ranges of confinement resulting from a finding of manifest injustice under RCW 13.40.0357 are subject to the following limitations:

(a) Where the maximum term in the range is ninety days or less, the minimum term in the range may be no less than fifty percent of the maximum term in the range;

(b) Where the maximum term in the range is greater than ninety days but not greater than one year, the minimum term in the range may be no less than seventy-five percent of the maximum term in the range; and

(c) Where the maximum term in the range is more than one year, the minimum term in the range may be no less than eighty percent of the maximum term in the range.

Sec. 6. RCW 70.96A.420 and 2001 c 242 s 3 are each amended to read as follows:

(1) The department, in consultation with opiate substitution treatment service providers and counties and cities, shall establish statewide treatment standards for certified opiate substitution treatment programs. The department shall enforce these treatment standards. The treatment standards shall include, but not be limited to, reasonable provisions for all appropriate and necessary medical procedures, counseling requirements, urinalysis, and other suitable tests as needed to ensure compliance with this chapter.

(2) The department, in consultation with opiate substitution treatment programs and counties, shall establish statewide operating standards for certified opiate substitution treatment programs. The department shall enforce these operating standards. The operating standards shall include, but not be limited to, reasonable provisions necessary to enable the department and counties to monitor certified and licensed opiate substitution treatment programs for compliance with this chapter and the treatment standards authorized by this chapter and to minimize the impact of the opiate substitution treatment programs upon the business and residential neighborhoods in which the program is located.

(3) The department shall establish criteria for evaluating the compliance of opiate substitution treatment programs with the goals and standards established under this chapter. As a condition of certification, opiate substitution programs shall submit an annual report to the department and county legislative authority, including data as specified by the department necessary for outcome analysis. The department shall analyze and evaluate the data submitted by each treatment program and take corrective action where necessary to ensure compliance with the goals and standards enumerated under this chapter.

~~((4) Before January 1st of each year, the secretary shall submit a report to the legislature and governor. The report shall include the number of persons enrolled in each treatment program during the period covered by the report, the number of persons who leave each treatment program voluntarily and involuntarily, and an outcome analysis of each treatment program. For purposes of this subsection, "outcome analysis" shall include but not be limited to: The number of people who, as a result of participation in the program, are able to abstain from opiates; reduction in use of opiates; reduction in criminal conduct; achievement of economic independence; and reduction in utilization of health care. The report shall include information on an annual and cumulative basis beginning on July 22, 2001.))~~

Sec. 7. RCW 70.96A.520 and 1997 c 338 s 28 are each amended to read as follows:

The department shall prioritize expenditures for treatment provided under RCW 13.40.165. The department shall provide funds for inpatient and outpatient treatment providers that are the most successful, using the standards developed by the University of Washington under section 27, chapter 338, Laws of 1997. The department may consider variations between the nature of the programs provided and clients served but must provide funds first for those programs that demonstrate the greatest success in treatment within categories of treatment and the nature of the persons receiving treatment.

~~((The department shall, not later than January 1st of each year, provide a report to the governor and the legislature on the success rates of programs funded under this section.))~~

Sec. 8. RCW 74.13.017 and 2001 c 265 s 2 are each amended to read as follows:

The department shall undertake the process of accreditation with the goal of completion by July 2006. ~~((The department, in conjunction with a national independent accreditation entity, shall report to the appropriate legislative committees its progress towards complete accreditation on an annual basis, starting December 2001.))~~

Sec. 9. RCW 74.14A.050 and 2001 c 255 s 1 are each amended to read as follows:

The secretary shall:

(1)(a) Consult with relevant qualified professionals to develop a set of minimum guidelines to be used for identifying all children who are in a state-assisted support system, whether at-home or out-of-home, who are likely to need long-term care or assistance, because they face physical, emotional, medical, mental, or other long-term challenges;

(b) The guidelines must, at a minimum, consider the following criteria for identifying children in need of long-term care or assistance:

- (i) Placement within the foster care system for two years or more;
- (ii) Multiple foster care placements;
- (iii) Repeated unsuccessful efforts to be placed with a permanent adoptive family;
- (iv) Chronic behavioral or educational problems;
- (v) Repetitive criminal acts or offenses;
- (vi) Failure to comply with court-ordered disciplinary actions and other imposed guidelines of behavior, including drug and alcohol rehabilitation; and
- (vii) Chronic physical, emotional, medical, mental, or other similar conditions necessitating long-term care or assistance;

(2) Develop programs that are necessary for the long-term care of children and youth that are identified for the purposes of this section. Programs must: (a) Effectively address the educational, physical, emotional, mental, and medical needs of children and youth; and (b) incorporate an array of family support options, to individual needs and choices of the child and family. The programs must be ready for implementation by January 1, 1995;

(3) Conduct an evaluation of all children currently within the foster care agency caseload to identify those children who meet the criteria set forth in this section. All children entering the foster care system must be evaluated for identification of long-term needs within thirty days of placement;

(4) As a result of the passage of chapter 232, Laws of 2000, the department is conducting a pilot project to do a comparative analysis of a variety of assessment instruments to determine the most effective tools and methods for evaluation of children. The pilot project may extend through August 31, 2001. The department shall report to the appropriate committees in the senate and house of representatives by September 30, 2001, on the results of the pilot project. The department shall select an assessment instrument that can be implemented within available resources. The department shall complete statewide implementation by December 31, 2001. The department shall report to the appropriate committees in the senate and house of representatives on how the use of the selected assessment instrument has affected department policies, by no later than December 31, 2002, December 31, 2004, and December 31, 2006;

(5) Use the assessment tool developed pursuant to subsection (4) of this section in making out-of-home placement decisions for children;

~~(6) ((By region, report to the legislature on the following using aggregate data every six months beginning December 31, 2000:~~

- ~~(a) The number of children evaluated during the first thirty days of placement as required in subsection (3) of this section;~~
- ~~(b) The tool or tools used to evaluate children, including the content of the tool and the method by which the tool was~~

~~validated;~~

- ~~(c) The findings from the evaluation regarding the children's needs;~~

~~(d) How the department used the results of the evaluation to provide services to the foster child to meet his or her needs;~~

~~and~~
~~(e) Whether and how the evaluation results assisted the department in providing appropriate services to the child, matching the child with an appropriate care provider early on in the child's placement and achieving the child's permanency plan in a timely fashion;~~

~~(7))~~ Each region of the department shall make the appropriate number of referrals to the foster care assessment program to ensure that the services offered by the program are used to the extent funded pursuant to the department's contract with the program. The department shall report to the legislature by November 30, 2000, on the number of referrals, by region, to the foster care assessment program. If the regions are not referring an adequate number of cases to the program, the department shall include in its report an explanation of what action it is or has taken to ensure that the referrals are adequate;

~~((8))~~ (7) The department shall report to the legislature by December 15, 2000, on how it will use the foster care assessment program model to assess children as they enter out-of-home care;

~~((9))~~ (8) The department is to accomplish the tasks listed in subsections (4) through ~~((8))~~ (7) of this section within existing resources;

~~((49))~~ (9) Study and develop a comprehensive plan for the evaluation and identification of all children and youth in need of long-term care or assistance, including, but not limited to, the mentally ill, developmentally disabled, medically fragile, seriously emotionally or behaviorally disabled, and physically impaired;

~~((44))~~ (10) Study and develop a plan for the children and youth in need of long-term care or assistance to ensure the coordination of services between the department's divisions and between other state agencies who are involved with the child or youth;

~~((42))~~ (11) Study and develop guidelines for transitional services, between long-term care programs, based on the person's age or mental, physical, emotional, or medical condition; and

- ~~((43))~~ (12) Study and develop a statutory proposal for the emancipation of minors.

Sec. 10. 2001 2nd sp.s. c 7 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$225,789,000

General Fund--State Appropriation (FY 2003) \$239,013,000

General Fund--Federal Appropriation \$372,408,000

General Fund--Private/Local Appropriation \$400,000

Public Safety and Education Account--

State Appropriation \$987,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$5,702,000

TOTAL APPROPRIATION \$844,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, \$2,288,000 of the fiscal year 2003 general fund--state appropriation, and \$1,590,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement

of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation and \$536,000 of the general fund--state fiscal year 2003 appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and \$4,196,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. ~~((The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.))~~

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, \$7,671,000 of the fiscal year 2003 general fund--state appropriation, and \$20,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001, and to an average of \$440 per month on July 1, 2002. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, \$2,461,000 of the general fund--state appropriation for fiscal year 2003, and \$1,485,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002 and 30 percent in fiscal year 2003.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

Sec. 11. 2001 2nd sp.s. c 7 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2002) \$231,693,000

General Fund--State Appropriation (FY 2003) \$242,347,000

General Fund--Federal Appropriation \$396,151,000

Health Services Account--State

Appropriation \$741,000

TOTAL APPROPRIATION \$870,932,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The health services account appropriation and \$753,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(b) \$902,000 of the general fund--state appropriation for fiscal year 2002, \$3,372,000 of the general fund--state appropriation for fiscal year 2003, and \$4,056,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each

fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(c) \$1,440,000 of the general fund--state appropriation for fiscal year 2002, \$3,041,000 of the general fund--state appropriation for fiscal year 2003, and \$4,311,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$1,005,000 of the general fund--state appropriation for fiscal year 2002, \$2,262,000 of the general fund--state appropriation for fiscal year 2003, and \$2,588,000 of the general fund--federal appropriation are provided solely for increasing case/resource management resources to improve oversight and quality of care for persons enrolled in the medicaid home and community services waiver for persons with developmental disabilities. The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for increases assumed in additional funding provided in subsections (b) and (c) of this section. ~~((Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.))~~

(e) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

(f) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

(g) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state-funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$71,977,000
General Fund--State Appropriation (FY 2003) \$69,303,000
General Fund--Federal Appropriation \$145,641,000
General Fund--Private/Local Appropriation \$10,230,000
TOTAL APPROPRIATION \$297,151,000

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department may make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages as assumed in the appropriations in this subsection.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$2,601,000
General Fund--State Appropriation (FY 2003) \$2,623,000
General Fund--Federal Appropriation \$2,413,000
TOTAL APPROPRIATION \$7,637,000

The appropriations in this subsection are subject to the following conditions and limitations: \$50,000 of the fiscal year 2002 general fund--state appropriation and \$50,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,995,000

Sec. 12. 2001 2nd sp.s. c 7 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$436,440,000
General Fund--State Appropriation (FY 2003) \$424,870,000
General Fund--Federal Appropriation \$1,356,351,000
General Fund--Private/Local Appropriation \$31,788,000
TOTAL APPROPRIATION \$2,249,449,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$282,081,000 of the general fund--state appropriation for fiscal year 2002, \$278,277,000 of the general fund--state appropriation for fiscal year 2003, \$1,254,197,000 of the general fund--federal appropriation, and \$29,352,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed ~~((and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months)).~~ An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. ~~((The wage progression measure shall report the median percentage increase in quarterly earnings and~~

hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.)

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. ((The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.))

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(2) \$48,341,000 of the general fund--state appropriation for fiscal year 2002 and \$48,341,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and \$5,632,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

Sec. 13. RCW 13.40.430 and 1993 c 373 s 2 are each amended to read as follows:

The ((department)) administrator for the courts shall ((within existing funds)) collect such data as may be necessary to monitor any disparity in processing or disposing of cases involving juvenile offenders due to economic, gender, geographic, or racial factors that may result from implementation of section 1, chapter 373, Laws of 1993. ((Beginning December 1, 1993, the department shall report annually to the legislature on economic, gender, geographic, or racial disproportionality in the rates of arrest, detention, trial, treatment, and disposition in the state's juvenile justice system. The report shall cover the preceding calendar year. The annual report shall identify the causes of such disproportionality and shall specifically point out any economic, gender, geographic, or racial disproportionality resulting from implementation of section 1, chapter 373, Laws of 1993.)) The administrator for the courts may, in consultation with juvenile courts, determine a format for the collection of such data and a schedule for the reporting of such data and shall keep a minimum of five years of data at any given time.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 71.24.820 (Mental health system review--Implementation of status reports) and 2001 c 334 s 3; and

(2) RCW 71.24.830 (Mental health system review--Content of status reports) and 2001 c 334 s 4.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) RCW 74.09.310 (Chemical dependency treatment--Provision of birth control services, information, and counseling--Report) and 1998 c 314 s 34;

(2) RCW 74.09.320 (Chemical dependency treatment--Provision of birth control services, information, and counseling--Report) and 1998 c 314 s 35; and

(3) RCW 72.23.450 (Annual report to the legislature) and 2000 c 22 s 8."

There being no objection the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.20B.030, 74.13.036, 74.14C.070, 13.40.030, 70.96A.420, 70.96A.520, 74.13.017, 74.14A.050, and 13.40.430; amending 2001 2nd sp.s. c 7 s 202 (uncodified); amending 2001 2nd sp.s. c 7 s 205 (uncodified); amending 2001 2nd sp.s. c 7 s 207 (uncodified); reenacting and amending RCW 26.44.030; and repealing RCW 71.24.820, 71.24.830, 74.09.310, 74.09.320, and 72.23.450."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed House Bill No. 1561, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1561, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1561, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 1561, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5341, by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles

Establishing a quality maintenance fee on nursing facilities.

MOTIONS

On motion of Senator Winsley, Second Substitute Senate Bill No. 5341 was substituted Senate Bill No. 5341 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Winsley, the rules were suspended, Second Substitute Senate Bill No. 5341 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5341.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5341 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Eide, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Kline, McAuliffe, Poulsen and Rasmussen - 11.

SECOND SUBSTITUTE SENATE BILL NO. 5341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1612, by Representatives Hinkle, Dickerson, Delvin, Carrell, Pettigrew, Upthegrove, Eickmeyer, Edwards and Kessler

Requiring notification to parents of mental health treatment options for a minor child.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1612 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1612.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1612 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1612, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5319, by Senators T. Sheldon, Hale and Esser

Authorizing sales and use tax exemptions for call centers.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5319 was substituted for Senate Bill No. 5319 and the substitute bill was placed on second reading and read the second time.

Senator Fraser moved that the following amendment be adopted:

On page 5, after line 23, insert the following:

"NEW SECTION. Sec. 4. This act expires July 1, 2008."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Fraser on page 5, after line 23, to Substitute Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

Senator Reardon moved that the following amendment be adopted:

On page 5, after line 23, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

(1) A recipient of the tax exemptions in section 2 of this act shall file a report to the department of revenue in the month following each calendar quarter containing the following information:

- (a) Number of workers;
- (b) Average wage of workers;
- (c) Total wages for workers;
- (d) Total sales as measured by taxable receipts for activities; and
- (e) Total wages for workers as a percent of total sales.

The department shall compile the information into a report containing aggregated data that does not violate any confidentially provisions and send an electronic copy to all members of the legislature on an annual basis.

(2) A recipient who fails to submit a complete report under this section is ineligible on a prospective basis for the tax exemptions provided in section 2 of this act. The department of revenue shall notify the recipient in writing by mail that he or she is no longer eligible for the exemptions. The recipient is ineligible on the effective date of the postmark of the notice letter from the department of revenue. If the recipient satisfactorily completes the report, the department of revenue shall send a letter to the recipient indicating that the basis for the ineligibility has been corrected. The letter from the department of revenue is proof that eligibility has been restored, and eligibility is effective prospectively beginning on the date the letter is postmarked."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Reardon on page 5, line 23, to Substitute Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5319 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5319.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5319 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Regala, Spanel and Thibaudeau - 14.

Absent: Senator Horn - 1.

SUBSTITUTE SENATE BILL NO. 5319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5529, by Senators Esser, Reardon, Finkbeiner, Schmidt, Sheahan, T. Sheldon, Doumit, Rasmussen, Roach, Rossi, Stevens, West and Eide

Removing the expiration date on the research and development business and occupation tax credit.

The bill was read the second time.

MOTION

Senator Brown moved that the following amendment be adopted:

On page 1, beginning on line 5, strike all material down through line 32 on page 3 and insert the following:

"Sec. 1. RCW 82.04.4452 and 2000 c 103 s 7 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by the ~~((rate provided in RCW 82.04.260(3) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and the rate provided in RCW 82.04.290(2) for every other person))~~ person's average tax rate.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) Any person taking any credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year shall be liable for payment of the additional taxes represented by the amount of credit taken together with interest, but not penalties. Interest shall be due at the rate provided for delinquent excise taxes retroactively to the date the credit was taken until the taxes are paid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be taken by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

(6) Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an affidavit form prescribed by the department which shall include the amount of the credit claimed, an estimate of the anticipated qualified research and development expenditures during the calendar year for which the credit is claimed, an estimate of the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe.

(7) A person claiming the credit shall agree to supply the department with information necessary to measure the results of the tax credit program for qualified research and development expenditures.

(8) The department shall use the information required under subsection (7) of this section to perform three assessments on the tax credit program authorized under this section. The assessments will take place in 1997, 2000, and 2003. The department shall prepare reports on each assessment and deliver their reports by September 1, 1997, September 1, 2000, and September 1, 2003. The assessments shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(9) For the purpose of this section:

(a) "Average tax rate" means a person's total tax under this chapter for the reporting period divided by the taxpayer's total taxable income under this chapter for the reporting period.

(b) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

~~((b))~~ (c) "Qualified research and development" shall have the same meaning as in RCW 82.63.010.

~~((e))~~ (d) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

~~((d))~~ (e) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns during the year in which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Brown on page 1, line 5, to Substitute Senate Bill No. 5529.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 25.

MOTION

Senator Doumit moved that the following amendments be considered simultaneously and be adopted:

On page 1, after line 10, strike all material down through line 12 on page 2 and insert the following:

"(2) The credit is equal to the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development, multiplied by ~~((the rate provided in RCW 82.04.260(3)))~~ 0.242 percent in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and ~~((the rate provided in RCW 82.04.290(2)))~~ 0.75 percent for every other person.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be taken against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of ~~((two))~~ one million dollars or the amount of tax otherwise due under this chapter for the calendar year."

On page 3, after line 33, insert the following:

NEW SECTION. Sec. 2. The sum of six million twenty-six thousand nine hundred ten dollars, for fiscal year 2004 and six million twenty-six thousand nine hundred ten dollars for fiscal year 2005, or so much thereof as may be necessary, is appropriated from the general fund to the department of community, trade, and economic development, for distribution on January 1, 2004, for the fiscal year 2004 appropriation, and January 1, 2005, for the fiscal year 2005 appropriation, to the following counties in the amounts designated for criminal justice purposes:

FY 2004 FY 2005

Adams	\$196,570	\$196,570
Asotin	\$213,123	\$213,123
Benton	\$191,877	\$191,877
Chelan	\$155,676	\$155,676
Columbia	\$656,051	\$656,051
Douglas	\$212,195	\$212,195
Ferry	\$312,419	\$312,419
Franklin	\$120,156	\$120,156
Garfield	\$763,086	\$763,086
Klickitat	\$178,807	\$178,807
Lincoln	\$251,339	\$251,339
Mason	\$533,916	\$533,916
Okanogan	\$228,148	\$228,148
Pacific	\$123,732	\$123,732
Pend Oreille	\$307,822	\$307,822
Skamania	\$241,793	\$241,793
Stevens	\$429,953	\$429,953
Wahkiakum	\$462,948	\$462,948
Walla Walla	\$144,090	\$144,090
Yakima	\$303,209	\$303,209

NEW SECTION. Sec. 3. This act takes effect January 1, 2004."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Doumit on page 1, line 10, and page 3, after line 33, to Substitute Senate Bill No. 5529.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 23.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 26.

MOTION

Senator Reardon moved that the following amendment be adopted:

On page 3, after line 32, strike the remainder of the bill and insert the following:

"(10) This section expires (~~December 31, 2004~~) January 1, 2015.

NEW SECTION. Sec. 2. A new section is added to chapter 50.38 RCW to read as follows:

(1) Based upon information provided to the department by the department of revenue and data obtained by the department from employers for other lawful purposes, the department shall identify for the year before and every five years after the renewal of the tax credit in RCW 82.04.4452 the following information:

- (a) North American industry classification for businesses utilizing the tax credit;
- (b) The number of employees, reported in aggregate by North American industry classification, employed by businesses utilizing the tax credit;
- (c) The average wages received by persons, reported by North American industry classification, employed by businesses utilizing the tax credit.

(2) The department shall provide to the joint legislative audit and review committee, for the year before and every five years after the renewal of the tax credit in RCW 82.04.4452, a report containing the following information:

- (a) The number of businesses, reported in aggregate by North American industry classification, utilizing the tax credit;
- (b) The number of employees, reported in aggregate by North American industry classification, employed by businesses utilizing the tax credit;
- (c) The average wages of employees employed by businesses utilizing the tax credit reported in aggregate, and grouped by North American industry classification.

(3) All information shall be based on calendar year data and shall be provided to the joint legislative audit and review committee by the fifteenth day of March of the year before and every five years after the renewal of the tax credit in RCW 82.04.4452.

(4) Nothing in this section shall be construed to affect in any way the right of privacy and confidentiality as to individual and employer records maintained by the department, as provided under RCW 50.13.020.

NEW SECTION. Sec. 3. A new section is added to chapter 82.32 RCW to read as follows:

(1) Based upon information provided by taxpayers, on Form 26-0003e-1, or its successor form, or Form Rev 81-1013-1, or its successor form, or Form 81-1012, or its successor form, to the department, the department shall identify for the year before and every five years after the renewal of the tax credit in RCW 82.04.4452 the following information:

- (a) The businesses utilizing the tax credit;
- (b) The total value of the tax credit taken by each business for that year;
- (c) The qualifying investment made by the business utilizing the tax credit.

(2) The department shall provide to the employment security department a list of all businesses utilizing the tax credit and the North American industry classification of each business. This information shall be based on calendar year data and shall be provided to the employment security department by the fifteenth day of February of the year before and every five years after the renewal of the tax credit in RCW 82.04.4452.

(3) The department shall provide to the joint legislative audit and review committee the number of businesses utilizing the tax credit, the value of the credit received, and the value of qualifying investments made by businesses utilizing the tax credit, reported in aggregate by North American industry classification. This information shall be based on calendar year data and shall be provided to the joint legislative audit and review committee by the fifteenth day of February of the year before and every five years after the renewal of the tax credit in RCW 82.04.4452.

(4) Nothing in this section shall be construed to affect in any way the right of privacy and confidentiality as to individual and employer records maintained by the department as provided under RCW 82.32.330.

NEW SECTION. Sec. 4. A new section is added to chapter 44.28 RCW to read as follows:

(1) The joint legislative audit and review committee shall provide a report to the legislature the year before and every five years after the renewal of the tax credit in RCW 82.04.4452. The report shall be based upon information provided by the employment security department and the department of revenue. Proprietary information shall remain confidential as otherwise provided by law. The report shall include, but is not limited to:

- (a) Total value of tax revenue forgone as a result of the tax credit;
- (b) Total value of qualifying investments made under the tax credit;
- (c) Direct employment created or retained that is associated with the tax credit and average wages, reported in aggregate by North American industry classification;
- (d) Total indirect employment created or retained associated with the tax deferral;
- (e) Additional sales, property, and business and occupation tax revenues associated with the tax credit.

(2) In conducting this evaluation, the joint legislative audit and review committee shall use a generally accepted economic model and may contract with outside economic experts."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Reardon on page 3, line 32, to Substitute Senate Bill No. 5529.

The motion by Senator Reardon carried and the amendment was adopted.

There being no objection, the following title amendments were considered simultaneously and were adopted:

On page 1, line 2 of the title, after "credit;" strike "and"

On page 1, line 3 of the title, after "82.04.4452" insert "; adding a new section to chapter 50.38 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 44.28 RCW; and providing an expiration date."

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Senate Bill No. 5529 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator West: "Senator Brown, this is not the first time you talked about tax reform on this floor. Today you talked about taxing the net--not the gross and taxing profitable businesses and not unprofitable businesses. When you speak of tax reform, does that include income tax?"

Senator Brown: "Senator West, I would refer you to the Gates Commission Report and we put forward two or three proposals. One would be a value added tax. There were other proposals put forward. One of the proposals would allow for the Business and Occupation Tax to completely go away; the states sales tax to drop in half. We would replace that with a net corporate tax, so, yes, in fact, it could. One of the options could, in fact, include an income tax. But, the reality is that it would be a fair system for business if they paid on the net, rather than on the gross. It is the real lack of competition in our state and comes from not being able to tax businesses according to their profitability--and actually taxing them for every dollar that comes in the door, through sale of products."

Senators Sheahan, Hale and Esser demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5529.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5529 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Brown, Doumit, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Poulsen, Regala, Spanel and Thibaudeau - 15.

ENGROSSED SENATE BILL NO. 5529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senate Rule 15 was suspended for the day.

EDITOR'S NOTE: Rule 15 states 'The senate shall convene at 10:00 a.m. each working day, unless adjourned to a different hour. The Senate shall adjourn not later than 10:00 p.m. of each working day. The senate shall recess ninety minutes for lunch each working day. When reconvening on the same day, the senate shall recess ninety minutes for dinner each working evening. The rule may be suspended by a majority.'

MOTION

At 6:15 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 7:30 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9107, Stanley Rumbaugh, as a member of the Board of Trustees for Bates Technical College District 28, was confirmed.

APPOINTMENT OF STANLEY RUMBAUGH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 3; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senators Deccio, McCaslin and Reardon - 3.

MOTION

On motion of Senator Hewitt, Senators Deccio and McCaslin were excused.

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9098, Ann Ramsey-Jenkins, as a member of the Higher Education Coordinating Board, was confirmed.

APPOINTMENT OF ANN RAMSAY-JENKINS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and McCaslin - 2.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

SECOND READING

HOUSE BILL NO. 1980, by Representative Boldt

Changing work activity provisions under the TANF program.

The bill was read the second time.

MOTION

Senator Stevens moved that the following Committee on Children and Family Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.260 and 1997 c 58 s 313 are each amended to read as follows:

~~((Recipients who have not obtained paid, unsubsidized employment by the end of the job search component authorized in section 312 of this act shall be referred to a work activity.))~~

(1) Each recipient shall be assessed ~~((immediately upon completion of the job search component))~~ after determination of program eligibility and before referral to job search. Assessments shall be based upon factors that are critical to obtaining employment, including but not limited to education, ~~((employment strengths, and employment history))~~ availability of child care, history of family violence, history of substance abuse, and other factors that affect the ability to obtain employment. Assessments may be performed by the department or by a contracted entity. The assessment shall be based on a uniform, consistent, transferable format that will be accepted by all agencies and organizations serving the recipient. Based on the assessment, an individual responsibility plan shall be prepared that: (a) Sets forth an employment goal and a plan for moving the recipient immediately into employment; (b) contains the obligation of the recipient to become and remain employed; (c) moves the recipient into whatever employment the recipient is capable of handling as quickly as possible; and (d) describes the services available to the recipient to enable the recipient to obtain and keep employment.

(2) Recipients who are not engaged in work and work activities, and do not qualify for a good cause exemption under RCW 74.08A.270, shall engage in self-directed service as provided in RCW 74.08A.330.

(3) If a recipient refuses to engage in work and work activities required by the department, the family's grant shall be reduced by the recipient's share, and may, if the department determines it appropriate, be terminated.

(4) The department may waive the penalties required under subsection (3) of this section, subject to a finding that the recipient refused to engage in work for good cause provided in RCW 74.08A.270.

(5) In implementing this section, the department shall assign the highest priority to the most employable clients, including adults in two-parent families and parents in single-parent families that include older preschool or school-age children to be engaged in work activities.

(6) In consultation with the recipient, the department or contractor shall place the recipient into a work activity that is available in the local area where the recipient resides.

"**Sec. 2.** RCW 74.08A.275 and 1999 c 340 s 1 are each amended to read as follows:

Each recipient approved to receive temporary assistance for needy families shall be subject to an employability screening under RCW 74.08A.260 after determination of program eligibility and before referral to job search. If the employability screening determines the recipient is not employable, or meets the criteria specified in RCW 74.08A.270 for a good cause exemption to work requirements, the department shall defer the job search requirement under RCW 74.08A.285 ~~((and refer the recipient immediately to the assessment procedure required under RCW 74.08A.260)).~~

"**Sec. 3.** RCW 74.08A.285 and 1998 c 89 s 1 are each amended to read as follows:

The WorkFirst program operated by the department to meet the federal work requirements specified in P.L. 104-193 shall contain a job search component. The component shall consist of instruction on how to secure a job and assisted job search activities to locate and retain employment. Nonexempt recipients of temporary assistance for needy families shall participate in an initial job search for no more than twelve consecutive weeks. Each recipient shall receive a work skills assessment upon referral to the job search program. The work skills assessment shall include but not be limited to education, employment history, employment strengths, and job skills. The recipient's ability to obtain employment will be reviewed ~~((within the first four weeks of job search and))~~ periodically thereafter and, if it is clear at any time that further participation in a job search will not be productive, the department shall assess the recipient pursuant to RCW 74.08A.260. The department shall refer recipients unable to find employment through the initial job search period to work activities that will develop their skills or knowledge to make them more employable, including additional job search and job readiness assistance."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Children and Family Services striking amendment to House Bill No. 1980.

The motion by Senator Stevens carried and the committee striking amendment was adopted.

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

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 74.08A.260, 74.08A.275, and 74.08A.285."

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1980, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1980, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1980, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, McCaslin and Poulsen - 3.

HOUSE BILL NO. 1980, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1712, by Representatives O'Brien, Mielke and Darneille (by request of Department of Community, Trade, and Economic Development)

Revising provisions relating to registration of sex offenders and kidnapping offenders.

The bill was read the second time.

MOTION

Senator Stevens moved that the following Committee on Children and Family Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.130 and 2002 c 31 s 1 are each amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile: (a) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution; (b) who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or (c) whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (I) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (I) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(I) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days

forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) **OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION.** Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor."

MOTION

Senator Roach moved that the following amendment by Senators Roach, Benton, Johnson, Brandland, Keiser, Rasmussen, Eide, Hargrove, Rossi, Stevens and Zarelli to the Committee on Children and Family Services and Corrections striking amendment be adopted:

On page 10, after line 32 of the amendment, insert the following:

"Sec. 2. RCW 4.24.550 and 2002 c 118 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources (~~other than state funds~~), the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III registered sex offenders in the state of Washington. The web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county- operated web sites that offer sex offender registration information.

(6) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

(10) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee (~~(ef-erf))~~ or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment on page 10, line 32, by Senators Roach, Benton, Johnson, Brandland, Keiser, Rasmussen, Eide, Hargrove, Rossi, Stevens and Zarelli to the Committee on Children and Family Services and Corrections striking amendment to House Bill No. 1712.

The motion by Senator Roach carried and the amendment to the committee striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the Committee on Children and Family Services and Corrections striking amendment, as amended, to House Bill No. 1712.
The motion by Senator Stevens carried and the committee striking amendment, as amended, was adopted.
There being no objection, the following title amendments were considered simultaneously and were adopted:
On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 9A.44.130."
On page 11, line 2 of the title amendment, after "9A.44.130" insert "and 4.24.550"

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1712, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1712, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1712, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McCaslin and Poulsen - 2.

HOUSE BILL NO. 1712, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1204, by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Delvin, Conway, Alexander, Pflug, Anderson, Cooper and Chase (by request of Joint Committee on Pension Policy)

Creating the select committee on pension policy.

The bill was read the second time.

MOTION

Senator Carlson moved that the following Committee on Ways and Means amendment be adopted:

On page 3, after line 5, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

"(1) The select committee on pension policy shall form three function-specific subcommittees, as set forth under subsection (2) of this section, from the members under section 1(1) (a) through (e) of this act, as follows:

(a) A public safety subcommittee with one member from each group under section 1(1) (a) through (e) of this act;

(b) An education subcommittee with one member from each group under section 1(1) (a) through (e) of this act; and

(c) A state and local government subcommittee, with one retiree member under section 1(1)(d) of this act and two members from each group under section 1(1) (a) through (e) of this act.

The retiree members may serve on more than one subcommittee to ensure representation on each subcommittee.

(2)(a) The public safety subcommittee shall focus on pension issues affecting public safety employees who are members of the law enforcement officers' and fire fighters' and Washington state patrol retirement systems.

(b) The education subcommittee shall focus on pension issues affecting educational employees who are members of the public employees', teachers', and school employees' retirement systems.

(c) The state and local government subcommittee shall focus on pension issues affecting state and local government employees who are members of the public employees' retirement system."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Carlson, the following amendment by Senators Parlette, Roach and Winsley to the Committee on Ways and Means amendment was adopted:

On page 1, on line 12, after "subcommittee," strike all material down to and including "act." on line 14 and insert "with one retiree member under section 1(1)(d) of this act and two members from each group under sections 1(1)(a), (b), (c) and (e) of this act."

The President declared the question before the Senate to be the adoption of the Committee on Ways and Means amendment, as amended, to Substitute House Bill No. 1204.

The motion by Senator Carlson carried and the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 1204, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1204, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1204, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 45.

Voting nay: Senators Brandland, Fraser and Zarelli - 3.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 1204, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2012, by House Committee on Education (originally sponsored by Representatives Fromhold, Cox, Kenney, Hunter, Quall, Moeller, Chase and Santos)

Creating a special services pilot program.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the following Committee on Education striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Research has shown that early, intensive assistance can significantly improve reading and language skills for children who are struggling academically. This early research-based assistance has been successful in reducing the number of children who require specialized programs. However, by being effective in reducing the number of students eligible for these programs, school district funding is reduced.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.630 RCW to read as follows:

(1) The special services pilot program is created. The purpose of the program is to encourage participating school districts to provide early intensive reading and language assistance to students who are struggling academically. The goal of such assistance is to effectively address reading and language difficulties resulting in a substantially greater proportion of students meeting the progressively increasing performance standards for both the aggregate and disaggregated subgroups under federal law.

(2) A maximum of two school districts may participate. Interested districts shall apply no later than May 15, 2003, to the superintendent of public instruction to participate in the pilot program established by this section. The superintendent shall make a decision no later than June 15, 2003, regarding which two school districts may participate in the program.

(3) The pilot program is intended to be four years, to begin in the 2003-04 school year and conclude in the 2006-07 school year, unless the program is extended by the legislature.

(4) School districts participating in the pilot program shall receive state special education funding in accordance with state special education funding formulas and a separate pilot program appropriation from sources other than special education funds. The separate appropriation shall be calculated as follows:

(a) The school district's estimated state special education funding for the current year based on the school district's average percentage of students age three through twenty-one who were eligible for special education services in the 2001-02 and 2002-03 school years as reported to the office of the superintendent of public instruction;

(b) Less the school district's actual state special education funding based on the district's current percentage of students age three through twenty-one eligible for special education services as reported to the superintendent of public instruction.

(5) Participation in the pilot program shall not increase or decrease a district's ability to access the safety net for high cost students by virtue of the district's participation in this pilot program. Districts participating in this pilot program shall have access to the special education safety net using a modified application approach for the office of the superintendent of public instruction Worksheet A - demonstration of financial need. The superintendent shall create a modified application to include all special education revenues received by the district, all pilot program funding, and include expenditures for students with individual education plans and expenditures for students generating pilot program revenue. Districts participating in this pilot project that seek safety net funding shall convincingly demonstrate to the committee that any change in demonstrated need on the Worksheet A is not attributable to their participation in this pilot project.

(6) School districts participating in the program must agree to:

(a) Implement a tiered set of research-based instructional interventions addressing individual student needs that address reading and language deficits;

(b) Use multiple diagnostic instruments to identify the literacy needs of each student;

(c) Assure parents are informed of diagnosed student needs, and have input into designed interventions;

(d) Actively engage parents as partners in the learning process;

(e) Comply with state special education requirements; and

(f) Participate in an evaluation of the program as determined by the superintendent of public instruction. This may include contributing funds and staff expertise for the design and implementation of the evaluation. Districts shall annually review and report progress, including objective measures or indicators that show the progress towards achieving the purpose and goal of the program, to the office of the superintendent of public instruction.

(7) By December 15, 2006, the superintendent of public instruction shall submit a report to the governor and legislature that summarizes the effectiveness of the pilot program. The report shall also include a recommendation as to whether or not the pilot program should be continued, expanded, or otherwise modified.

(8) This section expires June 30, 2007.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; creating a new section; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Johnson, the rules were suspended, Second Substitute House Bill No. 2012, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2012, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2012, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 2012, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4012, by Representatives Miloscia, Delvin, Dickerson, Boldt, Chase, Moeller, Edwards, Haigh, Pettigrew, Benson, Voloria, Kagi and Schual-Berke

Encouraging counties and local governments to establish a Children's Advocacy Center.

The joint memorial was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections amendment was adopted:

On page 1, line 2, after "STATE" strike the remainder of the memorial and insert "AND TO THE SECRETARY OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The effect of child sexual abuse on victims is devastating and the subsequent investigation, prosecution, and advocacy involving child victims should be implemented in a manner so as to not further traumatize victims;

WHEREAS, State guidelines and protocols have been established pursuant to chapter 389, Laws of 1999 (Senate Bill No. 5127); and

WHEREAS, Children's Advocacy Centers are a multidisciplinary private-public partnership designed to improve outcomes for child victims of sexual abuse; and

WHEREAS, The purposes of Children's Advocacy Centers are to:

(1) Develop, achieve, and maintain interagency and interprofessional cooperation and coordination in the investigation, treatment, and prosecution of intrafamilial and extrafamilial child sexual abuse cases;

(2) Obtain evidence useful for both criminal prosecution as well as protection action in civil proceedings;

(3) Reduce to the absolute minimum the number of interviews of child sexual abuse victims so as to minimize revictimization of the child;

(4) Coordinate the medical and therapeutic treatment program for child sexual abuse victims and their nonoffending family members;

(5) Provide for a multidisciplinary team and case management approach which is focused first on the alleged or suspected child sexual abuse victim's needs and conditions, second on the family members who are supportive of the child and whose interests are consistent with the best interests of the child, and third on law enforcement and prosecutorial needs;

(6) Provide for training and continued education of skilled professional interviewers and investigators of child sexual abuse victims; and

(7) Serve as a focus of information and referral for child sexual abuse; and

WHEREAS, In recognition that child abuse is a complex problem, Children's Advocacy Centers may also investigate cases involving other forms of child abuse and neglect;

NOW, THEREFORE, Your Memorialists respectfully encourage counties, local governments, and the Department of Social and Health Services to help facilitate the creation and operation of Children's Advocacy Centers which are members of the National Children's Alliance, and to help ensure the participation of their relevant employees in these Centers, to improve outcomes for child victims of sexual abuse;

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the legislative authorities of the counties and local governments of Washington State and to the Secretary of the Department of Social and Health Services."

MOTION

On motion of Senator Stevens, the rules were suspended, House Joint Memorial No. 4012, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4012, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4012, as amended by the Senate, and the joint memorial passed the Senate by the following vote Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

HOUSE JOINT MEMORIAL NO. 4012, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1858, by Representatives Morris, McIntire, Gombosky, Cairnes, Roach and Shabro

Regarding taxation of persons providing chemical dependency services.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the following Committee on Ways and Means striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within this state in the business of providing intensive inpatient or recovery house residential treatment services for chemical dependency, certified by the department of social and health services, for which payment from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or political subdivision thereof is received as compensation for or to support those services; as to such persons the amount of tax with respect to such business shall be equal to the gross income from such services multiplied by the rate of 0.484 percent.

(2) If the persons described in subsection (1) of this section receive income from sources other than those described in subsection (1) of this section or provide services other than those named in subsection (1) of this section, that income and those services are subject to tax as otherwise provided in this chapter.

Sec. 2. RCW 82.04.290 and 2001 1st sp.s. c 9 s 6 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing international investment management services, as to such persons, the amount of tax with respect to such business shall be equal to the gross income or gross proceeds of sales of the business multiplied by a rate of 0.275 percent.

(2) Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.298, 82.04.2905, 82.04.280, 82.04.2907, ((and)) 82.04.272, and section 1 of this act, and subsection (1) of this section; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.5 percent.

This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section."

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

On page 1, line 3 of the title, after "services;" strike the remainder of the title and insert "amending RCW 82.04.290; and adding a new section to chapter 82.04 RCW."

MOTION

On motion of Senator Rossi, the rules were suspended, House Bill No. 1858, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1858, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1858, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Fraser and Kastama - 2.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 1858, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1634, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Kenney, Berkeley, Wood, Holmquist, Crouse, Tom, Edwards and Rockefeller)

Changing the residential property seller disclosure statement.

The bill was read the second time.

MOTION

On motion of Senator Benton, the following Committee on Financial Services, Insurance and Housing amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.020 and 1996 c 301 s 2 are each amended to read as follows:

(1) In a transaction for the sale of residential ((~~real~~) property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement, or unless the transfer is exempt under RCW 64.06.010, deliver to the buyer a completed ((~~real property transfer~~) seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA". If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY ((~~THE SELLER(S), CONCERNING~~)) SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

((~~"THE PROPERTY"~~)), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

((~~DISCLOSURES CONTAINED IN THIS FORM ARE PROVIDED BY THE SELLER ON THE BASIS OF~~)) SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME ((~~THIS DISCLOSURE FORM IS COMPLETED BY THE SELLER.~~)) SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS((~~, UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER(S)~~) FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND ((~~YOUR~~) THE AGREEMENT BY DELIVERING ((~~YOUR SEPARATE~~)) A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO ((~~THE SELLER, UNLESS YOU WAIVE THIS RIGHT AT OR~~) SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO ((~~ENTERING~~)) OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY ((~~THE~~) SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN ((~~THE~~) BUYER AND ((~~THE~~) SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF ((~~A QUALIFIED SPECIALIST TO INSPECT THE PROPERTY ON YOUR BEHALF, FOR EXAMPLE~~)) QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST ((~~AND DRY ROT~~) INSPECTORS. THE PROSPECTIVE BUYER AND ((~~THE OWNER~~) SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY ((~~AND~~) OR TO PROVIDE ((~~FOR~~) APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

If ((~~"Yes" attach a copy or explain~~)) you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

[] Yes [] No [] Don't know A. Do you have legal authority to sell the property? If no, please explain.

[] Yes [] No [] Don't know *B. Is title to the property subject to any of the following?

(1) First right of refusal

(2) Option

(3) Lease or rental agreement

(4) Life estate?

Yes No Don't know

*C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes No Don't know

*D. Are there any rights of way, easements, or access limitations that may affect the ((owner's)) Buyer's use of the property?

Yes No Don't know

*E. Are there any written agreements for joint maintenance of an easement or right of way?

Yes No Don't know

***F. Is there any study, survey project, or notice that would adversely affect the property?**

Yes No Don't know

***G. Are there any pending or existing assessments against the property?**

Yes No Don't know

***H. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the ((subject)) property that would affect future construction or remodeling?**

Yes No Don't know

***I. Is there a boundary survey for the property?**

Yes No Don't know

*J. Are there any covenants, conditions, or restrictions which affect the property?

2. WATER

A. Household Water

(1) The source of ((the)) water for the property is:
 Private or publicly owned water system
 Private well serving only the subject property
 Other water system

Yes No Don't know

*If shared, are there any written agreements?

((Public Community
 Private Shared

(2) ~~Water source information:~~

Yes No Don't know

***a. Are there any written agreements for shared water source?))**

Yes

No

Don't know

~~((b.))~~ *(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes

No

Don't know

~~((c.))~~ *(3) Are there any known problems or repairs needed?

Yes

No

Don't know

~~((d. Does))~~ (4) During your ownership, has the source ~~((provide))~~ provided an adequate year round supply of potable water? If no, please explain.

Yes

No

Don't know

~~((3))~~ *(5) Are there any water treatment systems for the property? If yes, are they Leased Owned

B. Irrigation

Yes

No

Don't know

(1) Are there any water rights for the property, such as a water right, permit, certificate, or claim?

Yes

No

Don't know

~~((2))~~ If they exist, to your knowledge, *(a) If yes, have the water rights been used during the last ~~((five year period))~~ five years?

Yes

No

Don't know

~~((3))~~ *(b) If so, is the certificate available?

C. Outdoor Sprinkler System

Yes

No

Don't know

(1) Is there an outdoor sprinkler system for the property?

Yes

No

Don't know

~~((2))~~ (2) If yes, are there any defects in the ~~((outdoor sprinkler))~~ system? . . .

Yes

No

Don't know

*(3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/~~((SEPTIC))~~ ON-SITE SEWAGE SYSTEM

A. The property is served by: Public sewer ~~((main))~~ system, ~~((Septic tank))~~ On-site sewage system (including pipes, tanks, drainfields, and all other component parts) Other disposal system ~~((describe))~~ Please describe:

Yes

No

Don't know

B. If ~~((the property is served by a public or community sewer main, is the house connected to the))~~ public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

Yes No Don't know C. Is the property (~~currently subject to a sewer capacity charge~~) subject to any sewer system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

Yes No Don't know D. If the property is connected to (~~a septic~~) an on-site sewage system:
 *(1) Was a permit issued for its construction, and was it approved by the (~~city or county~~) local health department or district following its construction?

(2) When was it last pumped:
 ((-19)) . . .

Yes No Don't know * (3) Are there any defects in the operation of the (~~septic~~) on-site sewage system?

Don't know (4) When was it last inspected?
 ((-19)) . . .

By Whom:

Don't know (5) For how many bedrooms was the on-site sewage system approved (~~for~~)?
 bedrooms

Yes No Don't know (~~E. Do~~) E. Are all plumbing fixtures, including laundry drain, (~~go~~) connected to the (~~septic/sewer~~) sewer/on-site sewage system? If no, please explain:

Yes No Don't know *F. (~~Are you aware of~~) Have there been any changes or repairs to the (~~septic~~) on-site sewage system?

Yes No Don't know G. Is the (~~septic-tank~~) on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

Yes No Don't know H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? If yes, please explain.

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

Yes No Don't know *A. Has the roof leaked?

<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Don't know	If yes, has it been repaired?)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*B. <u>Has the basement flooded or leaked?</u>
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Don't know	*C. <u>Have there been any conversions, additions, or remodeling?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	((1-)) <u>(1)</u> If yes, were all building permits obtained?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	((2-)) <u>(2)</u> If yes, were all final inspections obtained?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	((C-)) <u>D.</u> Do you know the age of the house? If yes, year of original construction:
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	((D- Do you know of)) * <u>E.</u> <u>Has there been any settling, slippage, or sliding of (either the house or other structures/improvements located on the property? If yes, explain.) the property or its improvements?</u>
			(-)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	((E- Do you know of)) * <u>F.</u> <u>Are there any defects with the following: (If yes, please check applicable items and explain.)</u>
			<input type="checkbox"/> Decks <input type="checkbox"/> Exterior Walls <input type="checkbox"/> Foundations <input type="checkbox"/> Chimneys <input type="checkbox"/> Interior Walls <input type="checkbox"/> Fire Alarm <input type="checkbox"/> Doors <input type="checkbox"/> Windows <input type="checkbox"/> Patio <input type="checkbox"/> Ceilings <input type="checkbox"/> Slab Floors <input type="checkbox"/> Driveways <input type="checkbox"/> Pools <input type="checkbox"/> Hot Tub <input type="checkbox"/> Sauna <input type="checkbox"/> Sidewalks <input type="checkbox"/> Outbuildings <input type="checkbox"/> Fireplaces <input type="checkbox"/> Garage Floors <input type="checkbox"/> Walkways <input type="checkbox"/> Siding <input type="checkbox"/> Other <input type="checkbox"/> Wood Stoves
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Don't know	*F. <u>Was a pest or dry rot, structural or "whole house" inspection done? When and by whom was the inspection completed?</u>

- Yes No Don't know ~~*G. Since assuming ownership, has your property had a problem with wood destroying organisms and/or have there been any problems with pest control, infestations, or vermin?)~~
- Yes No Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?
- Yes No Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?
- Yes No Don't know I. Is the attic insulated?
- Yes No Don't know J. Is the basement insulated?

5. SYSTEMS AND FIXTURES

((If) *A. If any of the following systems or fixtures are included with the transfer, ((do they have any existing defects?)) are there any defects? If yes, please explain.

- Yes No Don't know ((~~*A-~~)) Electrical system, including wiring, switches, outlets, and service
- Yes No Don't know ((~~*B-~~)) Plumbing system, including pipes, faucets, fixtures, and toilets
- Yes No Don't know ((~~*C-~~)) Hot water tank
- Yes No Don't know ((~~*D-~~)) Garbage disposal
- Yes No Don't know ((~~*E-~~)) Appliances
- Yes No Don't know ((~~*F-~~)) Sump pump
- Yes No Don't know ((~~*G-~~)) Heating and cooling systems
- Yes No Don't know ((~~*H-~~)) Security system
 Owned Leased
- Yes No Don't know ((~~*I-~~)) Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes No Don't know

Security system

Yes No Don't know

Tanks (type):

Yes No Don't know

Satellite dish

Other:

6. COMMON INTERESTS

Yes No Don't know

A. Is there a Home Owners' Association? Name of Association

Yes No Don't know

B. Are there regular periodic assessments:

\$. . . per Month Year
 Other

Yes No Don't know

*C. Are there any pending special assessments?

Yes No Don't know

*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. GENERAL

Yes No Don't know

*A. ~~((Is there any settling, soil, standing water, or))~~ Have there been any drainage problems on the property?

Yes No Don't know

*B. Does the property contain fill material?

Yes No Don't know

*C. Is there any material damage to the property ~~((or any of the structure))~~ from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know

D. Is the property in a designated flood plain?

Yes No Don't know

*E. Are there any substances, materials, or products on the property that may be ~~((an))~~ environmental ~~((hazard such as, but not limited to,))~~ concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, ~~((and))~~ or contaminated soil or water ~~((on the subject property))~~?

Yes No Don't know

*G. Has the property ever been used as an illegal drug manufacturing site?

Yes No Don't know

*H. Are there any radio towers in the area that may cause interference with telephone reception?

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

- Yes No Don't know A. Did you make any alterations to the home? If yes, please describe the alterations:
- Yes No Don't know *B. Did any previous owner make any alterations to the home? If yes, please describe the alterations:
- Yes No Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

~~(8.)~~ 9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

- Yes No Don't know *Are there any other existing material defects affecting ~~((this))~~ the property ~~((or its value))~~ that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE _____ SELLER _____ SELLER _____

II. BUYER'S ACKNOWLEDGMENT

A. ~~((As buyer(s), I/we acknowledge the))~~ Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects ((which) that are known to ((me/us)) Buyer or can be known to ((me/us)) Buyer by utilizing diligent attention and observation.

B. ~~((Each buyer acknowledges and understands that))~~ The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) ((hereby acknowledges receipt of)) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS ~~((FORM))~~ DISCLOSURE STATEMENT ARE PROVIDED BY ((THE)) SELLER BASED ON ((THE BASIS OF)) SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME ((OF DISCLOSURE. YOU, THE BUYER,)) SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS((-UNLESS OTHERWISE AGREED, FROM THE SELLER'S DELIVERY OF THIS SELLER'S)) FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND ((YOUR)) THE AGREEMENT BY DELIVERING ((YOUR SEPARATE SIGNED)) A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO ((THE)) SELLER ((UNLESS YOU WAIVE THIS RIGHT OF RESCISSION)) OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS ((REAL PROPERTY TRANSFER)) DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The ~~((real property transfer))~~ seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential ~~((real))~~ property. The ~~((real property transfer))~~ seller disclosure statement shall be only a disclosure made by the

seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction."

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

On page 1, line 2 of the title, after "statement;" strike the remainder of the title and insert "and amending RCW 64.06.020."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1634, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1634, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1634, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Voting nay: Senator Thibaudeau - 1.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 1634, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1113, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Hinkle, Linville, Schoesler, Boldt and Mielke)

Regarding irrigation district boards of joint control.

The bill was read the second time.

MOTION

Senator Honeyford moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 87.80.005 and 1996 c 320 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Area of jurisdiction" means all lands within the exterior boundary of the composite area served by the irrigation entities that comprise the board of joint control as the boundary is represented on the map filed under RCW 87.80.030.

(2) "Irrigation entity" means an irrigation district or an operating entity for a division within a federal reclamation project. For the purposes of this chapter, a water company, a water users' association, a municipality, a water right owner and user of irrigation water, or any other entity that provides irrigation water as a primary purpose, is an irrigation entity when creating or joining a board of joint control with an irrigation district or operating entity for a division within a federal reclamation project.

(3) "Joint use facilities" means those works, including reservoirs, canals, ditches, natural streams in which the irrigation entity has rights of conveyance under RCW 90.03.030, hydroelectric facilities, pumping stations, drainage works, reserved works as may be transferred by contracts with the United States, and system interties that are determined by the board of joint control to provide common benefit to its members.

(4) "Ownership interest" means the irrigation entity holds water rights in its name for the benefit of itself, its water users or, in federal reclamation projects, the irrigation entity has a contractual responsibility for delivery of water to its individual water users.

(5) "Source of water" means a hydrological distinct river and tributary system or aquifer system from which board of joint control member entities appropriate water.

Sec. 2. RCW 87.80.030 and 1996 c 320 s 4 are each amended to read as follows:

The petition for the creation of a board of joint control shall be addressed to the board of county commissioners, shall describe generally the relationship, if any, of the irrigation entities to an established federal reclamation project, the primary water works of the entities including reservoirs, main canals, hydroelectric facilities, pumping stations, and drainage facilities, giving them their local names, if any they have, and shall show generally the physical relationship of the lands being watered from the water facilities. However, lands included in any irrigation entity involved need not be described individually but shall be included by stating the name of the irrigation entity and all the irrigable lands in the irrigation entity named shall by that method be deemed to be involved unless otherwise specifically stated in the petition. Further, the petition must propose the formula for board of joint control apportionment of costs among its members, and may propose the composition of the board of joint control as to membership, chair, and voting structure. When a board of joint control includes irrigation entities other than an irrigation district or an operating entity for a division within a federal reclamation project as provided in RCW 87.80.005, the voting structure must be such that the votes apportioned to those entities are less than fifty percent of the total votes.

The petition shall also state generally the reasons for the creation of a board of joint control and any other matter the petitioners deem material, and shall allege that it is in the public interest and to the benefit of all the owners of the lands receiving water within the area of jurisdiction, that the board of joint control be created and request that the board of county commissioners consider the petition and take the necessary steps provided by law for the creation of a board of joint control. The petition shall be accompanied by a map showing the area of jurisdiction and the general location of the water supply and distribution facilities.

Sec. 3. RCW 87.80.130 and 1998 c 84 s 2 are each amended to read as follows:

(1) A board of joint control created under the provisions of this chapter shall have full authority within its area of jurisdiction to enter into and perform any and all necessary contracts; to accept grants and loans, including, but not limited to, those provided under chapters 43.83B and 43.99E RCW, to appoint and employ and discharge the necessary officers, agents, and employees; to sue and be sued as a board but without personal liability of the members thereof in any and all matters in which all the irrigation entities represented on the board as a whole have a common interest without making the irrigation entities parties to the suit; to represent the entities in all matters of common interest as a whole within the scope of this chapter; and to do any and all lawful acts required and expedient to carry out the purposes of this chapter. A board of joint control may, subject to the same limitations as an irrigation district operating under chapter 87.03 RCW, acquire any property or property rights for use within the board's area of jurisdiction by power of eminent domain; acquire, purchase, or lease in its own name all necessary real or personal property or property rights; and sell, lease, or exchange any surplus real or personal property or property rights. Any transfers of water, however, are limited to transfers authorized under subsection (2) of this section.

(2)(a) A board of joint control is authorized and encouraged to pursue conservation and system efficiency improvements to optimize the use of appropriated waters and to either redistribute the saved water within its area of jurisdiction, or(=) transfer the water to others, or both. A redistribution of

saved water as an operational practice internal to the board of joint control's area of jurisdiction, may be authorized if it can be made without detriment or injury to rights existing outside of the board of control's area of jurisdiction, including instream flow water rights established under state or federal law.

(b) Prior to undertaking a water conservation or system efficiency improvement project (which) that will result in a redistribution of saved water, the board of joint control must consult with the department of ecology and, if the board's jurisdiction is within a United States reclamation project, the board must obtain the approval of the bureau of reclamation. The purpose of such consultation is to assure that the proposal will not impair the rights of other water holders or bureau of reclamation contract water users.

(c) A board of joint control does not have the power to authorize a change of any water right that would change the point or points of diversion, purpose of use, or place of use outside the board's area of jurisdiction, without the approval of the department of ecology pursuant to RCW 90.03.380 and, if the board's jurisdiction is within a United States reclamation project, the approval of the bureau of reclamation.

(d) The board of joint control shall notify the department of ecology, and any Indian tribe requesting notice, of transfers of water between the individual entities of the board of joint control. This subsection (2)(d) applies only to a board of joint control created after January 1, 2003.

(3) A board of joint control is authorized to design, construct, and operate either drainage projects, or water quality enhancement projects, or both.

(4) Where the board of joint control area of jurisdiction is totally within a federal reclamation project, the board is authorized to accept operational responsibility for federal reserved works.

(5) Nothing contained in this chapter gives a board of joint control the authority to abridge the existing rights, responsibilities, and authorities of an individual irrigation entity or others within the area of jurisdiction; nor in a case where the board of joint control consists of representatives of two or more divisions of a federal reclamation project shall the board of joint control abridge any powers of an existing board of control created through federal contract; nor shall a board of joint control have any authority to abridge or modify a water right benefiting lands within its area of jurisdiction without consent of the party holding the ownership interest in the water right.

(6) A board of joint control created under this chapter may not use any authority granted to it by this chapter or by RCW 90.03.380 to authorize a transfer of or change in a water right or to authorize a redistribution of saved water before July 1, 1997.

NEW SECTION. Sec. 4. A new section is added to chapter 87.80 RCW to read as follows:

The provisions of chapter . . . , Laws of 2003 (this act) shall not be construed or interpreted to authorize the impairment of any existing water rights."

MOTION

On motion of Senator Honeyford, the following amendment by Senators Honeyford, Morton and Fraser to the Committee on Natural Resources, Energy and Water striking amendment was adopted:

On page 4, line 11 of the amendment, after "reclamation," insert "Any change in place of use that results from a transfer of water between the individual entities of the board of joint control shall not result in any reduction in the total water supply available in a federal reclamation project. In making the determination of whether a change of place of use in an area covered by a federal reclamation project will result in a reduction in the total water supply available, the board of joint control shall consult with the bureau of reclamation."

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment, as amended, to Substitute House Bill No. 1113.

The motion by Senator Honeyford carried and the committee striking amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 87.80.005, 87.80.030, and 87.80.130; and adding a new section to chapter 87.80 RCW."

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1113, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1113, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1113, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 1113, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, by House Committee on Higher Education (originally sponsored by Representatives Kenney, Cox, Fromhold, Chase, Miloscia, Conway, Berkey, Upthegrove, Moeller, Wood and Schual-Berke)

Requiring a statewide strategic plan for higher education.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the following Committee on Higher Education striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) At the time the higher education coordinating board was created in 1985, the legislature wanted a board with a comprehensive mission that included planning, budget and program review authority, and program administration;

(b) Since its creation, the board has achieved numerous accomplishments, including proposals leading to creation of the branch campus system, and has made access and affordability of higher education a consistent priority;

(c) However, higher education in Washington state is currently at a crossroads. Demographic, economic, and technological changes present new and daunting challenges for the state and its institutions of higher education. As the state looks forward to the future, the legislature, the governor, and institutions need a common strategic vision to guide planning and decision making.

(2) Therefore, it is the legislature's intent to reaffirm and strengthen the strategic planning role of the higher education coordinating board. It is also the legislature's intent to examine options for reassigning or altering other roles and responsibilities to enable the board to place priority and focus on planning and coordination.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

(1) The board shall develop a statewide strategic master plan for higher education that proposes a vision and identifies goals and priorities for the system of higher education in Washington state. The board shall also specify strategies for maintaining and expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education.

(2) In developing the statewide strategic master plan for higher education, the board shall collaborate with the four-year institutions of higher education including the council of presidents, the community and technical college system, and, when appropriate, the work force training and education coordinating board, the superintendent of public instruction, and the independent higher education institutions. The board shall also seek input from students, faculty organizations, community and business leaders in the state, members of the legislature, and the governor.

(3) As a foundation for the statewide strategic master plan for higher education, the board shall develop and establish role and mission statements for each of the four-year institutions of higher education and the community and technical college system. The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(4) In assessing needs of the state's higher education system, the board may consider and analyze the following information:

(a) Demographic, social, economic, and technological trends and their impact on service delivery;

(b) The changing ethnic composition of the population and the special needs arising from those trends;

(c) Business and industrial needs for a skilled work force;

(d) College attendance, retention, transfer, and dropout rates;

(e) Needs and demands for basic and continuing education and opportunities for lifelong learning by individuals of all age groups; and

(f) Needs and demands for access to higher education by placebound students and individuals in heavily populated areas underserved by public institutions.

(5) The statewide strategic master plan for higher education shall include, but not be limited to, the following:

(a) Recommendations for enrollment forecasts and analysis of data about demand for higher education, and policies and actions to meet those needs;

(b) State or regional priorities for new or expanded degree programs or off-campus programs, including what models of service delivery may be most cost-effective;

(c) Recommended policies or actions to improve the efficiency of student transfer and graduation or completion;

(d) State or regional priorities for addressing needs in high-demand fields where enrollment access is limited and employers are experiencing difficulty finding enough qualified graduates to fill job openings;

(e) Recommended tuition and fees policies and levels; and

(f) Priorities and recommendations on financial aid.

(6) The board shall present the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education in a way that provides guidance for institutions, the governor, and the legislature to make further decisions regarding institution-level plans, policies, legislation, and operating and capital funding for higher education. In the statewide strategic master plan for higher education, the board shall recommend specific actions to be taken and identify measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities.

(7) Every four years by December 15th, the board shall submit the statewide strategic master plan for higher education to the governor and the legislature. The legislature shall, by concurrent resolution, approve or recommend changes to the plan, following public hearings. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan. Any legislative changes shall be incorporated into the final plan and published by June.

Sec. 3. RCW 28B.80.330 and 1997 c 369 s 10 are each amended to read as follows:

The board shall perform the following planning duties in consultation with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the work force training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions:

(1) ~~((Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system;~~

~~(2) Identify the state's higher education goals, objectives, and priorities;~~

~~(3) Prepare a comprehensive master plan which includes but is not limited to:~~

~~(a) Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled work force; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;~~

~~(b) Recommendations on enrollment and other policies and actions to meet those needs;~~

~~(c) Guidelines for continuing education, adult education, public service, and other higher education programs;~~

~~(d) Mechanisms through which the state's higher education system can meet the needs of employers hiring for industrial projects of statewide significance.~~

~~The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.~~

~~The plan shall be updated every four years, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan;~~

~~(4)) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on ((the elements outlined in subsections (1), (2), and (3) of this section, and on)) how the budget requests align with and implement the statewide strategic master plan for higher education under section 2 of this act.~~

~~(a) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities((These guidelines shall be distributed)) to the institutions and the state board for community and technical colleges ((board by December of each odd-numbered year)). The institutions and the state board for community and technical colleges ((board)) shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1st of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before November 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year;~~

~~((5)) (b) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st;~~

~~((6)) (2) Recommend legislation affecting higher education;~~

~~((7) Recommend tuition and fees policies and levels based on comparisons with peer institutions;~~

~~(8) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;~~

~~((9)) (3) Prepare recommendations on merging or closing institutions; and~~

~~((10)) (4) Develop criteria for identifying the need for new baccalaureate institutions.~~

Sec. 4. RCW 28B.80.340 and 1985 c 370 s 5 are each amended to read as follows:

(1) The board shall perform the following program responsibilities, in consultation with the institutions and with other interested agencies and individuals:

((4)) (a) Approve the creation of any new degree programs at the four-year institutions and prepare fiscal notes on any such programs;

~~((2))~~ (b) Review, evaluate, and make recommendations for the modification, consolidation, initiation, or elimination of on-campus programs, at the four-year institutions;

~~((3))~~ (c) Review and evaluate and approve, modify, consolidate, initiate, or eliminate off-campus programs at the four-year institutions;

~~((4))~~ (d) Approve, and adopt guidelines for, higher education centers and consortia;

~~((5))~~ (e) Approve purchase or lease of major off-campus facilities for the four-year institutions and the community colleges;

~~((6))~~ (f) Establish campus service areas and define on-campus and off-campus activities and major facilities; and

~~((7))~~ (g) Approve contracts for off-campus educational programs initiated by the state's four-year institutions individually, in concert with other public institutions, or with independent institutions.

(2) In performing its responsibilities under this section, the board shall consider, and require institutions to demonstrate, how the proposals align with or implement the statewide strategic master plan for higher education under section 2 of this act. The board shall also develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section.

Sec. 5. RCW 28B.80.610 and 1993 c 363 s 2 are each amended to read as follows:

(1) At the local level, the higher education institutional responsibilities include but are not limited to:

(a) Development and provision of strategic plans ~~((under the guidelines established by the higher education coordinating board))~~ that implement the vision, goals, priorities, and strategies within the statewide strategic master plan for higher education under section 2 of this act based on the institution's role and mission. Institutional strategic plans shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities. In developing their strategic plans, the research universities shall consider the feasibility of significantly increasing the number of evening graduate classes;

(b) For the four-year institutions of higher education, timely provision of information required by the higher education coordinating board to report to the governor, the legislature, and the citizens;

(c) Provision of local student financial aid delivery systems to achieve both statewide goals and institutional objectives in concert with statewide policy; and

(d) Operating as efficiently as feasible within institutional missions and goals.

(2) At the state level, the higher education coordinating board shall be responsible for:

(a) ~~((Delineation and coordination of))~~ Ensuring that strategic plans to be prepared by the institutions are aligned with and implement the statewide strategic master plan for higher education under section 2 of this act and periodically monitoring institutions' progress toward achieving the goals and priorities within their plans;

(b) Preparation of reports to the governor, the legislature, and the citizens on program accomplishments and use of resources by the institutions;

(c) Administration and policy implementation for statewide student financial aid programs; and

(d) Assistance to institutions in improving operational efficiency through measures that include periodic review of program efficiencies.

(3) At the state level, on behalf of community colleges and technical colleges, the state board for community and technical colleges shall coordinate and report on the system's strategic plans, including reporting on the system's progress toward achieving the statewide goals and priorities within its plan, and shall provide any information required of its colleges by the higher education coordinating board.

Sec. 6. RCW 28B.50.090 and 1991 c 238 s 33 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding May 17, 1991;

(b) That each college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution. This subsection (3)(b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under section 2 of this act based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly

by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(15) The college board shall have the power of eminent domain;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

NEW SECTION. Sec. 7. (1) A legislative work group is established to provide guidance for the statewide strategic master plan for higher education and review options pertaining to the higher education coordinating board. The legislative work group shall consist of the members of the house of representatives and senate higher education and fiscal committees. Cochairs shall be the chair of the senate higher education committee and the chair of the house of representatives higher education committee.

(2) The legislative work group shall:

(a) Define legislative expectations and provide policy direction for the statewide strategic master plan for higher education under section 2 of this act;

(b) Make recommendations for ensuring the coordination of higher education capital and operating budgets with the goals and priorities in the statewide strategic master plan for higher education; and

(c) Examine opportunities to update the roles and responsibilities of the higher education coordinating board, including alternatives for administration of financial aid and other programs; review of institution budget requests; approval of off-campus programs, centers, and consortia; and collection and analysis of data.

(3) The legislative work group shall use legislative facilities and staff from senate committee services and the office of program research.

(4) The legislative work group shall consider advancing the timeline for publication of the final 2004 strategic master plan for higher education from December 2003 to June 2004, with a preliminary report available by December 15, 2003, to ensure that it provides a timely and relevant framework for development of future budgets and policy proposals.

(5) This section expires September 1, 2004."

MOTION

Senator Carlson moved that the following striking amendment by Senators Carlson and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) At the time the higher education coordinating board was created in 1985, the legislature wanted a board with a comprehensive mission that included planning, budget and program review authority, and program administration;

(b) Since its creation, the board has achieved numerous accomplishments, including proposals leading to creation of the branch campus system, and has made access and affordability of higher education a consistent priority;

(c) However, higher education in Washington state is currently at a crossroads. Demographic, economic, and technological changes present new and daunting challenges for the state and its institutions of higher education. As the state looks forward to the future, the legislature, the governor, and institutions need a common strategic vision to guide planning and decision making.

(2) Therefore, it is the legislature's intent to reaffirm and strengthen the strategic planning role of the higher education coordinating board. It is also the legislature's intent to examine options for reassigning or altering other roles and responsibilities to enable the board to place priority and focus on planning and coordination.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.80 RCW to read as follows:

(1) The board shall develop a statewide strategic master plan for higher education that proposes a vision and identifies goals and priorities for the system of higher education in Washington state. The board shall also specify strategies for maintaining and expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education.

(2) In developing the statewide strategic master plan for higher education, the board shall collaborate with the four-year institutions of higher education including the council of presidents, the community and technical college system, and, when appropriate, the work force training and education coordinating board, the superintendent of public instruction, and the independent higher education institutions. The board shall also seek input from students, faculty organizations, community and business leaders in the state, members of the legislature, and the governor.

(3) As a foundation for the statewide strategic master plan for higher education, the board shall develop and establish role and mission statements for each of the four-year institutions of higher education and the community and technical college system. The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(4) In assessing needs of the state's higher education system, the board may consider and analyze the following information:

(a) Demographic, social, economic, and technological trends and their impact on service delivery;

(b) The changing ethnic composition of the population and the special needs arising from those trends;

(c) Business and industrial needs for a skilled work force;

(d) College attendance, retention, transfer, and dropout rates;

(e) Needs and demands for basic and continuing education and opportunities for lifelong learning by individuals of all age groups; and

(f) Needs and demands for access to higher education by placebound students and individuals in heavily populated areas underserved by public institutions.

(5) The statewide strategic master plan for higher education shall include, but not be limited to, the following:

(a) Recommendations based on enrollment forecasts and analysis of data about demand for higher education, and policies and actions to meet those needs;

(b) State or regional priorities for new or expanded degree programs or off-campus programs, including what models of service delivery may be most cost-effective;

(c) Recommended policies or actions to improve the efficiency of student transfer and graduation or completion;

(d) State or regional priorities for addressing needs in high-demand fields where enrollment access is limited and employers are experiencing difficulty finding enough qualified graduates to fill job openings;

(e) Recommended tuition and fees policies and levels; and

(f) Priorities and recommendations on financial aid.

(6) The board shall present the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education in a way that provides guidance for institutions, the governor, and the legislature to make further decisions regarding institution-level plans, policies, legislation, and operating and capital funding for higher education. In the statewide strategic master plan for higher education, the board shall recommend specific actions to be taken and identify measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities.

(7) Every four years by December 15th, beginning December 15, 2003, the board shall submit an interim statewide strategic master plan for higher education to the governor and the legislature. The interim plan shall reflect the expectations and policy directions of the legislative higher education and fiscal committees, and shall provide a timely and relevant framework for the development of future budgets and policy proposals. The legislature shall, by concurrent resolution, approve or recommend changes to the interim plan, following public hearings. The board shall submit the final plan, incorporating legislative changes, to the governor and the legislature by June of the year in which the legislature approves the concurrent resolution. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan.

Sec. 3. RCW 28B.80.330 and 1997 c 369 s 10 are each amended to read as follows:

The board shall perform the following planning duties in consultation with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the work force training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions:

- (1) ~~(Develop and establish role and mission statements for each of the four-year institutions and for the community and technical college system;~~
- (2) ~~Identify the state's higher education goals, objectives, and priorities;~~
- (3) ~~Prepare a comprehensive master plan which includes but is not limited to:~~
 - (a) ~~Assessments of the state's higher education needs. These assessments may include, but are not limited to: The basic and continuing needs of various age groups; business and industrial needs for a skilled work force; analyses of demographic, social, and economic trends; consideration of the changing ethnic composition of the population and the special needs arising from such trends; college attendance, retention, and dropout rates, and the needs of recent high school graduates and placebound adults. The board should consider the needs of residents of all geographic regions, but its initial priorities should be applied to heavily populated areas underserved by public institutions;~~
 - (b) ~~Recommendations on enrollment and other policies and actions to meet those needs;~~
 - (c) ~~Guidelines for continuing education, adult education, public service, and other higher education programs;~~
 - (d) ~~Mechanisms through which the state's higher education system can meet the needs of employers hiring for industrial projects of statewide significance.~~

~~The initial plan shall be submitted to the governor and the legislature by December 1, 1987. Comments on the plan from the board's advisory committees and the institutions shall be submitted with the plan.~~

~~The plan shall be updated every four years, and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan, and the updates. The plan shall then become state higher education policy unless legislation is enacted to alter the policies set forth in the plan.~~

~~(4)) Review, evaluate, and make recommendations on operating and capital budget requests from four-year institutions and the community and technical college system, based on (the elements outlined in subsections (1), (2), and (3) of this section, and on) how the budget requests align with and implement the statewide strategic master plan for higher education under section 2 of this act.~~

~~(a) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities (These guidelines shall be distributed) to the institutions and the state board for community and technical colleges (board by December of each odd-numbered year). The institutions and the state board for community and technical colleges (board) shall submit an outline of their proposed budgets, identifying major components, to the board no later than August 1st of each even-numbered year. The board shall submit recommendations on the proposed budgets and on the board's budget priorities to the office of financial management before November 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year;~~

~~((5)) (b) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st;~~

~~((6)) (2) Recommend legislation affecting higher education;~~

~~((7) Recommend tuition and fees policies and levels based on comparisons with peer institutions;~~

~~(8) Establish priorities and develop recommendations on financial aid based on comparisons with peer institutions;~~

~~((9)) (3) Prepare recommendations on merging or closing institutions; and~~

~~((10)) (4) Develop criteria for identifying the need for new baccalaureate institutions.~~

Sec. 4. RCW 28B.80.340 and 1985 c 370 s 5 are each amended to read as follows:

(1) The board shall perform the following program responsibilities, in consultation with the institutions and with other interested agencies and individuals:

((4)) (a) Approve the creation of any new degree programs at the four-year institutions and prepare fiscal notes on any such programs;

((2)) (b) Review, evaluate, and make recommendations for the modification, consolidation, initiation, or elimination of on-campus programs, at the four-year institutions;

((3)) (c) Review and evaluate and approve, modify, consolidate, initiate, or eliminate off-campus programs at the four-year institutions;

((4)) (d) Approve, and adopt guidelines for, higher education centers and consortia;

((5)) (e) Approve purchase or lease of major off-campus facilities for the four-year institutions and the community colleges;

((6)) (f) Establish campus service areas and define on-campus and off-campus activities and major facilities; and

((7)) (g) Approve contracts for off-campus educational programs initiated by the state's four-year institutions individually, in concert with other public institutions, or with independent institutions.

(2) In performing its responsibilities under this section, the board shall consider, and require institutions to demonstrate, how the proposals align with or implement the statewide strategic master plan for higher education under section 2 of this act. The board shall also develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section.

Sec. 5. RCW 28B.80.610 and 1993 c 363 s 2 are each amended to read as follows:

(1) At the local level, the higher education institutional responsibilities include but are not limited to:

(a) Development and provision of strategic plans (under the guidelines established by the higher education coordinating board) that implement the vision, goals, priorities, and strategies within the statewide strategic master plan for higher education under section 2 of this act based on the institution's role and mission. Institutional strategic plans shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities. In developing their strategic plans, the research universities shall consider the feasibility of significantly increasing the number of evening graduate classes;

(b) For the four-year institutions of higher education, timely provision of information required by the higher education coordinating board to report to the governor, the legislature, and the citizens;

(c) Provision of local student financial aid delivery systems to achieve both statewide goals and institutional objectives in concert with statewide policy; and

(d) Operating as efficiently as feasible within institutional missions and goals.

(2) At the state level, the higher education coordinating board shall be responsible for:

(a) ~~(Delineation and coordination of)~~ Ensuring that strategic plans to be prepared by the institutions are aligned with and implement the statewide strategic master plan for higher education under section 2 of this act and periodically monitoring institutions' progress toward achieving the goals and priorities within their plans;

(b) Preparation of reports to the governor, the legislature, and the citizens on program accomplishments and use of resources by the institutions;

(c) Administration and policy implementation for statewide student financial aid programs; and

(d) Assistance to institutions in improving operational efficiency through measures that include periodic review of program efficiencies.

(3) At the state level, on behalf of community colleges and technical colleges, the state board for community and technical colleges shall coordinate and report on the system's strategic plans, including reporting on the system's progress toward achieving the statewide goals and priorities within its plan, and shall provide any information required of its colleges by the higher education coordinating board.

Sec. 6. RCW 28B.50.090 and 1991 c 238 s 33 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community and technical colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the boards of trustees, prepare a single budget for the support of the state system of community and technical colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

(3) Ensure, through the full use of its authority:

(a) That each college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and work force literacy programs and services. However, technical colleges, and college districts containing only technical colleges, shall maintain programs solely for occupational education, basic skills, and literacy purposes. For as long as a need exists, technical colleges may continue those programs, activities, and services they offered during the twelve-month period preceding May 17, 1991;

(b) That each college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of the student's residence or because of the student's educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of

their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community or technical college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the college, or would, by his or her presence or conduct, create a disruptive atmosphere within the college not consistent with the purposes of the institution. This subsection (3)(b) shall not apply to competency, conduct, or presence associated with a disability in a person twenty-one years of age or younger attending a technical college;

(4) Prepare a comprehensive master plan for the development of community and technical college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate college facilities in all areas of the state. The master plan shall include implementation of the vision, goals, priorities, and strategies in the statewide strategic master plan for higher education under section 2 of this act based on the community and technical college system's role and mission. The master plan shall also contain measurable performance indicators and benchmarks for gauging progress toward achieving the goals and priorities;

(5) Define and administer criteria and guidelines for the establishment of new community and technical colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community and technical colleges with respect to:

(a) Qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) Internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) The content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) Standard admission policies,

(e) Eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community and technical colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community and technical college real and personal property, except such property as is received by a college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community and technical college system;

(13) In order that the treasurer for the state board for community and technical colleges appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community and technical colleges as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88 RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community and technical college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

(15) The college board shall have the power of eminent domain;

(16) Provide general supervision over the state's technical colleges. The president of each technical college shall report directly to the director of the state board for community and technical colleges, or the director's designee, until local control is assumed by a new or existing board of trustees as appropriate, except that a college president shall have authority over program decisions of his or her college until the establishment of a board of trustees for that college. The directors of the vocational-technical institutes on March 1, 1991, shall be designated as the presidents of the new technical colleges.

NEW SECTION. Sec. 7. (1) A legislative work group is established to provide guidance for the statewide strategic master plan for higher education and review options pertaining to the higher education coordinating board. The legislative work group shall consist of the members of the house of representatives and senate higher education and fiscal committees. Cochairs shall be the chair of the senate higher education committee and the chair of the house of representatives higher education committee.

(2) The legislative work group shall:

(a) Define legislative expectations and provide policy direction for the statewide strategic master plan for higher education under section 2 of this act;

(b) Make recommendations for ensuring the coordination of higher education capital and operating budgets with the goals and priorities in the statewide strategic master plan for higher education; and

(c) Examine opportunities to update the roles and responsibilities of the higher education coordinating board, including alternatives for administration of financial aid and other programs; review of institution budget requests; approval of off-campus programs, centers, and consortia; and collection and analysis of data.

(3) The legislative work group shall use legislative facilities and staff from senate committee services and the office of program research.

(4) The legislative work group shall report its findings and recommendations to the legislature by January 2, 2004.

(5) This section expires July 1, 2004."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Carlson and Kohl-Welles to Engrossed Substitute House Bill No. 2076.

The motion by Senator Carlson carried and the striking amendment was adopted.

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

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "amending RCW 28B.80.330, 28B.80.340, 28B.80.610, and 28B.50.090; adding a new section to chapter 28B.80 RCW; creating new sections; and providing an expiration date."

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Substitute House Bill No. 2076, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2076, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2076, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hewitt, Honeyford, Horn, Kastama, Keiser, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 36.

Voting nay: Senators Finkbeiner, Hargrove, Haugen, Jacobsen, Johnson, Kline, Morton, Mulliken, Regala, Rossi, Shin and Zarelli - 12.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 8:53 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Tuesday, April 15, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 14, 1998

NINETY-SECOND DAY, APRIL 14, 2003

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

NINETY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 15, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Fairley, Finkbeiner, Honeyford, Morton, Poulsen, Reardon, Roach and Tim Sheldon. On motion of Senator Hewitt, Senators Honeyford and Morton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Elizabeth Beseda and Carson Darling, presented the Colors. Reverend Ken Jones, pastor of the Tacoma Unitarian Church, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR

March 13, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John Giese, appointed March 11, 2003, for a term ending January 1, 2009, as a member of the Forest Practices Appeals Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Energy and Water.

March 31, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Walter T. Hubbard, to be reappointed July 27, 2003, for a term ending July 26, 2009, as a member of the Personnel Appeals Board.

Sincerely,
GARY LOCKE, Governor

Referred to Committee on Government Operations and Elections.

MESSAGES FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2223, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 11, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 2038, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 14, 2003

MR. PRESIDENT:

The House has passed:
HOUSE BILL NO. 2226,
HOUSE BILL NO. 2237, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SJM 8023 by Senators Kline, Jacobsen, Horn, Benton, West, Regala, Kohl-Welles, Prentice, Rasmussen and McAuliffe

Requesting that funds be promptly disbursed to Holocaust survivors.

Referred to Committee on Financial Services, Insurance and Housing.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 2038 by House Committee on Finance (originally sponsored by Representatives Gombosky and McIntire (by request of Attorney General Gregoire)

Modifying tobacco escrow refund provisions.

Referred to Committee on Ways and Means.

HB 2223 by Representatives Hunt, Alexander, Romero and Santos

Allowing The Evergreen State College capital projects account to retain its interest income.

Referred to Committee on Ways and Means.

HB 2226 by Representatives Veloria and Kessler

Authorizing the office of minority and women's business enterprises to receive gifts, grants, or endowments.

Referred to Committee on Commerce and Trade.

HB 2237 by Representatives Linville, Chandler and Fromhold

Concerning water discharge fees.

Referred to Committee on Natural Resources, Energy and Water.

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9115, Rhona Hoss, as a member of the Board of Trustees for Clark Community College District No. 14, was confirmed.

APPOINTMENT OF RHONA HOSS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 40; Nays, 0; Absent, 7; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 40.

Absent: Senators Brown, Fairley, Finkbeiner, Poulsen, Reardon, Roach and Sheldon, T. - 7.

Excused: Senators Honeyford and Morton - 2.

MOTION

On motion of Senator Eide, Senators Brown, Poulsen, Reardon and Tim Sheldon were excused.

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9179, Elmer J. Ward, as a member of the Board of Trustees for Yakima Valley Community College District No. 16, was confirmed.

Senators Carlson and Deccio spoke to the confirmation of Elmer J. Ward as a member of the Board of Trustees for Yakima Valley Community College District No. 16.

APPOINTMENT OF ELMER J. WARD

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Brown, Honeyford, Morton, Poulsen, Reardon and Sheldon, T. - 6.

SECOND READING

HOUSE BILL NO. 1753, by Representatives Cody, Pflug, Skinner, Clibborn, Morrell, Benson and Edwards (by request of Department of Social and Health Services and Department of Health)

Concerning nursing practices in community-based and in-home care.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.79.040 and 1995 1st sp.s. c 18 s 50 are each amended to read as follows:

(1) "Registered nursing practice" means the performance of acts requiring substantial specialized knowledge, judgment, and skill based on the principles of the biological, physiological, behavioral, and sociological sciences in either:

(a) The observation, assessment, diagnosis, care or counsel, and health teaching of ~~((the ill, injured, or infirm))~~ individuals with illnesses, injuries, or disabilities, or in the maintenance of health or prevention of illness of others;

(b) The performance of such additional acts requiring education and training and that are recognized by the medical and nursing professions as proper and recognized by the commission to be performed by registered nurses licensed under this chapter and that are authorized by the commission through its rules;

(c) The administration, supervision, delegation, and evaluation of nursing practice. However, nothing in this subsection affects the authority of a hospital, hospital district, in-home service agency, community-based care setting, medical clinic, or office, concerning its administration and supervision;

(d) The teaching of nursing;

(e) The executing of medical regimen as prescribed by a licensed physician and surgeon, dentist, osteopathic physician and surgeon, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner.

(2) Nothing in this section prohibits a person from practicing a profession for which a license has been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

(3) This section does not prohibit (a) the nursing care of the sick, without compensation, by an unlicensed person who does not hold himself or herself out to be a registered nurse, (b) the practice of licensed practical nursing by a licensed practical nurse, or (c) the practice of a nursing assistant, providing delegated nursing tasks under chapter 18.88A RCW.

Sec. 2. RCW 18.79.260 and 2000 c 95 s 3 are each amended to read as follows:

(1) A registered nurse under his or her license may perform for compensation nursing care, as that term is usually understood, ~~((of the ill, injured, or infirm))~~ to individuals with illnesses, injuries, or disabilities.

(2) A registered nurse may, at or under the general direction of a licensed physician and surgeon, dentist, osteopathic physician and surgeon, naturopathic physician, podiatric physician and surgeon, physician assistant, osteopathic physician assistant, or advanced registered nurse practitioner acting within the scope of his or her license, administer medications, treatments, tests, and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required. Such direction must be for acts which are within the scope of registered nursing practice.

(3) A registered nurse may delegate tasks of nursing care to other individuals where the registered nurse determines that it is in the best interest of the patient.

(a) The delegating nurse shall:

- (i) Determine the competency of the individual to perform the tasks;
- (ii) Evaluate the appropriateness of the delegation;
- (iii) Supervise the actions of the person performing the delegated task; and
- (iv) Delegate only those tasks that are within the registered nurse's scope of practice.

(b) ~~A registered nurse, working for a home health or hospice agency regulated under chapter 70.127 RCW, may delegate the application, instillation, or insertion of medications to a registered or certified nursing assistant under a plan of care.~~

~~(c) Except as authorized in (b) or (e) of this subsection, a registered nurse may not delegate the administration of medications. Except as authorized in (e) of this subsection, a registered nurse may not delegate acts requiring substantial skill, ((the administration of medications, or) and may not delegate piercing or severing of tissues ((except to registered or certified nursing assistants who provide care to individuals in community-based care settings as authorized under (d) of this subsection)). Acts that require nursing judgment shall not be delegated.~~

~~((e)) (d) No person may coerce a nurse into compromising patient safety by requiring the nurse to delegate if the nurse determines that it is inappropriate to do so. Nurses shall not be subject to any employer reprisal or disciplinary action by the nursing care quality assurance commission for refusing to delegate tasks or refusing to provide the required training for delegation if the nurse determines delegation may compromise patient safety.~~

~~((d)) (c) For delegation in community-based care settings or in-home care settings, a registered nurse may delegate nursing care tasks only to registered or certified nursing assistants. Simple care tasks such as blood pressure monitoring, personal care service, or other tasks as defined by the nursing care quality assurance commission are exempted from this requirement.~~

~~(i) "Community-based care settings" includes: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.~~

~~((+)) (ii) "In-home care settings" include an individual's place of temporary or permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings as defined in (e)(i) of this subsection.~~

~~(iii) Delegation of nursing care tasks in community-based care settings and in-home care settings is only allowed for individuals who have a stable and predictable condition. "Stable and predictable condition" means a situation in which the individual's clinical and behavioral status is known and does not require the frequent presence and evaluation of a registered nurse.~~

~~((+)) (iv) The determination of the appropriateness of delegation of a nursing task is at the discretion of the registered nurse. However, the administration of medications by injection, sterile procedures, and central line maintenance may never be delegated.~~

~~((+)) (v) The registered nurse shall verify that the nursing assistant has completed the required core nurse delegation training required in chapter 18.88A RCW prior to authorizing delegation.~~

~~((+)) (vi) The nurse is accountable for his or her own individual actions in the delegation process. Nurses acting within the protocols of their delegation authority are immune from liability for any action performed in the course of their delegation duties.~~

~~((v) On or before June 30, 2001, the nursing care quality assurance commission, in conjunction with the professional nursing organizations and the department of social and health services, shall make any needed revisions or additions to nurse delegation protocols by rule, including standards for nurses to obtain informed consent prior to the delegation of nursing care tasks.)~~

~~(vii) Nursing task delegation protocols are not intended to regulate the settings in which delegation may occur, but are intended to ensure that nursing care services have a consistent standard of practice upon which the public and the profession may rely, and to safeguard the authority of the nurse to make independent professional decisions regarding the delegation of a task.~~

~~((e)) (f) The nursing care quality assurance commission may adopt rules to implement this section.~~

(4) Only a person licensed as a registered nurse may instruct nurses in technical subjects pertaining to nursing.

(5) Only a person licensed as a registered nurse may hold herself or himself out to the public or designate herself or himself as a registered nurse.

Sec. 3. RCW 18.88A.140 and 2000 c 171 s 25 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) A nursing assistant, while employed as a personal aide as defined in RCW 74.39.007, from accepting direction from an individual who is self-directing their care.

Sec. 4. RCW 18.88A.200 and 1995 1st sp.s. c 18 s 45 are each amended to read as follows:

The legislature recognizes that nurses have been successfully delegating nursing care tasks to family members and auxiliary staff for many years. The opportunity for a nurse to delegate to nursing assistants qualifying under RCW 18.88A.210 may enhance the viability and quality of health care services in ((community health)) community-based care settings ((for long-term care services)) and in-home care settings to allow ~~((citizens))~~ individuals to live as independently as possible with maximum safeguards.

Sec. 5. RCW 18.88A.210 and 2000 c 95 s 1 are each amended to read as follows:

(1) A nursing assistant meeting the requirements of this section who provides care to individuals in community-based care settings or in-home care settings, as defined in RCW 18.79.260(3), may accept delegation of nursing care tasks by a registered nurse as provided in RCW 18.79.260(3).

(2) For the purposes of this section, "nursing assistant" means a nursing assistant-registered or a nursing assistant-certified. Nothing in this section may be construed to affect the authority of nurses to delegate nursing tasks to other persons, including licensed practical nurses, as authorized by law.

(3) Before commencing any specific nursing care tasks authorized under this chapter, the nursing assistant must (a) provide to the delegating nurse a certificate of completion issued by the department of social and health services indicating the completion of basic core nurse delegation training, (b) be regulated by the department of health pursuant to this chapter, subject to the uniform disciplinary act under chapter 18.130 RCW, and (c) meet any additional training requirements identified by the nursing care quality assurance commission. Exceptions to these training requirements must adhere to RCW 18.79.260(3)((d)((+))) (e)(v).

Sec. 6. RCW 18.88A.230 and 2000 c 95 s 2 are each amended to read as follows:

(1) The nursing assistant shall be accountable for their own individual actions in the delegation process. Nursing assistants following written delegation instructions from registered nurses performed in the course of their accurately written, delegated duties shall be immune from liability.

(2) Nursing assistants shall not be subject to any employer reprisal or disciplinary action by the secretary for refusing to accept delegation of a nursing task based on patient safety issues. No community-based care setting as defined in RCW 18.79.260(3)((d)) (e), or

in-home services agency as defined in RCW 70.127.010, may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the investigation of a complaint.

Sec. 7. RCW 70.127.010 and 2000 c 175 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Administrator" means an individual responsible for managing the operation of an agency.
 - (2) "Department" means the department of health.
 - (3) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, and related services that support the plan of care provided by in-home health and hospice agencies.
 - (4) "Family" means individuals who are important to, and designated by, the patient or client and who need not be relatives.
 - (5) "Home care agency" means a person administering or providing home care services directly or through a contract arrangement to individuals in places of temporary or permanent residence. A home care agency that provides delegated tasks of nursing under RCW 18.79.260(3)(e) is not considered a home health agency for the purposes of this chapter.
 - (6) "Home care services" means nonmedical services and assistance provided to ill, disabled, (~~(infirm,)~~) or vulnerable individuals that enable them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding, and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical services or delegated tasks of nursing under RCW 18.79.260(3)(e).
 - (7) "Home health agency" means a person administering or providing two or more home health services directly or through a contract arrangement to individuals in places of temporary or permanent residence. A person administering or providing nursing services only may elect to be designated a home health agency for purposes of licensure.
 - (8) "Home health services" means services provided to ill, disabled, (~~(infirm,)~~) or vulnerable individuals. These services include but are not limited to nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, and home medical supplies or equipment services.
 - (9) "Home health aide services" means services provided by a home health agency or a hospice agency under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist who is employed by or under contract to a home health or hospice agency. Such care includes ambulation and exercise, assistance with self-administered medications, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services.
 - (10) "Home medical supplies" or "equipment services" means diagnostic, treatment, and monitoring equipment and supplies provided for the direct care of individuals within a plan of care.
 - (11) "Hospice agency" means a person administering or providing hospice services directly or through a contract arrangement to individuals in places of temporary or permanent residence under the direction of an interdisciplinary team composed of at least a nurse, social worker, physician, spiritual counselor, and a volunteer.
 - (12) "Hospice care center" means a homelike, noninstitutional facility where hospice services are provided, and that meets the requirements for operation under RCW 70.127.280.
 - (13) "Hospice services" means symptom and pain management provided to a terminally ill individual, and emotional, spiritual, and bereavement support for the individual and family in a place of temporary or permanent residence, and may include the provision of home health and home care services for the terminally ill individual.
 - (14) "In-home services agency" means a person licensed to administer or provide home health, home care, hospice services, or hospice care center services directly or through a contract arrangement to individuals in a place of temporary or permanent residence.
 - (15) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private agency or organization, or the legal successor thereof that employs or contracts with two or more individuals.
 - (16) "Plan of care" means a written document based on assessment of individual needs that identifies services to meet these needs.
 - (17) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.
 - (18) "Service area" means the geographic area in which the department has given prior approval to a licensee to provide home health, hospice, or home care services.
 - (19) "Survey" means an inspection conducted by the department to evaluate and monitor an agency's compliance with this chapter.
- Sec. 8.** RCW 70.127.040 and 2000 c 175 s 4 are each amended to read as follows:
The following are not subject to regulation for the purposes of this chapter:
- (1) A family member providing home health, hospice, or home care services;
 - (2) A person who provides only meal services in an individual's permanent or temporary residence;
 - (3) An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;
 - (4) A person furnishing or delivering home medical supplies or equipment that does not involve the provision of services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;
 - (5) A person who provides services through a contract with a licensed agency;
 - (6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;
 - (7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, boarding homes under chapter 18.20 RCW, developmental disability residential programs under chapter (~~(71-12)~~) 71A.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only when providing services to persons residing within the facility or institution;
 - (8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;
 - (9) An individual providing care to ill, disabled, (~~(infirm,)~~) or vulnerable individuals through a contract with the department of social and health services;
 - (10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;
 - (11) In-home assessments of an ill, disabled, or vulnerable(~~(-or infirm)~~) individual that does not result in regular ongoing care at home;
 - (12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona fide religious beliefs genuinely held by such adherents;
 - (13) A medicare-approved dialysis center operating a medicare- approved home dialysis program;
 - (14) A person providing case management services. For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of home health, hospice, and home care, and does not include the direct provision of care to an individual;
 - (15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;
 - (16) A volunteer hospice complying with the requirements of RCW 70.127.050; and

(17) A person who provides home care services without compensation.

Sec. 9. RCW 70.127.120 and 2000 c 175 s 10 are each amended to read as follows:

The department shall adopt rules consistent with RCW 70.127.005 necessary to implement this chapter under chapter 34.05 RCW.

In order to ensure safe and adequate care, the rules shall address at a minimum the following:

- (1) Maintenance and preservation of all records relating directly to the care and treatment of individuals by licensees;
- (2) Establishment and implementation of a procedure for the receipt, investigation, and disposition of complaints regarding services provided;
- (3) Establishment and implementation of a plan for ongoing care of individuals and preservation of records if the licensee ceases operations;
- (4) Supervision of services;
- (5) Establishment and implementation of written policies regarding response to referrals and access to services;
- (6) Establishment and implementation of written personnel policies, procedures and personnel records for paid staff that provide for prehire screening, minimum qualifications, regular performance evaluations, including observation in the home, participation in orientation and in-service training, and involvement in quality improvement activities. The department may not establish experience or other qualifications for agency personnel or contractors beyond that required by state law;
- (7) Establishment and implementation of written policies and procedures for volunteers who have direct patient/client contact and that provide for background and health screening, orientation, and supervision;
- (8) Establishment and implementation of written policies for obtaining regular reports on patient satisfaction;
- (9) Establishment and implementation of a quality improvement process; ~~(and)~~
- (10) Establishment and implementation of policies related to the delivery of care including:
 - (a) Plan of care for each individual served;
 - (b) Periodic review of the plan of care;
 - (c) Supervision of care and clinical consultation as necessary;
 - (d) Care consistent with the plan;
 - (e) Admission, transfer, and discharge from care; and
 - (f) For hospice services:
 - (i) Availability of twenty-four hour seven days a week hospice registered nurse consultation and in-home services as appropriate;
 - (ii) Interdisciplinary team communication as appropriate and necessary; and
 - (iii) The use and availability of volunteers to provide family support and respite care; and
- (11) Establishment and implementation of policies related to agency implementation and oversight of nurse delegation as defined in RCW 18.79.260(3)(e).

Sec. 10. RCW 70.127.170 and 2000 c 175 s 14 are each amended to read as follows:

Pursuant to chapter 34.05 RCW and RCW 70.127.180(3), the department may deny, restrict, condition, modify, suspend, or revoke a license under this chapter or, in lieu thereof or in addition thereto, assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, or require a refund of any amounts billed to, and collected from, the consumer or third-party payor in any case in which it finds that the licensee, or any applicant, officer, director, partner, managing employee, or owner of ten percent or more of the applicant's or licensee's assets:

- (1) Failed or refused to comply with the requirements of this chapter or the standards or rules adopted under this chapter;
- (2) Was the holder of a license issued pursuant to this chapter that was revoked for cause and never reissued by the department, or that was suspended for cause and the terms of the suspension have not been fulfilled and the licensee has continued to operate;
- (3) Has knowingly or with reason to know made a misrepresentation of, false statement of, or failed to disclose, a material fact to the department in an application for the license or any data attached thereto or in any record required by this chapter or matter under investigation by the department, or during a survey, or concerning information requested by the department;
- (4) Refused to allow representatives of the department to inspect any book, record, or file required by this chapter to be maintained or any portion of the licensee's premises;
- (5) Willfully prevented, interfered with, or attempted to impede in any way the work of any representative of the department and the lawful enforcement of any provision of this chapter. This includes but is not limited to: Willful misrepresentation of facts during a survey, investigation, or administrative proceeding or any other legal action; or use of threats or harassment against any patient, client, or witness, or use of financial inducements to any patient, client, or witness to prevent or attempt to prevent him or her from providing evidence during a survey or investigation, in an administrative proceeding, or any other legal action involving the department;
- (6) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of this chapter or the rules adopted under this chapter;
- (7) Failed to pay any civil monetary penalty assessed by the department pursuant to this chapter within ten days after the assessment becomes final;
- (8) Used advertising that is false, fraudulent, or misleading;
- (9) Has repeated incidents of personnel performing services beyond their authorized scope of practice;
- (10) Misrepresented or was fraudulent in any aspect of the conduct of the licensee's business;
- (11) Within the last five years, has been found in a civil or criminal proceeding to have committed any act that reasonably relates to the person's fitness to establish, maintain, or administer an agency or to provide care in the home of another;
- (12) Was the holder of a license to provide care or treatment to ill, disabled, ~~(infirm,))~~ or vulnerable individuals that was denied, restricted, not renewed, surrendered, suspended, or revoked by a competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the denial, restriction, nonrenewal, surrender, suspension, or revocation;
- (13) Violated any state or federal statute, or administrative rule regulating the operation of the agency;
- (14) Failed to comply with an order issued by the secretary or designee;
- (15) Aided or abetted the unlicensed operation of an in-home services agency;
- (16) Operated beyond the scope of the in-home services agency license;
- (17) Failed to adequately supervise staff to the extent that the health or safety of a patient or client was at risk;
- (18) Compromised the health or safety of a patient or client, including, but not limited to, the individual performing services beyond their authorized scope of practice;
- (19) Continued to operate after license revocation, suspension, or expiration, or operating outside the parameters of a modified, conditioned, or restricted license;
- (20) Failed or refused to comply with chapter 70.02 RCW;
- (21) Abused, neglected, abandoned, or financially exploited a patient or client as these terms are defined in RCW 74.34.020;
- (22) Misappropriated the property of an individual;
- (23) Is unqualified or unable to operate or direct the operation of the agency according to this chapter and the rules adopted under this chapter;
- (24) Obtained or attempted to obtain a license by fraudulent means or misrepresentation; or
- (25) Failed to report abuse or neglect of a patient or client in violation of chapter 74.34 RCW.

Sec. 11. RCW 69.41.010 and 2000 c 8 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

- (a) A practitioner; or
- (b) The patient or research subject at the direction of the practitioner.

(2) "Community-based care settings" include: Community residential programs for the developmentally disabled, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and boarding homes licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

~~((3))~~ (4) "Department" means the department of health.

~~((4))~~ (5) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

~~((5))~~ (6) "Dispenser" means a practitioner who dispenses.

~~((6))~~ (7) "Distribute" means to deliver other than by administering or dispensing a legend drug.

~~((7))~~ (8) "Distributor" means a person who distributes.

~~((8))~~ (9) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in ~~((clause))~~ (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

~~((9))~~ (10) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a legend drug between an authorized practitioner and a pharmacy or the transfer of prescription information for a legend drug from one pharmacy to another pharmacy.

~~((10))~~ (11) "In-home care settings" include an individual's place of temporary and permanent residence, but does not include acute care or skilled nursing facilities, and does not include community-based care settings.

(12) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

~~((11))~~ (13) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order.

~~((12))~~ (14) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting ~~((specified in RCW 69.41.085)) or in-home care setting~~ to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. ~~((The))~~ A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined ~~((, in consultation with the individual or the individual's representative,)) and communicated orally or by written direction~~ that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

~~((13))~~ (15) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

~~((14))~~ (16) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, or a pharmacist under chapter 18.64 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

~~((15))~~ (17) "Secretary" means the secretary of health or the secretary's designee.

Sec. 12. RCW 69.41.085 and 1998 c 70 s 1 are each amended to read as follows:

Individuals residing in community-based care settings, such as adult family homes, boarding homes, and residential care settings for the developmentally disabled, including an individual's home, ~~((might need medication assistance due to physical or mental limitations that prevent them from self-administering their legend drugs or controlled substances. The practitioner in consultation with the individual or his or her representative and the community-based setting, if involved, determines that medication assistance is appropriate for this individual. Medication assistance can take different forms such as opening containers, handing the container or medication to the individual, preparing the medication with prior authorization, using enablers for facilitating the self-administration of medication, and other means of assisting in the administration of legend drugs or controlled substances commonly employed in community-based settings))~~ may receive medication assistance. Nothing in this chapter affects the right of an individual to refuse medication or requirements relating to informed consent.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

On page 1, line 2 of the title, after "care;" strike the remainder of the title and insert "amending RCW 18.79.040, 18.79.260, 18.88A.140, 18.88A.200, 18.88A.210, 18.88A.230, 70.127.010, 70.127.040, 70.127.120, 70.127.170, 69.41.010, and 69.41.085; and declaring an emergency."

MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 1753, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1753, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1753, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator McAuliffe - 1.

Excused: Senators Brown, Honeyford and Morton - 3.

HOUSE BILL NO. 1753, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

CONDOLENCES

President Owen announced the death of former Senator Kent Pullen, and offered condolences to his family and friends.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2033, by House Committee on Transportation (originally sponsored by Representatives Shabro, Conway, Priest, McDonald, Tom, Darneille, McMahan, Flannigan, Carrell, Campbell, Lantz, Talcott, Roach, Bailey, Kirby and Kristiansen)

Requiring regional transportation investment district tax revenue to be allocated proportionally among member counties.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 2033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2033.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2033 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Kline - 1.

Excused: Senators Honeyford and Morton - 2.

SUBSTITUTE HOUSE BILL NO. 2033, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1150, by Representatives Hatfield, Cairnes, Roach, Cooper, Benson, Haigh, Schual-Berke and Simpson (by request of Insurance Commissioner Kreidler)

Selling single premium credit insurance.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 1150 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1150.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1150 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Brown - 1.

Excused: Senators Honeyford and Morton - 2.

HOUSE BILL NO. 1150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Schual-Berke, Benson, Simpson, Morrell, McIntire, Mielke, Hudgins, Rockefeller and Bush)

Criminalizing possession of instruments or equipment of financial fraud.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Substitute House Bill No. 1844 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1844.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1844 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Honeyford and Morton - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2007, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Nixon, Ruderman, Bush, Dickerson and Hudgins)

Prohibiting unsolicited commercial text messages.

The bill was read the second time.

MOTION

On motion of Senator Esser, the following Committee on Technology and Communications striking amendment was adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the number of unsolicited commercial text messages sent to cellular telephones and pagers is increasing. This practice is raising serious concerns on the part of cellular telephone and pager subscribers. These unsolicited messages often result in costs to the cellular telephone and pager subscribers in that they pay for use when a message is received through their devices. The limited memory of these devices can be exhausted by unwanted text messages resulting in the inability to receive necessary and expected messages.

The legislature intends to limit the practice of sending unsolicited commercial text messages to cellular telephone or pager numbers in Washington.

Sec. 2. RCW 19.190.010 and 1999 c 289 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assist the transmission" means actions taken by a person to provide substantial assistance or support which enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message or a commercial electronic text message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message or the commercial electronic text message is engaged, or intends to engage, in any practice that violates the consumer protection act.

(2) "Commercial electronic mail message" means an electronic mail message sent for the purpose of promoting real property, goods, or services for sale or lease. It does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account, when the sender has agreed to such an arrangement.

(3) "Commercial electronic text message" means an electronic text message sent to promote real property, goods, or services for sale or lease.

(4) "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.

~~((4))~~ (5) "Electronic text message" means a text message sent to a cellular telephone or pager equipped with short message service or any similar capability, whether the message is initiated as a short message service message or as an electronic mail message.

(6) "Initiate the transmission" refers to the action by the original sender of an electronic mail message or an electronic text message, not to the action by any intervening interactive computer service or wireless network that may handle or retransmit the message, unless such intervening interactive computer service assists in the transmission of an electronic mail message when it knows, or consciously avoids knowing, that the person initiating the transmission is engaged, or intends to engage, in any act or practice that violates the consumer protection act.

~~((5))~~ (7) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

~~((6))~~ (8) "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

~~((7))~~ (9) "Person" means a person, corporation, partnership, or association.

NEW SECTION. Sec. 3. A new section is added to chapter 19.190 RCW to read as follows:

(1) No person conducting business in the state may initiate or assist in the transmission of an electronic commercial text message to a telephone number assigned to a Washington resident for cellular telephone or pager service that is equipped with short message capability or any similar capability allowing the transmission of text messages.

(2) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 19.190 RCW to read as follows:

(1) It is not a violation of section 3 of this act if:

(a) The commercial electronic text message is transmitted at the direction of a person offering cellular telephone or pager service to the person's existing subscriber at no cost to the subscriber unless the subscriber has indicated that he or she is not willing to receive further commercial text messages from the person; or

(b) The unsolicited commercial electronic text message is transmitted by a person to a subscriber and the subscriber has clearly and affirmatively consented in advance to receive these text messages.

(2) No person offering cellular or pager service may be held liable for serving merely as an intermediary between the sender and the recipient of a commercial electronic text message sent in violation of this chapter unless the person is assisting in the transmission of the commercial electronic text message.

Sec. 5. RCW 19.190.040 and 1998 c 149 s 5 are each amended to read as follows:

(1) Damages to the recipient of a commercial electronic mail message or a commercial electronic text message sent in violation of this chapter are five hundred dollars, or actual damages, whichever is greater.

(2) Damages to an interactive computer service resulting from a violation of this chapter are one thousand dollars, or actual damages, whichever is greater."

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

On page 1, line 1 of the title, after "messages;" strike the remainder of the title and insert "amending RCW 19.190.010 and 19.190.040; adding new sections to chapter 19.190 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 2007, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2007, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2007, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Honeyford and Morton - 2.

SUBSTITUTE HOUSE BILL NO. 2007, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 8647

By Senators Franklin, West, Rasmussen and McAuliffe

WHEREAS, The fact that a boy is an Eagle Scout has always carried with it a special significance, not only in scouting but also as he enters higher education, business or industry, and community service; and

WHEREAS, The Eagle Scout rank is the highest advancement rank in Scouting, and to earn this a boy must fulfill requirements in the areas of leadership, service, and outdoor skills; and

WHEREAS, John Pierce Rhoden has achieved the ranks of Tenderfoot, Second Class, First Class, Star, and Life to attain this highest level of Scouting achievement; and

WHEREAS, Merit badges signify the mastery of certain Scoutcraft skills, as well as helping boys increase their skills in an area of personal interest; and

WHEREAS, John Pierce Rhoden has earned twenty-six merit badges, five merit badges above the twenty-one required to qualify for the Eagle Scout rank; and

WHEREAS, For his Eagle Scout Service Project, John Pierce Rhoden mapped out a fern grotto at Homestead Park, where he identified with numbered markers approximately thirty-six different types of native fern and created an informational brochure for the interpretive trail with the help of 22 volunteers who put in over one-hundred man hours; and

WHEREAS, The rank of Eagle Scout is a significant achievement in a young man's life and takes many years of hard work, dedication, and perseverance;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor John Pierce Rhoden as an outstanding citizen and member of the community, which he has proven to be by achieving the highest rank of Eagle Scout in the Boy Scouts of America Program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to John Pierce Rhoden, in recognition of his outstanding achievement, and to David Carter, Scoutmaster of Troop 414 in the Wapato District of the Pacific Harbor Council.

MOTION

On motion of Senator Franklin, the following resolution was adopted:

SENATE RESOLUTION 8648

By Senators Franklin, West, Rasmussen and T. Sheldon

WHEREAS, The fact that a boy is an Eagle Scout has always carried with it a special significance, not only in scouting but also as he enters higher education, business or industry, and community service; and

WHEREAS, The Eagle Scout rank is the highest advancement rank in Scouting, and to earn this a boy must fulfill requirements in the areas of leadership, service, and outdoor skills; and

WHEREAS, James Melvin Rhoden has achieved the ranks of Tenderfoot, Second Class, First Class, Star, and Life to attain this highest level of Scouting achievement; and

WHEREAS, Merit badges signify the mastery of certain Scoutcraft skills, as well as helping boys increase their skills in an area of personal interest; and

WHEREAS, James Melvin Rhoden has earned twenty-six merit badges, five merit badges above the twenty-one required to qualify for the Eagle Scout rank; and

WHEREAS, For his Eagle Scout Service Project, James Melvin Rhoden provided Sunset Terrace Park in his community with two sturdy picnic tables, which he built and stained by organizing twenty-two volunteers and over ninety man hours; and

WHEREAS, The rank of Eagle Scout is a significant achievement in a young man's life and takes many years of hard work, dedication, and perseverance;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor James Melvin Rhoden as an outstanding citizen and member of the community, which he has proven to be by achieving the highest rank of Eagle Scout in the Boy Scouts of America Program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to James Melvin Rhoden, in recognition of his outstanding achievement, and to David Carter, Scoutmaster of Troop 414 in the Wapato District of the Pacific Harbor Council.

Senators Franklin, Hargrove, Hewitt and Shin spoke to Senate Resolutions 8647 and 8648.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Eagle Scouts, brothers John Pierce Rhoden and James Melvin Rhoden, who were seated on the rostrum.

The President also welcomed their parents, Mark and Linda Rhoden, and their sister, Becky, who were seated in the back of the Chamber.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1232, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Kirby, Carrell and Flannigan)

Requiring jail booking fees to be based on actual costs.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1232 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debated ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1232.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1232 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 1; Excused, 0.

Voting yea: Senators Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Brandland and Keiser - 2.

Absent: Senator Benton - 1.

SUBSTITUTE HOUSE BILL NO. 1232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1495, by House Committee on Commerce and Labor (originally sponsored by Representatives Hudgins, Chandler, Conway and Kenney) (by request of Liquor Control Board)

Changing provisions relating to the summary suspension of a liquor license pending revocation proceedings.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the following Committee on Commerce and Trade striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.08.150 and 1989 c 175 s 122 are each amended to read as follows:

The action, order, or decision of the board as to any denial of an application for the reissuance of a permit or license or as to any revocation, suspension, or modification of any permit or license shall be an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW.

(1) An opportunity for a hearing may be provided an applicant for the reissuance of a permit or license prior to the disposition of the application, and if no such opportunity for a prior hearing is provided then an opportunity for a hearing to reconsider the application must be provided the applicant.

(2) An opportunity for a hearing must be provided a permittee or licensee prior to a revocation or modification of any permit or license and, except as provided in subsection (4) of this section, prior to the suspension of any permit or license.

(3) No hearing shall be required until demanded by the applicant, permittee, or licensee.

(4) The board may summarily suspend a license or permit for a period of up to ~~((thirty))~~ one hundred eighty days without a prior hearing if it finds that public health, safety, or welfare imperatively require emergency action, and incorporates a finding to that effect in its order; and proceedings for revocation or other action must be promptly instituted and determined. The board's enforcement division shall complete a preliminary staff investigation of the violation before requesting an emergency suspension by the board."

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

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "and amending RCW 66.08.150."

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1495, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1495, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1495, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1495, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Parlette and Swecker were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1463, by House Committee on Transportation (originally sponsored by Representatives Sullivan, Ericksen, Simpson, Jarrett and Anderson)

Allowing advertising on bus shelters.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute House Bill No. 1463 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1463.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1463 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West and Winsley - 44.

Voting nay: Senators Fraser and Zarelli - 2.

Absent: Senator Deccio - 1.

Excused: Senators Parlette and Swecker - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1222, by House Committee on State Government (originally sponsored by Representatives Dickerson, Ruderman, Lovick, Romero, Schual-Berke, Hunt, Nixon, Wood, Conway, Simpson, Chase and Haigh)

Requiring voting devices to be accessible to individuals with disabilities.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1222 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1222.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1222 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Honeyford, Parlette and Swecker - 3.

SUBSTITUTE HOUSE BILL NO. 1222, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787, by House Committee on Children and Family Services (originally sponsored by Representatives Pettigrew, Boldt, Moeller, Miloscia, Jarrett, Priest, Dickerson and Santos)

Establishing a 211 network.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Substitute House Bill No. 1787 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1787.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1787 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Honeyford, Parlette and Swecker - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, by House Committee on Transportation (originally sponsored by Representatives Rockefeller, Woods, Haigh, Morris, Quall and Lantz)

Providing passenger ferry service.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 1853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1853.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1853 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudau, West, Winsley and Zarelli - 46.

Excused: Senators Honeyford, Parlette and Swecker - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6074, by Senators Horn, Haugen, Swecker and Prentice

Making technical changes to passenger-only ferry service statutes.

MOTION

On motion of Senator Horn, Substitute Senate Bill No. 6074 was substituted for Senate Bill No. 6074 and the substitute senate bill was placed on second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove, Fraser, Horn, Finkbeiner and Haugen be adopted:

Strike everything after the enacting clause and insert the following: "Sec. 1. RCW 47.64.090 and 2003 c . . . (ESHB 1853) s 205 are each amended to read as follows:

USE OF STATE FERRY FACILITIES. (1) Except as provided in section 203 (~~(of this act)~~), ~~chapter . . . (ESHB 1853), Laws of 2003~~ and subsection (2) of this section, or as provided in section 303 (~~(of this act)~~), ~~chapter . . . (ESHB 1853), Laws of 2003~~ and subsection (3) of this section, if any party assumes the operation and maintenance of any ferry or ferry system by rent, lease, or charter from the department of transportation, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the department shall provide that the wages to be paid, hours of employment, working conditions, and seniority rights of employees will be established by the marine employees' commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated in accordance with chapter 47.64 RCW.

(2) If a public transportation benefit area meeting the requirements of section 201 (~~(of this act)~~), ~~chapter . . . (ESHB 1853), Laws of 2003~~ has voter approval to operate passenger-only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase passenger-only vessels, related equipment, or terminal space for purposes of loading and unloading the passenger-only ferry. ~~Charges for the vessels, equipment, and space must be fair market value taking into account the public benefit derived from the ferry service.~~ A benefit area or subcontractor of that benefit area that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is subject to:

(a) The terms of those collective bargaining agreements that it or its subcontractors negotiate with the exclusive bargaining representatives of its or its subcontractors' employees under chapter 41.56 RCW or the National Labor Relations Act, as applicable;

(b) ~~Unless otherwise prohibited by federal or state law, a requirement that the benefit area and any contract with its subcontractors, give preferential hiring to former employees of the department of transportation who separated from employment with the department because of termination of the ferry service by the state of Washington; and~~

(c) ~~Unless otherwise prohibited by federal or state law, a requirement that the benefit area and any contract with its subcontractors, on any questions concerning representation of employees for collective bargaining purposes, may be determined by conducting a cross-check comparing an employee organization's membership records or bargaining authorization cards against the employment records of the employer.~~

(3) If a ferry district is formed under section 301 (~~(of this act)~~), ~~chapter . . . (ESHB 1853), Laws of 2003~~ to operate passenger-only ferry service, it may enter into an agreement with Washington State Ferries to rent, lease, or purchase vessels, related equipment, or terminal space for purposes of loading and unloading the ferry. Charges for the vessels, equipment, and space must be fair market value taking into account the public benefit derived from the ferry service. A ferry district or subcontractor of that district that qualifies under this subsection is not subject to the restrictions of subsection (1) of this section, but is subject to:

(a) (~~(Subject to)~~) The terms of those collective bargaining agreements that it or its subcontractors negotiate with the exclusive bargaining representatives of its or its subcontractors' employees under chapter 41.56 RCW or the National Labor Relations Act, as applicable;

(b) (~~(Subject to)~~) ~~Unless otherwise prohibited by federal or state law, a requirement~~~~((, to be included by))~~ that the ferry district ~~((in))~~ and any contract with ~~((the district's))~~ its subcontractors, ~~((that))~~ give preferential hiring to former employees of the department of transportation who separated from employment with the department because of termination of the ferry service by the state of Washington; and

(c) (~~(Subject to)~~) ~~Unless otherwise prohibited by federal or state law, a requirement~~~~((, to be included by))~~ that the ferry district ~~((in))~~ and any contract with ~~((the district's))~~ its subcontractors, ~~((that))~~ on any questions concerning representation of employees for collective bargaining purposes, may be determined by conducting a cross-check comparing an employee organization's membership records or bargaining authorization cards against the employment records of the employer.

NEW SECTION. Sec. 2. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter does apply to:

and (1) Public employees of public transportation benefit areas providing passenger-only ferry service as provided in RCW 47.64.090;

(2) Public employees of ferry districts providing passenger-only ferry service as provided in RCW 47.64.090.

Sec. 3. RCW 88.40.020 and 2000 c 69 s 31 are each amended to read as follows:

(1) Any ~~((inland))~~ barge that transports hazardous substances in bulk as cargo, using any port or place in the state of Washington or the navigable waters of the state shall establish evidence of financial responsibility in the amount of the greater of ~~((one))~~ five million dollars, or ~~((one))~~ three hundred ((fifty)) dollars per gross ton of such vessel.

(2)(a) Except as provided in (b) or (c) of this subsection, a tank vessel that carries oil as cargo in bulk shall demonstrate financial responsibility to pay at least five hundred million dollars. The amount of financial responsibility required under this subsection is one billion dollars after January 1, 2004.

(b) The director by rule may establish a lesser standard of financial responsibility for ~~((barges))~~ tank vessels of three hundred gross tons or less. The standard shall set the level of financial responsibility based on the quantity of cargo the ~~((barge))~~ tank vessel is capable of carrying. The director shall not set the standard for ~~((barges))~~ tank vessels of three hundred gross tons or less below that required under federal law.

(c) The owner or operator of a tank vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The director may require the owner or operator of a tank vessel to prove membership in such an organization.

(3)(a) A cargo vessel or passenger vessel that carries oil as fuel shall demonstrate financial responsibility to pay ~~((the greater of at least six hundred dollars per gross ton or five hundred thousand))~~ at least three hundred million dollars. However, a passenger vessel that transports passengers and vehicles between Washington state and a foreign country shall demonstrate financial responsibility to pay the greater of at least six hundred dollars per gross ton or five hundred thousand dollars.

(b) The owner or operator of a cargo vessel or passenger vessel who is a member of an international protection and indemnity mutual organization and is covered for oil pollution risks up to the amounts required under this section is not required to demonstrate financial responsibility under this chapter. The director may require the owner or operator of a cargo vessel or passenger vessel to prove membership in such an organization.

(4) A fishing vessel while on the navigable waters of the state must demonstrate financial responsibility in the following amounts: (a) For a fishing vessel carrying predominantly nonpersistent product, one hundred thirty-three dollars and forty cents per incident, for each barrel of total oil storage capacity, persistent and nonpersistent product, on the vessel or one million three hundred thirty-four thousand dollars, whichever is greater; or (b) for a fishing vessel carrying predominantly persistent product, four hundred dollars and twenty cents per incident, for each barrel of total oil storage capacity, persistent product and nonpersistent product, on the vessel or six million six hundred seventy thousand dollars, whichever is greater.

(5) The documentation of financial responsibility shall demonstrate the ability of the document holder to meet state and federal financial liability requirements for the actual costs for removal of oil spills, for natural resource damages, and for necessary expenses.

~~((5) The department may by rule set a lesser amount of financial responsibility for a tank vessel that meets standards for construction, propulsion, equipment, and personnel established by the department. The department shall require as a minimum level of financial responsibility under this subsection the same level of financial responsibility required under federal law.))~~

(6) This section shall not apply to a covered vessel owned or operated by the federal government or by a state or local government.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately, but only if Engrossed Substitute House Bill No. 1853 has become law. If Engrossed Substitute House Bill No. 1853 has not become law by June 30, 2003, sections 1 and 2 of this act are null and void."

Debate ensued.

The President declared the question before the Senate to be adoption of the striking amendment by Senators Hargrove, Fraser, Horn, Finkbeiner and Haugen to Engrossed Substitute Senate Bill No. 6074.

The motion by Senator Hargrove carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "vessels; amending RCW 47.64.090 and 88.40.020; adding a new section to chapter 41.56 RCW; providing a contingent effective date; and declaring an emergency."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute Senate Bill No. 6074, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6074.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6074, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Betti Sheldon: "A point of personal privilege, Mr. President. I would just like to say that I greatly admire Senator Bob Oke. He has been a real joy to work with and I also want to thank Senators Horn and Haugen for their help in getting these very important bills passed for our community. It is going to make quite a difference for us and I truly appreciate the cooperation we had."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1128, by House Committee on Financial Services, Insurance and Housing (originally sponsored by Representatives Schual-Berke, Benson, Simpson, Ruderman, Wallace, Hunt, McDermott, Pflug, Campbell and Upthegrove) (by request of Insurance Commissioner Kreidler)

Prohibiting insurers from taking certain underwriting actions regarding property insurance policies due to claims made for malicious harassment.

The bill was read the second time.

MOTION

Senator Benton moved that the following Committee on Financial Services, Insurance and Housing striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.18 RCW to read as follows:

(1) For the purposes of this section:

(a) "Insured" means a current policyholder or a person or entity that is covered under the insurance policy.

(b) "Malicious harassment" has the same meaning as RCW 9A.36.080. Under this section, the perpetrator does not have to be identified for an act of malicious harassment to have occurred.

(c) "Underwriting action" means an insurer:

(i) Cancels or refuses to renew an insurance policy; or

(ii) Changes the terms or benefits in an insurance policy.

(2) This section applies to property insurance policies if the insured is:

(a) An individual;

(b) A religious organization;

(c) An educational organization; or

(d) Any other nonprofit organization that is organized and operated for religious, charitable, or educational purposes.

(3) An insurer may not take an underwriting action on a policy described in subsection (2) of this section because an insured has made one or more insurance claims for any loss that occurred during the preceding sixty months that is the result of malicious harassment. An insurer may take an underwriting action due to other factors that are not prohibited by this subsection.

(4) If an insured sustains a loss that is the result of malicious harassment, the insured must file a report with the police or other law enforcement authority within thirty days of discovery of the incident, and that law enforcement authority shall determine that the crime of malicious harassment has occurred. For incidents of malicious harassment occurring prior to the effective date of this act, the insured must file the report within six months of the discovery of the incident. The report must contain sufficient information to provide an insurer with reasonable notice that the loss was the result of malicious harassment.

(5) Annually, each insurer must report underwriting actions to the commissioner if the insurer has taken an underwriting action against any insured who has filed a claim during the preceding sixty months that was the result of malicious harassment. The report must include the policy number, name of the insured, location of the property, and the reason for the underwriting action."

MOTION

On motion of Senator Benton, the following amendment by Senators Benton and Prentice to the Committee on Financial Services, Insurance and Housing striking amendment was adopted:

Beginning on page 1, line 27 of the amendment, strike all of subsection (4) and insert the following:

"(4) If an insured sustains a loss that is the result of malicious harassment, the insured must file a report with the police or other law enforcement authority within thirty days of discovery of the incident, and a law enforcement authority must determine that a crime has occurred. The report must contain sufficient information to provide an insurer with reasonable notice that the loss was the result of malicious harassment. The insured has a duty to reasonably cooperate with any law enforcement official or insurer investigation. For incidents of malicious harassment occurring prior to the effective date of this act, the insured must file the report within six months of the discovery of the incident."

The President declared the question before the Senate to be the adoption of the Committee on Financial Services, Insurance and Housing striking amendment, as amended, to Substitute House Bill No. 1128.

The motion by Senator Benton carried and the committee striking amendment, as amended, was adopted.

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

On page 1, line 2 of the title, after "harassment;" strike the remainder of the title and insert "and adding a new section to chapter 48.18 RCW."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1128, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1128, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1128, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1128, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1785, by House Committee on Health Care (originally sponsored by Representatives Cody, Pflug, Skinner, Schual-Berke, Dickerson and Edwards)

Limiting disclosure of client information.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1785 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1785.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1785 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1785, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Lovick, McDonald, O'Brien, Moeller, Chase, Haigh, Carrell, Simpson and Kagi)

Revising provisions relating to attempting to elude a pursuing police vehicle.

The bill was read the second time.

MOTION

Senator Esser moved that the following Committee on Judiciary striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.024 and 1983 c 80 s 1 are each amended to read as follows:

(1) Any driver of a motor vehicle who willfully fails or refuses to immediately bring his vehicle to a stop and who drives his vehicle in a reckless manner (~~(indicating a wanton or willful disregard for the lives or property of others)~~) while attempting to elude a pursuing police vehicle, after being given a visual or audible signal to bring the vehicle to a stop, shall be guilty of a class C felony. The signal given by the police officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and ~~((his))~~ the vehicle shall be ~~((appropriately marked showing it to be an official police vehicle))~~ equipped with lights and sirens.

(2) It is an affirmative defense to this section which must be established by a preponderance of the evidence that: (a) A reasonable person would not believe that the signal to stop was given by a police officer; and (b) driving after the signal to stop was reasonable under the circumstances.

(3) The license or permit to drive or any nonresident driving privilege of a person convicted of a violation of this section shall be revoked by the department of licensing."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Judiciary striking amendment to Engrossed Substitute House Bill No. 1076.

The motion by Senator Esser carried and the committee striking amendment was adopted.

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

On page 1, line 1 of the title, after "vehicle;" strike the remainder of the title and insert "amending RCW 46.61.024; and prescribing penalties."

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Substitute House Bill No. 1076, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1076, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1076, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1200, by Representatives Conway, Pflug and Cooper (by request of Joint Committee on Pension Policy)

Correcting retirement system statutes.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, House Bill No. 1200 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1200.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1200 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1403, by Representatives Kenney, Cox, Grant, Fromhold, Jarrett, Conway, McIntire, Benson, Berkey and Upthegrove (by request of State Board for Community and Technical Colleges)

Changing exceptional faculty award grants.

The bill was read the second time.

MOTION

Senator Carlson moved that the following Committee on Higher Education striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.50.839 and 1994 c 234 s 3 are each amended to read as follows:

(1) In consultation with eligible community and technical colleges, the college board shall set priorities and guidelines for the program.

(2) ~~((Under this section, a college shall not receive more than four faculty grants in twenty-five thousand dollar increments, with a maximum total of one hundred thousand dollars per campus in any biennium.~~

~~(3))~~ All community and technical colleges and their foundations shall be eligible for matching trust funds. When they can match the state funds with equal cash donations from private sources, institutions and foundations may apply to the college board for grants from the

fund in ~~((twenty-five))~~ ten thousand dollar increments up to a maximum ~~((of one hundred thousand dollars when they can match the state funds with equal cash donations from private sources, except that in the initial year of the program, no college or foundation may receive more than one grant until every college or its foundation has received one grant))~~ set by the college board. These donations shall be made specifically to the exceptional faculty awards program and deposited by the institution or foundation in a local endowment fund or a foundation's fund. Otherwise unrestricted gifts may be deposited in the endowment fund by the institution or foundation.

~~((4))~~ (3) Once sufficient private donations are received by the institution or foundation, the institution shall inform the college board and request state matching funds. The college board shall evaluate the request for state matching funds based on program priorities and guidelines. The college board may ask the state treasurer to release the state matching funds to a local endowment fund established by the institution or a foundation's fund established by a foundation for each faculty award created.

~~((5))~~ (4) A college, by action of its board of trustees, may transfer those exceptional faculty award funds accumulated in its local endowment fund between July 1, 1991, and July 25, 1993, to its foundation's local endowment fund established as provided in subsection ~~((3))~~ (2) of this section.

Sec. 2. RCW 28B.50.837 and 2002 c 371 s 902 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. At the request of the college board, the treasurer shall release the state matching funds to the local endowment fund of the college or its foundation. No appropriation is necessary for the expenditure of moneys from the fund. ~~((During the 2001-2003 fiscal biennium, the legislature may appropriate funds from the college faculty awards trust fund for the purposes of the settlement costs of the Mader v. State litigation regarding retirement contributions on behalf of part-time faculty.))~~ Expenditures from the fund may be used solely for the exceptional faculty awards program.

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Higher Education striking amendment to Engrossed House Bill No. 1403.

The motion by Senator Carlson carried and the committee striking amendment was adopted.

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

On page 1, line 1 of the title, after "grants;" strike the remainder of the title and insert "and amending RCW 28B.50.839 and 28B.50.837."

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed House Bill No. 1403, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1403, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1403, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 1403, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1427, by Representatives Lantz, Delvin, O'Brien, Boldt, Blake, Hankins, Fromhold, Cody, Pearson, Mastin, Hunt, Roach, Moeller, Kagi, Benson, Rockefeller, McMahan and McDonald

Allowing confessions and other admissions to be admitted into evidence if substantial independent evidence establishes the trustworthiness of the statement.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed House Bill No. 1427 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1427.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1427 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 1427, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5614, by Senators T. Sheldon, Hale, Mulliken and Schmidt

Extending the expiration date on the rural county sales and use tax deferral program.

The bill was read the second time.

MOTION

Senator Reardon moved that the following amendment be adopted:

On page 2, after line 1, insert the following:

"Sec. 3. RCW 82.60.070 and 1999 c 164 s 303 are each amended to read as follows:

(1) Each recipient of a deferral granted under this chapter after June 30, 1994, shall submit a report to the department on December 31st of the year in which the investment project is certified by the department as having been operationally completed, and on December 31st of each of the seven succeeding calendar years. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. The report shall at least contain the following information:

(a) Number of production workers;

(b) Average wage of production workers;

(c) Total wages for production workers;

(d) Total sales as measured by taxable receipts for activities related to the deferral; and

(e) Total wages for production workers as a percent of total sales related to the deferral.

The department shall compile the information into a report containing aggregated data that does not violate any confidentiality provisions and send an electronic copy to all members of the legislature on an annual basis.

If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of deferred taxes outstanding to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project shall be immediately due.

(3) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

(4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Reardon on page 2, after line 1, to Senate Bill No. 5614.

The motion by Senator Reardon failed and the amendment was not adopted.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Senate Bill No. 5614 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5614.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5614 and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Kastama, Kohl-Welles, McAuliffe, Poulsen, Reardon, Regala, Sheldon, B. and Thibaudeau - 12.

SENATE BILL NO. 5614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5531, by Senators Finkbeiner, Reardon, Esser, T. Sheldon, Sheahan, Schmidt, Doumit, Hale, Rasmussen, Roach, Rossi, Stevens, West and Eide

Removing the expiration date for the high-technology research and development sales and use tax deferral program.

MOTION

On motion of Senator Finkbeiner, the rules were suspended, Second Substitute Senate Bill No. 5531 was substituted for Senate Bill No. 5531 and the second substitute bill was placed second reading and read the second time.

MOTION

Senator Poulsen moved that the following amendments be considered simultaneously and be adopted:

On page 1, after line 4, insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to extend the sales and use tax deferral program for high technology research and development but limit total use of the program in order to use the moneys that are made available for allocation to institutions of higher education to increase the annual average, full-time equivalent student enrollments, and related financial assistance, over levels supported by the general fund pursuant to section 602 of Substitute Senate Bill No. 5404 (omnibus operating appropriations act)."

On page 1, after line 16, insert the following:

"(3) The department shall keep a running total of all deferrals granted under this chapter during each calendar year. The department shall disallow any deferrals that would cause the tabulation to exceed thirty million dollars in any calendar year."

On page 1, after line 16, insert the following:

"NEW SECTION. Sec. 3. (1) The sum of \$19,024,000, for fiscal year 2004 and \$19,024,000 for fiscal year 2005, or so much thereof as may be necessary, is appropriated from the general fund to the higher education coordinating board for allocation to state baccalaureate institutions to increase the annual average, full-time equivalent student enrollments, and related financial assistance, by 1,000 over levels supported by the general fund pursuant to section 602 of Substitute Senate Bill No. 5404 (omnibus operating appropriations act).

(2) The sum of \$12,313,000, for fiscal year 2004 and \$12,313,000 for fiscal year 2005, or so much thereof as may be necessary, is appropriated from the general fund to the state board for community and technical colleges for allocation to college districts to increase the annual average, full-time equivalent student enrollments by 3,140 over levels supported by the general fund pursuant to section 602 of Substitute Senate Bill No. 5404 (omnibus operating appropriations act)."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Poulsen on page 1, lines 4 and 16 (2), to Second Substitute Senate Bill No. 5531.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26.

MOTION

Senator Reardon moved that the following amendment be adopted:

On page 1, after line 16, strike the remainder of the bill and insert the following:

"(3) This section shall expire July 1, ((2004)) 2014.

NEW SECTION. Sec. 2. A new section is added to chapter 50.38 RCW to read as follows:

(1) Based upon information provided to the department by the department of revenue and data obtained by the department from employers for other lawful purposes, the department shall identify for the year before and every five years after the renewal of the tax deferral in RCW 82.63.030 the following information:

(a) North American industry classification for businesses utilizing the tax deferral;

(b) The number of employees, reported in aggregate by North American industry classification, employed by businesses utilizing the tax deferral;

(c) The average wages received by persons, reported by North American industry classification, employed by businesses utilizing the tax deferral.

(2) The department shall provide to the joint legislative audit and review committee, for the year before and every five years after the renewal of the tax deferral in RCW 82.63.030, a report containing the following information:

(a) The number of businesses, reported in aggregate by North American industry classification, utilizing the tax deferral;

(b) The number of employees, reported in aggregate by North American industry classification, employed by businesses utilizing the tax deferral;

(c) The average wages of employees employed by businesses utilizing the tax deferral reported in aggregate, and grouped by North American industry classification.

(3) All information shall be based on calendar year data and shall be provided to the joint legislative audit and review committee by the fifteenth day of March of the year before and every five years after the renewal of the tax deferral in RCW 82.63.030.

(4) Nothing in this section shall be construed to affect in any way the right of privacy and confidentiality as to individual and employer records maintained by the department, as provided under RCW 50.13.020.

NEW SECTION. Sec. 3. A new section is added to chapter 82.32 RCW to read as follows:

(1) Based upon information provided by taxpayers, on Form 26-0003e-1, or its successor form, or Form Rev 81-1013-1, or its successor form, or Form 81-1012, or its successor form, to the department, the department shall identify for the year before and every five years after the renewal of the tax deferral in RCW 82.63.030 the following information:

(a) The businesses utilizing the tax deferral;

(b) The total value of the tax deferral taken by each business for that year;

(c) The qualifying investment made by the business utilizing the tax deferral.

(2) The department shall provide to the employment security department a list of all businesses utilizing the tax deferral and the North American industry classification of each business. This information shall be based on calendar year data and shall be provided to the employment security department by the fifteenth day of February of the year before and every five years after the renewal of the tax deferral in RCW 82.63.030.

(3) The department shall provide to the joint legislative audit and review committee the number of businesses utilizing the tax deferral, the value of the deferral received, and the value of qualifying investments made by businesses utilizing the tax deferral, reported in aggregate by North American industry classification. This information shall be based on calendar year data and shall be provided to the joint legislative audit and review committee by the fifteenth day of February of the year before and every five years after the renewal of the tax deferral in RCW 82.63.030.

(4) Nothing in this section shall be construed to affect in any way the right of privacy and confidentiality as to individual and employer records maintained by the department as provided under RCW 82.32.330.

NEW SECTION. Sec. 4. A new section is added to chapter 44.28 RCW to read as follows:

(1) The joint legislative audit and review committee shall provide a report to the legislature the year before and every five years after the renewal of the tax deferral in RCW 82.63.030. The report shall be based upon information provided by the employment security department and the department of revenue. Proprietary information shall remain confidential as otherwise provided by law. The report shall include, but is not limited to:

(a) Total value of tax revenue forgone or deferred as a result of the tax deferral;

(b) Total value of qualifying investments made under the tax deferral;

(c) Direct employment created or retained that is associated with the tax deferral and average wages, reported in aggregate by North American industry classification;

(d) Total indirect employment created or retained associated with the tax deferral;

(e) Additional sales, property, and business and occupation tax revenues associated with the tax deferral.

(2) In conducting this evaluation, the joint legislative audit and review committee shall use a generally accepted economic model and may contract with outside economic experts."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Reardon on page 1, after line 16, to Second Substitute Senate Bill No. 5531.

The motion by Senator Reardon carried and the amendment was adopted.

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

On page 1, line 3 of the title, strike "and" and after "82.63.030" insert "; adding a new section to chapter 50.38 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 44.28 RCW; and providing an expiration date"

MOTION

On motion of Senator Finkbeiner, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5531 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Sheahan, Hale and Finkbeiner demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried on a rising vote.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5531.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5531 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Decchio, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Doumit, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, McAuliffe, Poulsen, Prentice, Regala, Spanel and Thibaudeau - 16.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5531, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:52 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9109, Phil Sharpe, as a member of the Board of Trustees for Western Washington University, was confirmed.

Senators Spanel and Brandland spoke to the confirmation of Phil Sharpe as a member of the Board of Trustees for Western Washington University.

APPOINTMENT OF PHIL SHARPE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 10; Excused, 0.

Voting yea: Senators Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Parlette, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 39.

Absent: Senators Benton, Brown, Finkbeiner, Haugen, Johnson, Mulliken, Oke, Poulsen, Roach and Zarelli - 10.

MOTION

On motion of Senator Hewitt, Senator Roach was excused.

SECOND READING

HOUSE BILL NO. 1088, by Representatives Fromhold and Moeller

Authorizing removal of vehicles from restricted parking zones.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.55.113 and 1998 c 203 s 4 are each amended to read as follows:

Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502 ~~((or of RCW))~~ 46.61.504 ~~((or of RCW))~~ 46.20.342, or ~~((46.20.429))~~ 46.20.345, the vehicle is subject to impoundment, pursuant to applicable local ordinance or state agency rule at the direction of a law enforcement officer. In addition, a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(7) Upon determining that a person is operating a motor vehicle without a valid driver's license in violation of RCW 46.20.005 or with a license that has expired for ninety days or more;

(8) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator."

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

On line 1 of the title, after "vehicles;" strike the remainder of the title and insert "and amending RCW 46.55.113."

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 1088, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1088, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1088, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Roach - 1.

HOUSE BILL NO. 1088, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1037, by Representatives Gombosky, Cairnes, Linville, Wood, Mielke, Sullivan and Nixon

Exempting retail sales of food and beverages from the litter tax that are consumed indoors on the seller's premises.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed House Bill No. 1037 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1037.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1037 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Kline - 1.

Absent: Senator Finkbeiner - 1.

Excused: Senator Roach - 1.

ENGROSSED HOUSE BILL NO. 1037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1154, by Representatives Haigh, Woods, Miloscia, Armstrong, Hunt, Nixon, Shabro, Sehlin, Tom, Wallace, Conway and McDermott; by request of Secretary of State

Funding oral history and archives activities.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1154 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1154.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1154 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Johnson, Morton and Roach - 3.

Absent: Senator Finkbeiner - 1.

HOUSE BILL NO. 1154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1815, by Representatives Schual-Berke and Benson

Defining security account under the uniform transfer on death security registration act.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 1815 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1815.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1815 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 1:59 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 3:59 p.m. by President Owen.

MOTION

On motion of Senator Hewitt, Senators Honeyford and Morton were excused.

SECOND READING

HOUSE BILL NO. 1654, by Representatives Schual-Berke and Benson

Borrowing money by domestic mutual insurers.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 1654 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1654.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1654 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Deccio - 1.

Excused: Senators Honeyford and Morton - 2.

HOUSE BILL NO. 1654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Brown and Fairley were excused.

SECOND READING

SENATE BILL NO. 6063, by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner, Spanel and McCaslin

Adjusting vehicle-related business fees.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.55.030 and 1989 c 111 s 3 are each amended to read as follows:

(1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or an agent, and shall include the following information:

(a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;

(b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;

(c) The names and addresses of all employees who serve as tow truck drivers;

(d) Proof of minimum insurance required by subsection (3) of this section;

(e) The vehicle license and vehicle identification numbers of all tow trucks of which the applicant is the registered owner;

(f) Any other information the department may require; and

(g) A certificate of approval from the Washington state patrol certifying that:

(i) The applicant has an established place of business and that mail is received at the address shown on the application;

(ii) The address of any storage locations where vehicles may be stored is correctly stated on the application;

(iii) The place of business has an office area that is accessible to the public without entering the storage area; and

(iv) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

(a) One hundred thousand dollars for liability for bodily injury or property damage per occurrence; and

(b) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

Cancellation of or failure to maintain the insurance required by (a) and (b) of this subsection automatically cancels the operator's registration.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus ~~((fifty))~~ seventy-five dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) The applicant must submit an inspection certificate from the state patrol before the department may issue or renew an operator's registration certificate or tow truck permits.

(6) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

Sec. 2. RCW 46.70.061 and 2002 c 352 s 23 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Seven hundred fifty dollars;

(b) Vehicle dealers, each subagency, and temporary subagency: One hundred dollars;

(c) Vehicle manufacturers: ~~((Five))~~ Seven hundred fifty dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Two))~~ Five hundred ~~((fifty))~~ dollars;

(b) Vehicle dealer, each and every subagency: ~~((Twenty-five))~~ Fifty dollars;

(c) Vehicle manufacturers: Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3)~~(a)~~ The fee for the transfer to another location of any license classification issued pursuant to this chapter ~~((shall be twenty-five))~~ is one hundred dollars.

~~(b)~~ The fee for changing a vehicle dealer's name is one hundred dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 3. RCW 46.76.040 and 1990 c 250 s 68 are each amended to read as follows:

The fee for an original transporter's license is ~~((twenty-five))~~ one hundred dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under this chapter. The plates may be obtained for a fee of two dollars for each set.

Sec. 4. RCW 46.76.050 and 1985 c 109 s 3 are each amended to read as follows:

A transporter's license expires on the date assigned by the director, and may be renewed by filing a proper application and paying an annual fee of ~~((fifteen))~~ fifty dollars.

Sec. 5. RCW 46.79.040 and 1971 ex. s. c 110 s 4 are each amended to read as follows:

Application for a hulk hauler's license, together with a fee of ~~((ten))~~ fifty dollars, or application for a scrap processor's license, together with a fee of twenty-five dollars, shall be forwarded to the director. Upon receipt of the application the director shall, if the application be in order, issue the license applied for authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed at the address shown in his application, where it may be inspected by an investigating officer at any time.

Sec. 6. RCW 46.79.050 and 1985 c 109 s 5 are each amended to read as follows:

A license issued pursuant to this chapter expires on the date assigned by the director, and may be renewed by filing a proper application and payment of a fee of ~~((ten))~~ twenty-five dollars.

Whenever a hulk hauler or scrap processor ceases to do business or the license has been suspended or revoked, the license shall immediately be surrendered to the director.

Sec. 7. RCW 46.80.040 and 1995 c 256 s 6 are each amended to read as follows:

The application, together with a fee of ~~((twenty-five))~~ one hundred dollars, and a surety bond as provided in RCW 46.80.070, shall be forwarded to the department. Upon receipt of the application the department shall, if the application is in order, issue a vehicle wrecker's license authorizing the wrecker to do business as such and forward the fee to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in the place of business, where it may be inspected by an investigating officer at any time.

Sec. 8. RCW 46.80.050 and 1995 c 256 s 7 are each amended to read as follows:

A license issued on this application remains in force until suspended or revoked and may be renewed annually upon reapplication according to RCW 46.80.030 and upon payment of a fee of ~~((ten))~~ fifty dollars. A vehicle wrecker who fails or neglects to renew the license before the assigned expiration date shall pay the fee for an original vehicle wrecker license as provided in this chapter.

Whenever a vehicle wrecker ceases to do business as such or the license has been suspended or revoked, the wrecker shall immediately surrender the license to the department."

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

On line 1 of the title, after "businesses;" strike the remainder of the title and insert "and amending RCW 46.55.030, 46.70.061, 46.76.040, 46.76.050, 46.79.040, 46.79.050, 46.80.040, and 46.80.050."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Senate Bill No. 6063 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6063.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6063 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Mulliken, Roach and Stevens - 3.

Absent: Senator Poulsen - 1.

Excused: Senators Brown, Fairley, Honeyford and Morton - 4.

ENGROSSED SENATE BILL NO. 6063, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228, by House Committee on Transportation (originally sponsored by Representatives Murray, Wallace, Cooper, Clibborn, Simpson, Rockefeller, Hudgins and Hankins)

Extending commute trip reduction incentives.

The bill was read the second time.

MOTION

Senator Horn moved that the following Committee on Highways and Transportation striking amendment be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter and section 9 of this act unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "flexible commuter ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(6) "Telework" means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

NEW SECTION. Sec. 2. TAX CREDITS--BUSINESS AND OCCUPATION AND PUBLIC UTILITY TAXES. (1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under chapters 82.04 and 82.16 RCW.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

NEW SECTION. Sec. 3. TAX CREDIT FILING. (1) Application for tax credit under section 2 of this act may only be made in the form and manner prescribed in rules adopted by the department.

(2) The credit under this section must be taken or deferred under section 4 of this act against taxes due for the same fiscal year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the fiscal year in which the payment is made.

(3) Any person who knowingly makes a false statement of a material fact in the application for a credit under section 2 of this act is guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. TAX CREDIT LIMITATIONS. (1) The department shall keep a running total of all credits accrued under section 2 of this act during each fiscal year. No person is eligible for tax credits under section 2 of this act if the credits would cause the tabulation for the total amount of credits taken in any fiscal year to exceed two million two hundred fifty thousand dollars. This limitation includes any credits carried forward under subsection (2)(b) of this section from prior years.

(2)(a) No person is eligible for tax credits under section 2 of this act in excess of the amount of tax that would otherwise be due under chapter 82.04 or 82.16 RCW.

(b) A person with taxes equal to or in excess of the credit under section 2 of this act, and therefore not subject to the limitation in (a) of this subsection, may defer tax credits for a period of not more than three years after the year in which the credits accrue. A person deferring tax credits under this subsection (2)(b) must submit an application in the year in which the tax credits will be applied. This application is subject to eligibility under subsection (1) of this section for the fiscal year in which the tax credits will be applied.

(3) No person is eligible for tax credits under section 2 of this act in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits deferred in prior years under subsection (2)(b) of this section.

(4) No person is eligible for tax credits, including deferred credits authorized under subsection (2)(b) of this section, after June 30, 2013.

(5) Credits may not be carried forward or carried backward other than as authorized in subsection (2)(b) of this section.

NEW SECTION. Sec. 5. FUND TRANSFER. (1) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under section 2 of this act during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, shall deposit to the general fund a sum equal to the dollar amount of the credit provided under section 2 of this act from the multimodal transportation account.

NEW SECTION. Sec. 6. COMMUTE TRIP REDUCTION REPORTING. The commute trip reduction task force shall determine the effectiveness of the tax credit under section 2 of this act, the grant program in section 9 of this act, and the relative effectiveness of the tax credit and the grant program as part of its ongoing evaluation of the commute trip reduction law and report to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report must include information on the amount of tax credits claimed to date and recommendations on future funding between the tax credit program and the grant program. The report must be incorporated into the recommendations required in RCW 70.94.537(5).

NEW SECTION. Sec. 7. ADMINISTRATION. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 8. EXPIRATION. This chapter expires July 1, 2013, except for section 5 of this act, which expires January 1, 2014.

NEW SECTION. Sec. 9. A new section is added to chapter 70.94 RCW to read as follows:

(1) The department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before July 1, 2013, to their own or other employees. However, no employer is eligible for both grants provided under this section and tax credits under section 2 of this act within the same fiscal year.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any fiscal year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any calendar year.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires January 1, 2014.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) RCW 82.04.4453 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 1, 1996 c 128 s 1, & 1994 c 270 s 2;

(2) RCW 82.04.4454 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 3, 1996 c 128 s 2, & 1994 c 270 s 3;

(3) RCW 82.16.048 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 2, 1996 c 128 s 3, & 1994 c 270 s 4;

(4) RCW 82.16.049 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 4, 1996 c 128 s 4, & 1994 c 270 s 5; and

(5) RCW 47.01.900 (Commute trip reduction program--Transfer from state energy office--References to director or state energy office) and 1998 c 245 s 93 & 1996 c 186 s 301.

Sec. 11. RCW 70.94.527 and 1997 c 250 s 2 are each amended to read as follows:

(1) Each county with a population over one hundred fifty thousand, and each city or town within those counties containing a major employer (~~shall, by October 1, 1992,~~) may adopt by ordinance and implement a commute trip reduction plan for all major employers. The plan shall be developed in cooperation with local transit agencies, regional transportation planning organizations as established in RCW 47.80.020, major employers, and the owners of and employers at major worksites. The plan shall be designed to achieve reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee by employees of major public and private sector employers in the jurisdiction.

(2) All other counties, and cities and towns in those counties, may adopt and implement a commute trip reduction plan.

(3) The department of ecology may, after consultation with the department of transportation, as part of the state implementation plan for areas that do not attain the national ambient air quality standards for carbon monoxide or ozone, require municipalities other than those identified in subsection (1) of this section to adopt and implement commute trip reduction plans if the department determines that such plans are necessary for attainment of said standards.

(4) A commute trip reduction plan shall be consistent with the guidelines established under RCW 70.94.537 and shall include but is not limited to (a) goals for reductions in the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee; (b) designation of commute trip reduction zones; (c) requirements for major public and private sector employers to implement commute trip reduction programs; (d) a commute trip reduction program for employees of the county, city, or town; (e) a review of local parking policies and ordinances as they relate to employers and major worksites and any revisions necessary to comply with commute trip reduction goals and guidelines; (f) an appeals process by which major employers, who as a result of special characteristics of their business or its locations would be unable to meet the requirements of a commute trip reduction plan, may obtain waiver or modification of those requirements; and (g) means for determining base year values of the proportion of single-occupant vehicle commute trips and the commute trip vehicle miles traveled per employee and progress toward meeting commute trip reduction plan goals on an annual basis. Goals which are established shall take into account existing transportation demand management efforts which are made by major employers. Each jurisdiction shall ensure that employers shall receive full credit for the results of transportation demand management efforts and commute trip reduction programs which have been implemented by major employers prior to the base year. The goals for miles traveled per employee for all major employers shall not be less than a fifteen percent reduction from the worksite base year value or the base year value for the commute trip reduction zone in which their worksite is located by January 1, 1995, twenty percent reduction from the base year values by January 1, 1997, twenty-five percent reduction from the base year values by January 1, 1999, and a thirty-five percent reduction from the base year values by January 1, 2005.

(5) A county, city, or town may, as part of its commute trip reduction plan, require commute trip reduction programs for employers with ten or more full time employees at major worksites in federally designated nonattainment areas for carbon monoxide and ozone. The county, city or town shall develop the programs in cooperation with affected employers and provide technical assistance to the employers in implementing such programs.

(6) The commute trip reduction plans adopted by counties, cities, and towns under this chapter shall be consistent with and may be incorporated in applicable state or regional transportation plans and local comprehensive plans and shall be coordinated, and consistent with, the commute trip reduction plans of counties, cities, or towns with which the county, city, or town has, in part, common borders or related regional issues. Such regional issues shall include assuring consistency in the treatment of employers who have worksites subject to the requirements of this chapter in more than one jurisdiction. Counties, cities, or towns adopting commute trip reduction plans may enter into agreements through the interlocal cooperation act or by resolution or ordinance as appropriate with other jurisdictions, local transit agencies, or regional transportation planning organizations to coordinate the development and implementation of such plans. Transit agencies shall work with counties, cities, and towns to take into account the location of major employer worksites when planning transit service changes or the expansion of public transportation services. Counties, cities, or towns adopting a commute trip reduction plan shall review it annually and revise it as necessary to be consistent with applicable plans developed under RCW 36.70A.070.

(7) Each county, city, or town implementing a commute trip reduction program shall, within thirty days submit a summary of its plan along with certification of adoption to the commute trip reduction task force established under RCW 70.94.537.

(8) Each county, city, or town implementing a commute trip reduction program shall submit an annual progress report to the commute trip reduction task force established under RCW 70.94.537. The report shall be due July 1, 1994, and each July 1st thereafter through July 1, 2006. The report shall describe progress in attaining the applicable commute trip reduction goals for each commute trip reduction zone and shall highlight any problems being encountered in achieving the goals. The information shall be reported in a form established by the commute trip reduction task force.

(9) Any waivers or modifications of the requirements of a commute trip reduction plan granted by a jurisdiction shall be submitted for review to the commute trip reduction task force established under RCW 70.94.537. The commute trip reduction task force may not deny the granting of a waiver or modification of the requirements of a commute trip reduction plan by a jurisdiction but they may notify the jurisdiction of any comments or objections.

(10) Each county, city, or town implementing a commute trip reduction program shall count commute trips eliminated through work-at-home options or alternate work schedules as one and two-tenths vehicle trips eliminated for the purpose of meeting trip reduction goals.

(11) Each county, city, or town implementing a commute trip reduction program shall ensure that employers that have modified their employees' work schedules so that some or all employees are not scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are provided credit when calculating single-occupancy vehicle use and vehicle miles traveled at that worksite. This credit shall be awarded if implementation of the schedule change was an identified element in that worksite's approved commute trip reduction program or if the schedule change occurred because of impacts associated with chapter 36.70A RCW, the growth management act.

(12) Plans implemented under this section shall not apply to commute trips for seasonal agricultural employees.

(13) Plans implemented under this section shall not apply to construction worksites when the expected duration of the construction project is less than two years.

Sec. 12. RCW 82.08.0287 and 2001 c 320 s 4 are each amended to read as follows:

The tax imposed by this chapter shall not apply to sales of passenger motor vehicles which are to be used for commuter ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning from the date of purchase.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated ~~((either))~~ within ~~((the state's eight largest))~~ counties that ~~((are required to))~~ develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program or used primarily for van or car pooling purposes.

Sec. 13. RCW 82.12.0282 and 2001 c 320 s 5 are each amended to read as follows:

The tax imposed by this chapter shall not apply with respect to the use of passenger motor vehicles used as ride-sharing vehicles by not less than five persons, including the driver, with a gross vehicle weight not to exceed 10,000 pounds where the primary usage is for commuter ride-sharing, as defined in RCW 46.74.010, by not less than four persons including the driver when at least two of those persons are confined to wheelchairs when riding, or passenger motor vehicles where the primary usage is for ride-sharing for persons with special transportation needs, as defined in RCW 46.74.010, if the vehicles are used as ride-sharing vehicles for thirty-six consecutive months beginning with the date of first use.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated ~~((either))~~ within ~~((the state's eight largest))~~ counties that ~~((are required to))~~ develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program or used primarily for van or car pooling purposes.

Sec. 14. RCW 82.44.015 and 1996 c 244 s 7 are each amended to read as follows:

For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include passenger motor vehicles used primarily for commuter ride sharing and ride sharing for persons with special transportation needs, as defined in RCW 46.74.010. The registered owner of one of these vehicles shall notify the department of licensing upon termination of primary use of the vehicle in commuter ride sharing or ride sharing for persons with special transportation needs and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed.

To qualify for the tax exemption, those passenger motor vehicles with five or six passengers, including the driver, used for commuter ride-sharing, must be operated ~~((either))~~ within ~~((the state's eight largest))~~ counties that ~~((are required to))~~ develop commute trip reduction plans as directed by chapter 70.94 RCW or in other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan. Additionally at least one of the following conditions must apply: (1) The vehicle must be operated by a public transportation agency for the general public; or (2) the vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or (3) the vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program or used primarily for van or car pooling purposes.

NEW SECTION. Sec. 15. Sections 1 through 8 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 16. The code reviser shall place cross-reference sections to chapter 82.-- RCW (sections 1 through 8 of this act) in chapters 82.04 and 82.16 RCW.

NEW SECTION. Sec. 17. (1) Sections 1 through 10, 15, and 16 of this act take effect July 1, 2004, but only if legislation that provides additional revenues, excluding transfers, for the multimodal transportation account is in effect on that date.

(2) Sections 11 through 14 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

NEW SECTION. Sec. 18. Captions used in this act are not part of the law."

MOTION

On motion of Senator Horn, the following amendment by Senators Horn and Haugen to the Committee on Highways and Transportation striking amendment was adopted:

On page 5, line 12, strike "calendar" and insert "fiscal"

The President declared the question before the Senate to be the adoption of the Committee on Highways and Transportation striking amendment, as amended, to Engrossed Substitute House Bill No. 2228.

The motion by Senator Horn carried and the committee striking amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "incentives;" strike the remainder of the title and insert "amending RCW 70.94.527, 82.08.0287, 82.12.0282, and 82.44.015; adding a new section to chapter 70.94 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.4453, 82.04.4454, 82.16.048, 82.16.049, and 47.01.900; prescribing penalties; providing an effective date; providing a contingent effective date; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 2228, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2228, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2228, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Keiser, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Stevens, Swecker, West, Winsley and Zarelli - 36.

Voting nay: Senators Franklin, Fraser, Kastama, Kline, Kohl-Welles, Regala, Sheldon, T., Spanel and Thibaudeau - 9.

Excused: Senators Brown, Fairley, Honeyford and Morton - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side by which Substitute House Bill No. 1128, as amended by the Senate, passed the Senate earlier today, Senator Benton moved that the Senate immediately reconsider the vote by which the bill passed the Senate.

The President declared the question before the Senate to be the motion by Senator Benton to immediately reconsider the vote by which

Substitute House Bill No. 1128, as amended by the Senate, passed the Senate earlier today.

The motion by Senator Benton carried and the Senate will immediately reconsider the vote by which Substitute House Bill No. 1128, as amended by the Senate, passed the Senate.

MOTION

On motion of Senator Benton, the rules were suspended and Substitute House Bill No. 1128, as amended by the Senate, was returned to second reading.

Having voted on the prevailing side, Senator Benton moved to reconsider the vote by which the Committee on Financial Services, Insurance and Housing striking amendment, as amended, was adopted.

The President declared the question before the Senate to be the motion by Senator Benton to reconsider the vote by which the Committee on Financial Services, Insurance and Housing striking amendment, as amended, was adopted.

The motion by Senator Benton carried and the Senate will immediately reconsider the vote by which the committee amendment, as amended, was adopted.

MOTION

Having voted on the prevailing side, Senator Benton moved to reconsider the vote by which the amendment by Senators Benton and Prentice on page 1, line 27, to the Committee on Financial Services, Insurance and Housing striking amendment was adopted.

Senator Benton moved that the amendment to the committee striking amendment not be adopted on reconsideration.

The motion by Senator Benton carried and the amendment to the committee striking amendment was not adopted on reconsideration.

MOTION

On motion of Senator Benton, the following amendment by Senators Benton and Prentice to the Committee on Financial Services, Insurance and Housing striking amendment, on reconsideration, was adopted:

Beginning on page 1, line 27 of the amendment, strike all of subsection (4) and insert the following:

"(4) If an insured sustains a loss that is the result of malicious harassment, the insured must file a report with the police or other law enforcement authority within thirty days of discovery of the incident, and a law enforcement authority must determine that a crime has occurred. The report must contain sufficient information to provide an insurer with reasonable notice that the loss was the result of malicious harassment. The insured has a duty to cooperate with any law enforcement official or insurer investigation. For incidents of malicious harassment occurring prior to the effective date of this act, the insured must file the report within six months of the discovery of the incident."

The President declared the question before the Senate to be the adoption of the Committee on Financial Insurance and Housing striking amendment, as amended, on reconsideration to Substitute House Bill No. 1128.

The motion by Senator Benton carried and the committee striking amendment, as amended, on reconsideration, was adopted.

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1128, as amended by the Senate on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1128, as amended by the Senate on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1128, as amended by the Senate on reconsideration, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1128, as amended by the Senate on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1252, by Representatives Linville, Schoesler, Rockefeller, Sump and Upthegrove (by request of Commissioner of Public Lands Sutherland)

Making technical, nonsubstantive, corrections to and recodifying various department of natural resources' public land statutes.

The bill was read the second time.

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed House Bill No. 1252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1252.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1252 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED HOUSE BILL NO. 1252, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1444, by Representatives Haigh, Eickmeyer, Clibborn, Dickerson, Rockefeller and Morrell

Protecting proprietary or confidential information acquired through state health services purchasing.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the following Committee on Health and Long-Term Care striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 42.30.110 and 2001 c 216 s 1 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(I) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(I) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(I), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(c) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential nonpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

Sec. 2. RCW 41.05.026 and 1991 c 79 s 1 are each amended to read as follows:

(1) When soliciting proposals for the purpose of awarding contracts for goods or services, the administrator shall, upon written request by the bidder, exempt from public inspection and copying such proprietary data, trade secrets, or other information contained in the bidder's proposal that relate to the bidder's unique methods of conducting business or of determining prices or premium rates to be charged for services under terms of the proposal.

(2) When soliciting information for the development, acquisition, or implementation of state purchased health care services, the administrator shall, upon written request by the respondent, exempt from public inspection and copying such proprietary data, trade secrets, or other information submitted by the respondent that relate to the respondent's unique methods of conducting business, data unique to the product or services of the respondent, or to determining prices or rates to be charged for services.

(3) Actuarial formulas, statistics, cost and utilization data, or other proprietary information submitted upon request of the administrator ((or)), board, or a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under this chapter by a contracting insurer, health care service contractor, health maintenance organization, ((or)) vendor, or other health services organization may be withheld at any time from public inspection when necessary to preserve trade secrets or prevent unfair competition.

((3)) (4) The board, or a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under this chapter, may hold an executive session in accordance with chapter 42.30 RCW during any regular or special meeting to discuss information submitted in accordance with subsections (1) ((or (2))) through (3) of this section.

(5) A person who challenges a request for or designation of information as exempt under this section is entitled to seek judicial review pursuant to chapter 42.17 RCW.

Sec. 3. RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(I) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (I) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(I) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (I) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(I) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(I) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(c) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(I) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa) (I) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW.

(fff) Proprietary data, trade secrets, or other information that relates to: (i) A vendor's unique methods of conducting business; (ii) data unique to the product or services of the vendor; or (iii) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011.

(2) Except for information described in subsection (1)(c)(I) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

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

On page 1, line 2 of the title, after "purchasing;" strike the remainder of the title and insert "amending RCW 42.30.110 and 41.05.026; and reenacting and amending RCW 42.17.310."

MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 1444, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1444, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1444, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1444, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299, by House Committee on Health Care (originally sponsored by Representatives Cody, Sommers, Morrell, Schual-Berke and Dickerson)

Providing for uniform policies for health services purchasing by state purchased health care programs.

The bill was read the second time.

MOTION

On motion of Senator Parlette, the rules were suspended, Engrossed Substitute House Bill No. 1299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1299.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1299 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton,

Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Sump, Hunt, Grant, Pettigrew, Haigh, McDermott, Blake, Quall, Rockefeller and Romero)

Concerning the slaughter, preparation, and sale of certain poultry.

The bill was read the second time.

MOTION

Senator Swecker moved that the following Committee on Agriculture striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 16.49 RCW to read as follows:

This chapter does not apply to the slaughter and preparation of one thousand or fewer pastured chickens in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer's farm.

NEW SECTION. Sec. 2. A new section is added to chapter 69.07 RCW to read as follows:

(1) A special, temporary permit issued by the department under this section is required for the slaughter and preparation of one thousand or fewer pastured chickens in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer's farm, and for such sale. Such activities shall not be conducted without the permit. However, if the activities are conducted under such a permit, the activities are exempted from any other licensing requirements of this chapter.

(2)(a) The department must adopt by rule requirements for a special, temporary permit for the activities described in subsection (1) of this section. The requirements must be generally patterned after those established by WAC 246-215-190 as it exists on the effective date of this section for temporary food service establishments, but must be tailored specifically to these slaughter, preparation, and sale activities. The requirements must include, but are not limited to, those for: Cooling procedures, when applicable; sanitary facilities, equipment, and utensils; clean water; washing and other hygienic practices; and waste and wastewater disposal.

(b) The rules must also identify the length of time such a permit is valid. In determining the length of time, the department must take care to ensure that it is adequate to accommodate the seasonal nature of the permitted activities. In adopting any rule under this section, the department must also carefully consider the economic constraints on the regulated activity.

(3) The department shall conduct such inspections of the activities permitted under this section as are reasonably necessary to ensure compliance with permit requirements.

(4) The fee for a special permit issued under this section is seventy-five dollars."

MOTION

Senator Jacobsen moved that the following amendments to the Committee on Agriculture striking amendments be considered simultaneously and be adopted:

On page 1, line 5 of the amendment, before "This" insert "(1)"

On page 1, after line 9 of the amendment, insert the following:

"(2) For the purposes of this section, "chicken" means the species Gallus domesticus."

On page 2, after line 13 of the amendment, insert the following:

"(5) For the purposes of this section, "chicken" means the species Gallus domesticus."

POINT OF INQUIRY

Senator Honeyford: "Senator Jacobsen, can you tell me which came first, the chicken or the egg?"

Senator Jacobsen: " Senator Fraser stood up. Maybe she has the answer."

POINT OF INQUIRY

Senator Fraser: "Would Senator Jacobsen yield to a question?"

Senator Jacobsen: "Boy, this is a lot of responsibility for an assistant ranking minority member on the Agriculture Committee. I do."

Senator Fraser: "Well, thank you. I am actually very interested in this bill because it is a bill that provides women in agriculture more opportunity. So, my question is, do your amendments which define chickens--does it limit the number and types of chickens that people can include and take advantage of the opportunity provided by this bill? Does it include bantam chickens? I don't know how many kinds of chickens there are, but I am concerned about narrowing the definition too much."

Senator Jacobsen: "That is a very good question. I need to do a little more research and I am not sure that bantam chickens fall under that Latin name in the amendments. I am just guessing that they came from the island in Indonesia called

Bantam. So, I would assume that we need to look at that Latin term there. That is a very good question, because perhaps it is a different--I think it is a different specie." Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Jacobsen, is a rooster a chicken?"

Senator Jacobsen: "Yes, it is--definitely that. It takes a rooster and a chicken to make more chickens."

The President declared the question before the Senate to be the adoption of the amendments by Senator Jacobsen on page 1, lines 5 and 9, and page 2, line 13, to the Committee on Agriculture striking amendment to Engrossed House Bill No. 1754.

The motion by Senator Jacobsen carried and the amendments to the committee striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Agriculture striking amendment, as amended, to Engrossed House Bill No. 1754.

The motion by Senator Swecker carried and the committee striking amendment, as amended, was adopted.

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

On page 1, beginning on line 1 of the title, after "poultry;" strike the remainder of the title and insert "adding a new section to chapter 16.49 RCW; and adding a new section to chapter 69.07 RCW."

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute House Bill No. 1754, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1754, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1754, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Zarelli, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1036, by House Committee on Transportation (originally sponsored by Representatives Hatfield, Woods, Simpson, Cooper, Rockefeller and Mielke)

Modifying subagent authority to process mail-in vehicle registration renewals.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.01.230 and 1994 c 262 s 1 are each amended to read as follows:

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified that such certificate, license, or permit has been canceled pursuant to this section. Notice of

cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the holder of the certificate, license, or permit, and recording the transmittal on an affidavit of first class mail.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee may be assessed for each such instrument. Notwithstanding provisions of any other laws, county auditors, agents, and subagents, appointed or approved by the director pursuant to RCW 46.01.140, may collect restitution, and where they have collected restitution may retain the reasonable handling fee. The amount of the reasonable handling fee may be set by rule by the director.

(4) In those counties where the county auditor has been appointed an agent of the director under RCW 46.01.140, the auditor shall continue to process mail-in registration renewals until directed otherwise by legislative authority. Subagents appointed by the director under RCW 46.01.140 have the same authority to mail out registrations and replacement plates to Internet payment option customers as the agents until directed otherwise by legislative authority. The department shall provide separate statements giving notice to Internet payment option customers that: (a) A subagent service fee, as provided in RCW 46.01.140(5)(b), will be collected by a subagent office for providing mail and pick-up services; and (b) a filing fee will be collected on all transactions listed under RCW 46.01.140(4)(a). The statement must include the amount of the fee and be published on the department's Internet web site on the page that lists each department, county auditor, and subagent office, eligible to provide mail or pick-up services for registration renewals and replacement plates. The statements must be published below each office listed.

NEW SECTION. Sec. 2. This act takes effect October 1, 2003.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus transportation appropriations act, this act is null and void."

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

On line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 46.01.230; providing contingent effect; and providing an effective date."

MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No. 1036, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1036, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1036, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 36.

Voting nay: Senators Fairley, Franklin, Haugen, Jacobsen, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala, Shin, Spanel and Thibaudeau - 12.

Excused: Senator Deccio - 1.

SUBSTITUTE HOUSE BILL NO. 1036, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

SECOND READING

HOUSE BILL NO. 1727, by Representatives O'Brien and Kirby

Providing that no fee may be charged for death certificates of sex offenders supplied to law enforcement agencies.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1727 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1727.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1727 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke,

Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Sheldon, T. - 2.

HOUSE BILL NO. 1727, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 5:07 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 6:40 p.m. by President Owen.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9126, Jim Tsang, as a member of the Board of Trustees for Pierce Community College District No. 11, was confirmed.

APPOINTMENT OF JIM TSANG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Benton, Finkbeiner and Mulliken - 3.

Excused: Senator Deccio - 1.

MOTION

On motion of Senator Hewitt, Senator Mulliken was excused.

MOTION

On motion of Senator Fairley, Gubernatorial Appointment No. 9134, Elsa Welch, as a member of the Board of Trustees for Shoreline Community College District No. 7, was confirmed.

APPOINTMENT OF ELSA WELCH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Mulliken - 1.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1409, by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Upthegrove, Hunt and Clibborn)

Defining "potentially dangerous litter" and making it a civil infraction to improperly dispose of potentially dangerous litter.

The bill was read the second time.

MOTION

Senator Morton moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the littering of potentially dangerous products poses a greater danger to the public safety than other classes of litter. Broken glass, human waste, and other dangerous materials along roadways, within parking lots, and on pedestrian, bicycle, and recreation trails elevates the risk to public safety, such as vehicle tire punctures, and the risk to the community volunteers who spend their time gathering and properly disposing of the litter left behind by others. As such, the legislature finds that a higher penalty should be imposed on those who improperly dispose of potentially dangerous products, such as is imposed on those who improperly dispose of tobacco products.

Sec. 2. RCW 70.93.030 and 2000 c 154 s 1 are each amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this chapter unless the context ~~((indicates))~~ clearly requires otherwise~~((;))~~.

(1) "Conveyance" means a boat, airplane, or vehicle~~((;))~~.

(2) "Department" means the department of ecology~~((;))~~.

(3) "Director" means the director of the department of ecology~~((;))~~.

(4) "Disposable package or container" means all packages or containers defined as such by rules ~~((and regulations))~~ adopted by the department of ecology~~((;))~~.

(5) "Junk vehicle" has the same meaning as defined in RCW 46.55.010~~((;))~~.

(6) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited and solid waste that is illegally dumped, but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing~~((;))~~. "Litter" includes the material described in subsection (10) of this section as "potentially dangerous litter."

(7) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity~~((;))~~.

(8) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter~~((;))~~.

(9) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever~~((;))~~.

(10) "Potentially dangerous litter" means litter that is likely to injure a person or cause damage to a vehicle or other property. "Potentially dangerous litter" means:

(a) Cigarettes, cigars, or other tobacco products that are capable of starting a fire;

(b) Glass;

(c) A container or other product made predominantly or entirely of glass;

(d) A hypodermic needle or other medical instrument designed to cut or pierce;

(e) Raw human waste, including soiled baby diapers, regardless of whether or not the waste is in a container of any sort; and

(f) Nails or tacks.

(11) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests~~((;))~~.

~~((14))~~ (12) "Recycling" means transforming or remanufacturing waste materials into a finished product for use other than landfill disposal or incineration~~((;))~~.

~~((12))~~ (13) "Recycling center" means a central collection point for recyclable materials~~((;))~~.

~~((13))~~ (14) "To litter" means a single or cumulative act of disposing of litter~~((;))~~.

~~((14))~~ (15) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks~~((;))~~.

~~((15))~~ (16) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials~~((;))~~.

~~((16))~~ (17) "Watercraft" means any boat, ship, vessel, barge, or other floating craft.

Sec. 3. RCW 70.93.060 and 2002 c 175 s 45 are each amended to read as follows:

(1) It is a violation of this section to abandon a junk vehicle upon any property. In addition, no person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of the private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(c) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(d) If a junk vehicle is abandoned in violation of this section, RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in RCW 79A.05.050.

(4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, ~~((a cigarette, cigar, or other tobacco product that is capable of starting a fire))~~ potentially dangerous litter in any amount.

Sec. 4. RCW 7.80.120 and 1997 c 159 s 2 are each amended to read as follows:

(1) A person found to have committed a civil infraction shall be assessed a monetary penalty.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be two hundred fifty dollars, not including statutory assessments, except for an infraction of state law involving ~~((tobacco products))~~ potentially dangerous litter as specified in RCW 70.93.060(4), in which case the maximum penalty and default amount is five hundred dollars;

(b) The maximum penalty and the default amount for a class 2 civil infraction shall be one hundred twenty-five dollars, not including statutory assessments;

(c) The maximum penalty and the default amount for a class 3 civil infraction shall be fifty dollars, not including statutory assessments; and

(d) The maximum penalty and the default amount for a class 4 civil infraction shall be twenty-five dollars, not including statutory assessments.

(2) The supreme court shall prescribe by rule the conditions under which local courts may exercise discretion in assessing fines for civil infractions.

(3) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.

(4) The court may also order a person found to have committed a civil infraction to make restitution.

Sec. 5. RCW 46.61.645 and 1965 ex.s. c 155 s 77 are each amended to read as follows:

(1) ~~((No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway-~~

~~(2)))~~ Any person who drops, or permits to be dropped or thrown, upon any highway any ~~((destructive or injurious))~~ material shall immediately remove the same or cause it to be removed.

~~((3)))~~ (2) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

NEW SECTION. **Sec. 6.** RCW 70.93.100 (Litter bags--Design and distribution by department authorized--Violations--Penalties) and 1981 c 260 s 15 are each repealed."

MOTION

Senator Kline moved that the following amendments by Senators McCaslin and Kline to the Committee on Natural Resources, Energy and Water striking amendment be considered simultaneously and be adopted:

On page 1, line 3 of the amendment, after "**Sec. 1.**" insert "(1)"

On page 1, after line 13 of the amendment, insert the following:

"(2) The legislature further finds that litter is a nuisance, and, in order to alleviate such a nuisance, counties must be provided statutory authority to declare what shall be a nuisance, to abate a nuisance, and to impose and collect fines upon parties who may create, cause, or commit a nuisance."

On page 6, after line 6 of the amendment, insert the following:

"Sec. 6. RCW 36.32.120 and 1994 c 301 s 8 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority: PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty: PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. However, the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime and no act that is a state crime may be made a civil violation. The notice must set out a copy of the proposed regulations or summarize the content of each proposed regulation; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. For purposes of this subsection, a summary shall mean a brief description which succinctly describes the main points of the proposed regulation. When the county publishes a summary, the publication shall include a statement that the full text of the proposed regulation will be mailed upon request. An inadvertent mistake or omission in publishing the text or a summary of the content of a proposed regulation shall not render the regulation invalid if it is adopted. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as district judges;

(10) Have power to declare by ordinance what shall be deemed a nuisance within the county, including but not limited to "litter" and "potentially dangerous litter" as defined in RCW 70.93.030; to prevent, remove, and abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Kline and McCaslin on page 1, lines 3 and 13, page 6, line 6, to the Committee on Natural Resources, Energy and Water striking amendment to Substitute House Bill No. 1409.

The motion by Senator Kline carried and the amendments to the committee striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment to Substitute House Bill No. 1409, as amended.

The committee amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "littering;" strike the remainder of the title and insert "amending RCW 70.93.030, 70.93.060, 7.80.120, and 46.61.645; creating a new section; repealing RCW 70.93.100; and prescribing penalties."

On page 6, on line 12 of the title amendment, strike "and 46.61.645" and insert "46.61.645, and 36.32.120"

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No. 1409, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1409, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1409, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Mulliken - 1.

SUBSTITUTE HOUSE BILL NO. 1409, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1395, by Representatives Sullivan, Bailey, Wood, Chandler and Pflug

Concerning the catering of alcoholic beverages at events by nonprofit organizations.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed House Bill No. 1395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1395.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1395 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Hargrove, Haugen, Oke and Shin - 4.

ENGROSSED HOUSE BILL NO. 1395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6057, by Senators Parlette and Rossi (by request of Office of Financial Management)

Revising basic health care plan enrollment provisions.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, further consideration of Senate Bill No. 6057 was deferred.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced John Coleman, the father-in-law of Secretary of the Senate, Milt Doumit, who was seated in the back of the Chamber. Mr. Coleman is visiting from the city of Stanmore in the county of Middlesex, which is near London, England.

PERSONAL PRIVILEGE

Senator Brown: "A point of personal privilege, Mr. President. I just want to take a moment. I think many of you may remember a few weeks ago when I lost my purse and I told you the story about the woman in Seattle who found it and spent the weekend trying to contact me and ultimately got it back to me. She was staying at the YWCA Emergency Womens Shelter. After I told that story, many of you began to give me donations and I ended up getting donations from several members, staff, lobbyists, some of our security personnel, the interns took up a collection and many of our Legislative Assistants took up a collection. In fact, the donations poured in.

"I went and met Darwnian and thanked her. She gave me my purse back. We ended up collecting nearly a thousand dollars, which was given to the Spokane and Seattle YWCA Womens Shelters. Darwnian, herself, was also given a gift. They bought gift cards, phone cards, bus passes and some Fred Meyer gift certificates for the women at the shelter. They were very excited about it. We gave them a video tape of my 'point of personal privilege' on the Senate floor. I am sure they would not want to hear all of my speeches. I just want to thank everybody for your generosity that I was able to pass on to them. They were very excited about it and the workers, particularly, at the Shelter--the women who work there--were really thrilled. They said this came at a great time for them and it really was going to help them renew their efforts to find some employment and some transitional housing. So, thank you all very much."

PERSONAL PRIVILEGE

Senator Brandland: "A point of personal privilege, Mr. President. I just want to announce to the body that I just lost my wallet. Donations will be gratefully accepted. Thank you very much."

There being no objection, the Senate resumed consideration of Senate Bill No. 6057, which was deferred after the bill was read in earlier this evening.

MOTION

Senator Farley moved that the following amendment be adopted:

On page 2, beginning on line 25, strike all material down to and including line 7 on page 3 and insert the following:

"(c) Because of its demonstrated effectiveness in improving the health of low-income persons and addressing illnesses and diseases that harm low-income persons, the remainder of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be appropriated solely for Washington basic health plan enrollment as provided in chapter 70.47 RCW. Funds appropriated pursuant to this subsection (2)(c) must supplement, and not supplant, the level of state funding needed to support enrollment of a minimum of one hundred twenty-five thousand persons for the fiscal year beginning July 1, ((2002)) 2005, and every fiscal year thereafter. ((The health care authority may enroll up to twenty thousand additional persons in the basic health plan during the biennium beginning July 1, 2001, above the base level of one hundred twenty-five thousand enrollees. The health care authority may enroll up to fifty thousand additional persons in the basic health plan during the biennium beginning July 1, 2003, above the base level of one hundred twenty-five thousand enrollees.)) For each biennium beginning on and after July 1, 2005, the health care authority may enroll up to at least one hundred seventy-five thousand enrollees. Funds appropriated under this subsection may be used to support outreach and enrollment activities only to the extent necessary to achieve the enrollment goals described in this section."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Fairley on page 2, line 25, to Senate Bill No. 6057.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 20.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 29.

MOTION

On motion of Senator Rossi, the rules were suspended, Senate Bill No. 6057 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6057.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6057 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B. and Spanel - 14.

SENATE BILL NO. 6057, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6058, by Senator Oke (by request of Office of Financial Management)

Modifying the distribution of state property taxes.

MOTION

On motion of Senator Rossi, Substitute Senate Bill No. 6058 was substituted for Senate Bill No. 6058 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

Senators Sheahan, Hale and McCaslin demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question failed.

Further debate ensued.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 6058 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6058.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6058 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 29.

Voting nay: Senators Brown, Doumit, Eide Fairley, Franklin, Fraser, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 20

SUBSTITUTE SENATE BILL NO. 6058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senate Bill No. 6057 and Substitute Senate Bill No. 6058 were ordered to be immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5182, by Senators Benton, Mulliken, McCaslin, Sheahan, T. Sheldon and Esser

Extending the expiration date for the rural county information technology tax credit.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5182 was substituted for Senate Bill No. 5182 and the substitute bill was placed on second reading and read the second time.

Senator Reardon moved that the following amendment be adopted:

On page 2, after line 19, strike all material down through line 32 and insert the following:

~~"(7) A person taking tax credits under this section shall (make an annual report to the department. The report shall be in a letter form and shall include the following information: Type of activity in which the person is engaged in the county, number of employees in the rural county, how long the person has been located in the county, and taxpayer name and registration number. The report must be filed by January 30th of each year for which credit was claimed during the previous year. Failure to file a report will not result in the loss of eligibility under this section. However, the department, through its research division, shall contact taxpayers who have not filed the report and obtain the data from the taxpayer or assist the taxpayer in the filing of the report, so that the data and information necessary to measure the program's effectiveness is maintained))~~ file a report to the department of revenue in the month following each calendar quarter containing the following information:

(a) Number of production workers;

(b) Average wage of production workers;

(c) Total wages for production workers;

(d) Total sales as measured by taxable receipts for activities subject to the tax credit; and

(e) Total wages for production workers as a percent of total sales subject to the tax credit.

A recipient who fails to submit a complete report under this section is ineligible on a prospective basis for the tax credit. The department of revenue shall notify the recipient in writing by mail that he or she is no longer eligible for the credit. The recipient is ineligible on the effective date of the postmark of the notice letter from the department of revenue. If the recipient satisfactorily completes the report, the department of revenue shall send a letter to the recipient indicating that the basis for the ineligibility has been corrected. The letter from the department of revenue is proof that eligibility has been restored, and eligibility is effective prospectively beginning on the date the letter is postmarked

The department shall compile the information into a report containing aggregated data that does not violate any confidentiality provisions and send an electronic copy to all members of the legislature on an annual basis."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Reardon on page 2, line 19, to Substitute Senate Bill No. 5182.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 24.

Voting nay: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, and Zarelli - 25.

MOTION .

On motion of Senator Benton, the rules were suspended, Substitute Senate Bill No. 5182 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

Senators Sheahan, Hale and Carlson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5182.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5182 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Spanel and Thibaudeau - 16.

SUBSTITUTE SENATE BILL NO. 5182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2197, by House Committee on Appropriations (originally sponsored by Representatives Conway, Benson, Grant, McDonald, Dunshee, Cox, Ruderman, Buck, Miloscia, Delvin, Cooper, Hinkle, Gombosky, Campbell, Simpson, Linville, Hunt, Berkey and Bush)

Implementing Initiative Measure No. 790.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute House Bill No. 2197 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2197.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2197 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2198, by House Committee on Appropriations (originally sponsored by Representatives Cooper, Delvin and Simpson)

Removing the allocation of excess earnings from section 6 of Initiative Measure No. 790.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute House Bill No. 2198 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2198.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2198 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway) (by request of Governor Locke)

Concerning watershed planning.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the following Committee on Natural Resources, Energy and Water striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the governments closest to them the ability to determine the management of water in the WRIA or WRIs being planned.

The legislature further finds that this process of local planning must have all the tools necessary to accomplish this task and that it is essential for the legislature to provide a clear statutory process for implementation so that the locally developed plan will be the adopted and implemented plan to the greatest extent possible.

Sec. 2. RCW 90.82.040 and 2001 c 237 s 2 are each amended to read as follows:

(1) Once a WRIA planning unit has been initiated under RCW 90.82.060 and a lead agency has been designated, it shall notify the department and may apply to the department for funding assistance for conducting the planning and implementation. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose.

(2)(a) Each planning unit that has complied with subsection (1) of this section is eligible to receive watershed planning grants in the following amounts for the first three phases of watershed planning and phase four watershed plan implementation:

(i) Initiating governments may apply for an initial organizing grant of up to fifty thousand dollars for a single WRIA or up to seventy-five thousand dollars for a multi-WRIA management area in accordance with RCW 90.82.060(4);

(ii)(A) A planning unit may apply for up to two hundred thousand dollars for each WRIA in the management area for conducting watershed assessments in accordance with RCW 90.82.070, except that a planning unit that chooses to conduct a detailed assessment or studies under (a)(ii)(B) of this subsection or whose initiating governments choose or have chosen to include an instream flow or water quality component in accordance with RCW 90.82.080 or 90.82.090 may apply for up to one hundred thousand additional dollars for each instream flow and up to one hundred thousand additional dollars for each water quality component included for each WRIA to conduct an assessment on that optional component and for each WRIA in which the assessments or studies under (a)(ii)(B) of this subsection are conducted.

(B) A planning unit may elect to apply for up to one hundred thousand additional dollars to conduct a detailed assessment of multipurpose water storage opportunities or for studies of specific multipurpose storage projects which opportunities or projects are consistent with and support the other elements of the planning unit's watershed plan developed under this chapter; and

(iii) A planning unit may apply for up to two hundred fifty thousand dollars for each WRIA in the management area for developing a watershed plan and making recommendations for actions by local, state, and federal agencies, tribes, private property owners, private organizations, and individual citizens, including a recommended list of strategies and projects that would further the purpose of the plan in accordance with RCW 90.82.060 through 90.82.100.

(b) A planning unit may request a different amount for phase two or phase three of watershed planning than is specified in (a) of this subsection, provided that the total amount of funds awarded do not exceed the maximum amount the planning unit is eligible for under (a) of this subsection. The department shall approve such an alternative allocation of funds if the planning unit identifies how the proposed alternative will meet the goals of this chapter and provides a proposed timeline for the completion of planning. However, the up to one hundred thousand additional dollars in funding for instream flow and water quality components and for water storage assessments or studies that a planning unit may apply for under (a)(ii)(A) of this subsection may be used only for those instream flow, water quality, and water storage purposes.

(c) By December 1, 2001, or within one year of initiating phase one of watershed planning, whichever occurs later, the initiating governments for each planning unit must inform the department whether they intend to have the planning unit establish or amend instream flows as part of its planning process. If they elect to have the planning unit establish or amend instream flows, the planning unit is eligible to receive one hundred thousand dollars for that purpose in accordance with (a)(ii) of this subsection. If the initiating governments for a planning unit elect not to establish or amend instream flows as part of the unit's planning process, the department shall retain one hundred thousand dollars to carry out an assessment to support establishment of instream flows and to establish such flows in accordance with RCW 90.54.020(3)(a) and chapter 90.22 RCW. The department shall not use these funds to amend an existing instream flow unless requested to do so by the initiating governments for a planning unit.

(d) In administering funds appropriated for supplemental funding for optional plan components under (a)(ii) of this subsection, the department shall give priority in granting the available funds to proposals for setting or amending instream flows.

(e) A planning unit may apply for a matching grant for phase four watershed plan implementation. A match of ten percent is required and may include financial contributions or in-kind goods and services directly related to coordination and oversight functions. The match can be provided by the planning unit or by the combined commitments from federal agencies, tribal governments, local governments, special districts, or other local organizations. The phase four grant may be up to one hundred thousand dollars for each planning unit for each of the first three years of implementation. At the end of the three-year period, a two-year extension may be available for up to fifty thousand dollars each year. For planning units that cover more than one WRIA, additional matching funds of up to twenty-five thousand dollars may be available for each additional WRIA per year for the first three years of implementation, and up to twelve thousand five hundred dollars per WRIA per year for each of the fourth and fifth years.

(f) Within one year of accepting funding under (e) of this subsection, the planning unit must complete a detailed implementation plan. An implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; specific funding mechanisms; and timelines for carrying out the actions included in the plan. The planning unit must consider coordination of watershed planning implementation with salmon recovery efforts. Submittal of a detailed implementation plan to the department is a condition for receiving grants for the second and all subsequent years of the phase four grant.

(3)(a) The department shall use the eligibility criteria in this subsection (3) instead of rules, policies, or guidelines when evaluating grant applications at each stage of the grants program.

(b) In reviewing grant applications under this subsection (3), the department shall evaluate whether:

(i) The planning unit meets all of the requirements of this chapter;

(ii) The application demonstrates a need for state planning funds to accomplish the objectives of the planning process; and

(iii) The application and supporting information evidences a readiness to proceed.

(c) In ranking grant applications submitted at each stage of the grants program, the department shall give preference to applications in the following order of priority:

(i) Applications from existing planning groups that have been in existence for at least one year;

(ii) Applications that address protection and enhancement of fish habitat in watersheds that have aquatic fish species listed or proposed to be listed as endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq. and for which there is evidence of an inability to supply adequate water for population and economic growth from:

(A) First, multi-WRIA planning; and

(B) Second, single WRIA planning;

(iii) Applications that address protection and enhancement of fish habitat in watersheds or for which there is evidence of an inability to supply adequate water for population and economic growth from:

(A) First, multi-WRIA planning; and

(B) Second, single WRIA planning.

(d) Except for phase four watershed plan implementation, the department may not impose any local matching fund requirement as a condition for grant eligibility or as a preference for receiving a grant.

(4) The department may retain up to one percent of funds allocated under this section to defray administrative costs.

(5) Planning under this chapter should be completed as expeditiously as possible, with the focus being on local stakeholders cooperating to meet local needs.

(6) Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose.

Sec. 3. RCW 90.82.130 and 2001 c 237 s 4 are each amended to read as follows:

(1)(a) Upon completing its proposed watershed plan, the planning unit may approve the proposal by consensus of all of the members of the planning unit or by consensus among the members of the planning unit appointed to represent units of government and a majority vote of the nongovernmental members of the planning unit.

(b) If the proposal is approved by the planning unit, the unit shall submit the proposal to the counties with territory within the management area. If the planning unit has received funding beyond the initial organizing grant under RCW 90.82.040, such a proposal approved by the planning unit shall be submitted to the counties within four years of the date that funds beyond the initial funding are first drawn upon by the planning unit.

(c) If the watershed plan is not approved by the planning unit, the planning unit may submit the components of the plan for which agreement is achieved using the procedure under (a) of this subsection, or the planning unit may terminate the planning process.

(2)(a) With the exception of a county legislative authority that chooses to opt out of watershed planning as provided in (c) of this subsection, the legislative authority of each of the counties with territory in the management area shall provide public notice of and conduct at least one public hearing on the proposed watershed plan submitted under this section. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the proposal. The counties may approve or reject the proposed watershed plan for the management area, but may not amend it. Approval of such a proposal shall be made by a majority vote of the members of each of the counties with territory in the management area.

(b) If a proposed watershed plan is not approved, it shall be returned to the planning unit with recommendations for revisions. Approval of such a revised proposal by the planning unit and the counties shall be made in the same manner provided for the original watershed plan. If approval of the revised plan is not achieved, the process shall terminate.

(c) A county legislative authority may choose to opt out of watershed planning under this chapter and the public hearing processes under (a) and (b) of this subsection if the county's affected territory within a particular management area is: (i) Less than five percent of the total territory within the management area; or (ii) five percent or more of the total territory within the management area and all other initiating governments within the management area consent. A county meeting these conditions and choosing to opt out shall notify the department and the other initiating governments of that choice prior to commencement of plan adoption under the provisions of (a) of this subsection. A county choosing to opt out shall not be bound by obligations contained in the watershed plan adopted for that management area under this chapter. Even if a county chooses to opt out as provided in this section, the other counties within a management area may adopt a proposed watershed plan as provided in this chapter.

(3) The planning unit shall not add an element to its watershed plan that creates an obligation unless each of the governments to be obligated has at least one representative on the planning unit and the respective members appointed to represent those governments agree to adding the element that creates the obligation. A member's agreeing to add an element shall be evidenced by a recorded vote of all members of the planning unit in which the members record support for adding the element. If the watershed plan is approved under subsections (1) and (2) of this section and the plan creates obligations: (a) For agencies of state government, the agencies shall adopt by rule the obligations of both state and county governments and rules implementing the state obligations, or, with the consent of the planning unit, may adopt policies, procedures, or agreements related to the obligations or implementation of the obligations. The obligations on state agencies are binding upon adoption of the obligations ((into rule)), and the agencies shall take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; ((or)) (b) for counties, the obligations are binding on the counties and the counties shall adopt any necessary implementing ordinances and take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; or (c) for an organization voluntarily accepting an obligation, the organization must adopt policies, procedures, agreements, rules, or ordinances to implement the plan, and should annually review implementation needs with respect to budget and staffing.

(4) After a plan is adopted in accordance with subsection (3) of this section, and if the department participated in the planning process, the plan shall be deemed to satisfy the watershed planning authority of the department with respect to the components included under the provisions of RCW 90.82.070 through 90.82.100 for the watershed or watersheds included in the plan. The department shall rely on such a plan in making all future water resource decisions for the planned watershed or watersheds. The department shall also rely upon the plan as a primary consideration in determining the public interest related to such decisions.

(5) Once a plan is adopted under the provisions of RCW 90.82.130, the department may only modify the plan or obligations imposed by the plan through a negotiated rule-making process conducted among water right holders and other affected residents in a watershed or group of watersheds, and must include the members of the original planning unit, to the greatest extent practicable.

(6) As used in this section, "obligation" means any action required as a result of this chapter that imposes upon a tribal government, county government, or state government, either: A fiscal impact; a redeployment of resources; or a change of existing policy.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

MOTION

Senator Honeyford moved that the following striking amendment by Senators Honeyford and Morton be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares and reaffirms that a core principle embodied in chapter 90.82 RCW is that state agencies must work cooperatively with local citizens in a process of planning for future uses of water by giving local citizens and the governments closest to them the ability to determine the management of water in the WRIA or WRIs being planned.

The legislature further finds that this process of local planning must have all the tools necessary to accomplish this task and that it is essential for the legislature to provide a clear statutory process for implementation so that the locally developed plan will be the adopted and implemented plan to the greatest extent possible.

Sec.2. RCW 90.82.040 and 2001 c 237 s 2 are each amended to read as follows:

(1) Once a WRIA planning unit has been initiated under RCW 90.82.060 and a lead agency has been designated, it shall notify the department and may apply to the department for funding assistance for conducting the planning and implementation. Funds shall be provided from and to the extent of appropriations made by the legislature to the department expressly for this purpose.

(2)(a) Each planning unit that has complied with subsection (1) of this section is eligible to receive watershed planning grants in the following amounts for the first three phases of watershed planning and phase four watershed plan implementation:

(i) Initiating governments may apply for an initial organizing grant of up to fifty thousand dollars for a single WRIA or up to seventy-five thousand dollars for a multi-WRIA management area in accordance with RCW 90.82.060(4);

(ii)(A) A planning unit may apply for up to two hundred thousand dollars for each WRIA in the management area for conducting watershed assessments in accordance with RCW 90.82.070, except that a planning unit that chooses to conduct a detailed assessment or studies under (a)(ii)(B) of this subsection or whose initiating governments choose or have chosen to include an instream flow or water quality component in accordance with RCW 90.82.080 or 90.82.090 may apply for up to one hundred thousand additional dollars for each instream flow and up to one hundred thousand additional dollars for each water quality component included for each WRIA to conduct an assessment on that optional component and for each WRIA in which the assessments or studies under (a)(ii)(B) of this subsection are conducted.

(B) A planning unit may elect to apply for up to one hundred thousand additional dollars to conduct a detailed assessment of multipurpose water storage opportunities or for studies of specific multipurpose storage projects which opportunities or projects are consistent with and support the other elements of the planning unit's watershed plan developed under this chapter; and

(iii) A planning unit may apply for up to two hundred fifty thousand dollars for each WRIA in the management area for developing a watershed plan and making recommendations for actions by local, state, and federal agencies, tribes, private property owners, private organizations, and individual citizens, including a recommended list of strategies and projects that would further the purpose of the plan in accordance with RCW 90.82.060 through 90.82.100.

(b) A planning unit may request a different amount for phase two or phase three of watershed planning than is specified in (a) of this subsection, provided that the total amount of funds awarded do not exceed the maximum amount the planning unit is eligible for under (a) of this subsection. The department shall approve such an alternative allocation of funds if the planning unit identifies how the proposed alternative will meet the goals of this chapter and provides a proposed timeline for the completion of planning. However, the up to one hundred thousand additional dollars in funding for instream flow and water quality components and for water storage assessments or studies that a planning unit may apply for under (a)(ii)(A) of this subsection may be used only for those instream flow, water quality, and water storage purposes.

(c) By December 1, 2001, or within one year of initiating phase one of watershed planning, whichever occurs later, the initiating governments for each planning unit must inform the department whether they intend to have the planning unit establish or amend instream flows as part of its planning process. If they elect to have the planning unit establish or amend instream flows, the planning unit is eligible to receive one hundred thousand dollars for that purpose in accordance with (a)(ii) of this subsection. If the initiating governments for a planning unit elect not to establish or amend instream flows as part of the unit's planning process, the department shall retain one hundred thousand dollars to carry out an assessment to support establishment of instream flows and to establish such flows in accordance with RCW 90.54.020(3)(a) and chapter 90.22 RCW. The department shall not use these funds to amend an existing instream flow unless requested to do so by the initiating governments for a planning unit.

(d) In administering funds appropriated for supplemental funding for optional plan components under (a)(ii) of this subsection, the department shall give priority in granting the available funds to proposals for setting or amending instream flows.

(e) A planning unit may apply for a matching grant for phase four watershed plan implementation following approval under the provisions of RCW 90.82.130. A match of ten percent is required and may include financial contributions or in-kind goods and services directly related to coordination and oversight functions. The match can be provided by the planning unit or by the combined commitments from federal agencies, tribal governments, local governments, special districts, or other local organizations. The phase four grant may be up to one hundred thousand dollars for each planning unit for each of the first three years of implementation. At the end of the three-year period, a two-year extension may be available for up to fifty thousand dollars each year. For planning units that cover more than one WRIA, additional matching funds of up to twenty-five thousand dollars may be available for each additional WRIA per year for the first three years of implementation, and up to twelve thousand five hundred dollars per WRIA per year for each of the fourth and fifth years.

(3)(a) The department shall use the eligibility criteria in this subsection (3) instead of rules, policies, or guidelines when evaluating grant applications at each stage of the grants program.

(b) In reviewing grant applications under this subsection (3), the department shall evaluate whether:

(i) The planning unit meets all of the requirements of this chapter;

(ii) The application demonstrates a need for state planning funds to accomplish the objectives of the planning process; and

(iii) The application and supporting information evidences a readiness to proceed.

(c) In ranking grant applications submitted at each stage of the grants program, the department shall give preference to applications in the following order of priority:

(i) Applications from existing planning groups that have been in existence for at least one year;

(ii) Applications that address protection and enhancement of fish habitat in watersheds that have aquatic fish species listed or proposed to be listed as endangered or threatened under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq. and for which there is evidence of an inability to supply adequate water for population and economic growth from:

(A) First, multi-WRIA planning; and

(B) Second, single WRIA planning;

(iii) Applications that address protection and enhancement of fish habitat in watersheds or for which there is evidence of an inability to supply adequate water for population and economic growth from:

(A) First, multi-WRIA planning; and

(B) Second, single WRIA planning.

(d) Except for phase four watershed plan implementation, the department may not impose any local matching fund requirement as a condition for grant eligibility or as a preference for receiving a grant.

(4) The department may retain up to one percent of funds allocated under this section to defray administrative costs.

(5) Planning under this chapter should be completed as expeditiously as possible, with the focus being on local stakeholders cooperating to meet local needs.

(6) Funding provided under this section shall be considered a contractual obligation against the moneys appropriated for this purpose.

NEW SECTION. Sec. 3. A new section is added to chapter 90.82 RCW to read as follows:

(1) Within one year of accepting funding under RCW 90.82.040(2)(e), the planning unit must complete a detailed implementation plan. Submittal of a detailed implementation plan to the department is a condition of receiving grants for the second and all subsequent years of the phase four grant.

(2) Each implementation plan must contain strategies to provide sufficient water for: (a) Production agriculture; (b) commercial, industrial, and residential use; and (c) instream flows. Each implementation plan must contain timelines to achieve these strategies and interim milestones to measure progress.

(3) The implementation plan must clearly define coordination and oversight responsibilities; any needed interlocal agreements, rules, or ordinances; any needed state or local administrative approvals and permits that must be secured; and specific funding mechanisms.

(4) In developing the implementation plan, the planning unit must consult with other entities planning in the watershed management area and identify and seek to eliminate any activities or policies that are duplicative or inconsistent.

(5) By December 1, 2003, and by December 1st of each subsequent year, the director of the department shall report to the appropriate legislative standing committees regarding statutory changes necessary to enable state agency approval or permit decision making needed to implement a plan approved under this chapter.

Sec. 4. RCW 90.82.080 and 1998 c 247 s 4 are each amended to read as follows:

(1)(a) If the initiating governments choose, by majority vote, to include an instream flow component, it shall be accomplished in the following manner:

(i) If minimum instream flows have already been adopted by rule for a stream within the management area, unless the members of the local governments and tribes on the planning unit by a recorded unanimous vote request the department to modify those flows, the minimum instream flows shall not be modified under this chapter. If the members of local governments and tribes request the planning unit to modify instream flows and unanimous approval of the decision to modify such flow is not achieved, then the instream flows shall not be modified under this section;

(ii) If minimum stream flows have not been adopted by rule for a stream within the management area, setting the minimum instream flows shall be a collaborative effort between the department and members of the planning unit. The department must attempt to achieve consensus and approval among the members of the planning unit regarding the minimum flows to be adopted by the department. Approval is achieved if all government members and tribes that have been invited and accepted on the planning unit present for a recorded vote unanimously vote to support the proposed minimum instream flows, and all nongovernmental members of the planning unit present for the recorded vote, by a majority, vote to support the proposed minimum instream flows.

(b) The department shall undertake rule making to adopt flows under (a) of this subsection. The department may adopt the rules either by the regular rules adoption process provided in chapter 34.05 RCW, the expedited rules adoption process as set forth in RCW ((34.05.230)) 34.05.353, or through a rules adoption process that uses public hearings and notice provided by the county legislative authority to the greatest extent possible. Such rules do not constitute significant legislative rules as defined in RCW 34.05.328, and do not require the preparation of small business economic impact statements.

(c) If approval is not achieved within four years of the date the planning unit first receives funds from the department for conducting watershed assessments under RCW 90.82.040, the department may promptly initiate rule making under chapter 34.05 RCW to establish flows for those streams and shall have two additional years to establish the instream flows for those streams for which approval is not achieved.

(2)(a) Notwithstanding RCW 90.03.345, minimum instream flows set under this section for rivers or streams that do not have existing minimum instream flow levels set by rule of the department shall have a priority date of two years after funding is first received from the department under RCW 90.82.040, unless determined otherwise by a unanimous vote of the members of the planning unit but in no instance may it be later than the effective date of the rule adopting such flow.

(b) Any increase to an existing minimum instream flow set by rule of the department shall have a priority date of two years after funding is first received for planning in the WRIA or multi-WRIA area from the department under RCW 90.82.040 and the priority date of the portion of the minimum instream flow previously established by rule shall retain its priority date as established under RCW 90.03.345.

(c) Any existing minimum instream flow set by rule of the department that is reduced shall retain its original date of priority as established by RCW 90.03.345 for the revised amount of the minimum instream flow level.

(3) Before setting minimum instream flows under this section, the department shall engage in government-to-government consultation with affected tribes in the management area regarding the setting of such flows.

(4) Nothing in this chapter either: (a) Affects the department's authority to establish flow requirements or other conditions under RCW 90.48.260 or the federal clean water act (33 U.S.C. Sec. 1251 et seq.) for the licensing or relicensing of a hydroelectric power project under the federal power act (16 U.S.C. Sec. 791 et seq.); or (b) affects or impairs existing instream flow requirements and other conditions in a current license for a hydroelectric power project licensed under the federal power act.

(5) If the planning unit is unable to obtain unanimity under subsection (1) of this section, the department may adopt rules setting such flows.

(6) The department shall report annually to the appropriate legislative standing committees on the progress of instream flows being set under this chapter, as well as progress toward setting instream flows in those watersheds not being planned under this chapter. The report shall be made by December 1, 2003, and by December 1st of each subsequent year.

Sec. 5. RCW 90.82.130 and 2001 c 237 s 4 are each amended to read as follows:

(1)(a) Upon completing its proposed watershed plan, the planning unit may approve the proposal by consensus of all of the members of the planning unit or by consensus among the members of the planning unit appointed to represent units of government and a majority vote of the nongovernmental members of the planning unit.

(b) If the proposal is approved by the planning unit, the unit shall submit the proposal to the counties with territory within the management area. If the planning unit has received funding beyond the initial organizing grant under RCW 90.82.040, such a proposal approved by the planning unit shall be submitted to the counties within four years of the date that funds beyond the initial funding are first drawn upon by the planning unit.

(c) If the watershed plan is not approved by the planning unit, the planning unit may submit the components of the plan for which agreement is achieved using the procedure under (a) of this subsection, or the planning unit may terminate the planning process.

(2)(a) With the exception of a county legislative authority that chooses to opt out of watershed planning as provided in (c) of this subsection, the legislative authority of each of the counties with territory in the management area shall provide public notice of and conduct at least one public hearing on the proposed watershed plan submitted under this section. After the public hearings, the legislative authorities of these counties shall convene in joint session to consider the proposal. The counties may approve or reject the proposed watershed plan for the management area, but may not amend it. Approval of such a proposal shall be made by a majority vote of the members of each of the counties with territory in the management area.

(b) If a proposed watershed plan is not approved, it shall be returned to the planning unit with recommendations for revisions. Approval of such a revised proposal by the planning unit and the counties shall be made in the same manner provided for the original watershed plan. If approval of the revised plan is not achieved, the process shall terminate.

(c) A county legislative authority may choose to opt out of watershed planning under this chapter and the public hearing processes under (a) and (b) of this subsection if the county's affected territory within a particular management area is: (i) Less than five percent of the total territory within the management area; or (ii) five percent or more of the total territory within the management area and all other initiating governments within the management area consent. A county meeting these conditions and choosing to opt out shall notify the department and the other initiating governments of that choice prior to commencement of plan adoption under the provisions of (a) of this subsection. A county choosing to opt out under the provisions of this section shall not be bound by obligations contained in the watershed plan adopted for that management area under this chapter. Even if a county chooses to opt out under the provisions of this section, the other counties within a management area may adopt a proposed watershed plan as provided in this chapter.

(3) The planning unit shall not add an element to its watershed plan that creates an obligation unless each of the governments to be obligated has at least one representative on the planning unit and the respective members appointed to represent those governments agree to adding the element that creates the obligation. A member's agreeing to add an element shall be evidenced by a recorded vote of all members of the planning unit in which the members record support for adding the element. If the watershed plan is approved under subsections (1) and (2) of this section and the plan creates obligations: (a) For agencies of state government, the agencies shall adopt by rule the obligations of both state and county governments and rules implementing the state obligations, or, with the consent of the planning unit, may adopt policies, procedures, or agreements related to the obligations or implementation of the obligations in addition to or in lieu of rules. The obligations on state agencies are binding upon adoption of the obligations (~~into rule~~), and the agencies shall take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; ~~(or)~~ (b) for counties, the obligations are binding on the counties and the counties shall adopt any necessary implementing ordinances and take other actions to fulfill their obligations as soon as possible, and should annually review implementation needs with respect to budget and staffing; or (c) for an organization voluntarily accepting an obligation, the organization must adopt policies, procedures, agreements, rules, or ordinances to implement the plan, and should annually review implementation needs with respect to budget and staffing.

(4) After a plan is adopted in accordance with subsection (3) of this section, and if the department participated in the planning process, the plan shall be deemed to satisfy the watershed planning authority of the department with respect to the components included under the provisions of RCW 90.82.070 through 90.82.100 for the watershed or watersheds included in the plan. The department shall use the plan as the framework for making future water resource decisions for the planned watershed or watersheds. Additionally, the department shall rely upon the plan as a primary consideration in determining the public interest related to such decisions.

(5) Once a WRIA plan has been approved under subsection (2) of this section for a watershed, the department may develop and adopt modifications to the plan or obligations imposed by the plan only through a form of negotiated rule making that uses the same processes that applied in that watershed for developing the plan.

(6) As used in this section, "obligation" means any action required as a result of this chapter that imposes upon a tribal government, county government, or state government, either: A fiscal impact; a redeployment of resources; or a change of existing policy."

MOTION

Senator Fraser moved that the following amendment to the striking amendment by Senators Honeyford and Morton to Engrossed Second Substitute House Bill No. 1336 be adopted:

On page 5, line 15 after "flows" insert ", including sufficient flows for salmon recovery"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 5, line 15, to the striking amendment by Senators Honeyford and Morton to Engrossed Second Substitute House Bill No. 1336.

The motion by Senator Fraser failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Honeyford and Morton to Engrossed Second Substitute House Bill No. 1336.

The motion by Senator Honeyford carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 90.82.040, 90.82.080, and 90.82.130; adding a new section to chapter 90.82 RCW; and creating a new section."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Second Substitute House Bill No. 1336, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute House Bill No. 1336, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1336, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Kohl-Welles, McAuliffe, Prentice, Reardon, Spanel and Thibaudeau - 11.

Excused: Senator McCaslin - 1.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Second Substitute House Bill No. 1336, as amended by the Senate, was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 5149, by Senator Benton

Preventing businesses from taking multiple tax credits on the same employment positions.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Senate Bill No. 5149 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5149.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5149 and the bill passed the Senate by the following vote: Yeas, 48, Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 8:45 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:30 a.m., Wednesday, April 16, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-THIRD DAY, APRIL 15, 2003

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NINETY- FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 16, 2003

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Honeyford, Morton, Parlette and Roach. On motion of Senator Hewitt, Senators Honeyford, Morton and Roach were excused.

The Sergeant at Arms Color Guard, consisting of Pages Janna Charles and Karen Linde, presented the Colors. Reverend Devin Backholm, pastor of the Christian Life Fellowship in Aberdeen, and a guest of Senator Jim Hargrove, offered the prayer.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6077 by Senators Thibaudeau, Keiser, Kline, Franklin, Kohl-Welles, Shin, Regala, B. Sheldon, Kastama, Jacobsen, McAuliffe, Fairley, Prentice, Hargrove, Reardon and Eide

AN ACT Relating to patient safety; amending RCW 43.70.110 and 43.70.250; adding new sections to chapter 43.70 RCW; and adding a new section to chapter 7.70 RCW.
Referred to Committee on Health and Long-Term Care.

SB 6078 by Senators Prentice, Swecker, Hargrove, Rasmussen, Fairley, Oke, Franklin, Kline, Regala, Stevens and Thibaudeau

AN ACT Relating to limiting house-banked cardrooms; amending RCW 9.46.0282; adding a new section to chapter 9.46 RCW; and providing an effective date.
Referred to Committee on Commerce and Trade.

SCR 8409 by Senators Benton, Rossi and Esser

Exempting Senate Joint Memorials 8005 and 8006 from SCR 8400.

HOLD.

MOTION

On motion of Senator Sheahan, Senate Concurrent Resolution No. 8409 was held at the desk.

**SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT**

MOTION

On motion of Senator Esser, Gubernatorial Appointment No. 9074, Stuart McKee, as the Director of the Department of Information Services, was confirmed.

Senators Esser, Reardon and Finkbeiner spoke to the confirmation of Stuart McKee as Director of the Department of Information Services.

APPOINTMENT OF STUART McKEE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Parlette - 1.
Excused: Senators Honeyford, Morton and Roach - 3.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Stuart McKee, the new Director of the Department of Information Services, who was seated in the back of the chamber.

MOTION

On motion of Senator Reardon, the following resolution was adopted:

SENATE RESOLUTION 8629

By Senators Reardon, Shin, Schmidt, McCaslin, Franklin, Rasmussen, Haugen, Fraser and McAuliffe

WHEREAS, Fran Wilfred Agnes passed away on February 9, 2003, at the age of eighty; and
WHEREAS, He is survived by his spouse, Marlene Agnes, three daughters, two sons, thirteen grandchildren, and five great-grandchildren; and
WHEREAS, He served his country with pride for twenty-two years, including seven years in the United States Army Air Corp and fifteen years in the United States Air Force, retiring with the rank of Captain in 1961; and
WHEREAS, He was held as a prisoner of war for three and one-half years, endured the infamous Bataan Death March on April 9, 1942, and was liberated from the Hiro Hata prison camp in October 1945; and
WHEREAS, After retiring from the Air Force and returning to civilian life, he continued to serve his country with pride as an employee of the Washington State Job Service for twenty-five years from 1962 to 1987, retiring as Operations Manager in Spokane, Washington; and
WHEREAS, His dedication to improving each community in which he lived was unselfish and untiring; and
WHEREAS, He worked with determination for the betterment of veterans and their families in the state of Washington; and
WHEREAS, His efforts were instrumental in ensuring that veterans received proper recognition for their contribution to their country, including promoting legislation to honor veterans with a color guard at their funerals; and
WHEREAS, His leadership was instrumental in the establishment of Tahoma National Cemetery at Kent, Washington, which was dedicated September 26, 1997, and opened for interments October 1, 1997; and
WHEREAS, He was an active member of the American Ex-Prisoners of War and was installed as National Commander of this great organization, serving with pride from 1990-1991, and also served as National Convention Site Chairman, American Ex-POWs; and
WHEREAS, He coached Little League baseball for twenty years, bringing National League Junior Baseball to Spokane, and was a major force in the building of many baseball fields throughout the area; and
WHEREAS, He participated as a valuable member of the American Defenders of Bataan and Corregidor; the Polish Legion of American Veterans, USA; the American Legion; Disabled American Veterans; Veterans of Foreign Wars; National Association of Uniformed Services; Military Officers; the Everett Elks; Wenatchee Eagles Aerie #204; Chair of Tahoma National Cemetery Support Group; member of the Washington State Governor's Veterans Affairs Advisory Committee; Board member of Snohomish County Human Services Veterans Assistance Board; committee member of Washington State WWII Veterans; and Chair of Washington State's Veterans Legislation Committee; and
WHEREAS, He touched the lives of many with his tireless commitment to his country, his enthusiastic approach to everything he accomplished, and his warm sense of humor; and
WHEREAS, He will be missed by all who had the good fortune to know him;
NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, on behalf of the people of our state, recognize the life of Fran Wilfred Agnes and express its appreciation for his many outstanding achievements and contributions to the citizens of the state of Washington and to the United States of America.

Senators Reardon, Schmidt, Shin and Franklin spoke to Senate Resolution 8629.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Marlene Agnes, the wife of Fran Agnes, and his daughter, Rose Marie Dennis, as well as John King, Director of Veteran Affairs for the state of Washington, who were seated in the back of the Chamber.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1291, by House Committee on Local Government (originally sponsored by Representatives Blake, Schindler, Hatfield, Romero and Mielke)

Providing for elections for flood control zone district supervisors.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Substitute House Bill No. 1291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1291.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1291 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Esser - 1.

Excused: Senator Morton - 1.

SUBSTITUTE HOUSE BILL NO. 1291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1721, by House Committee on Health Care (originally sponsored by Representatives Moeller, Boldt, Fromhold and Wallace)

Concerning dentistry.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1721 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1721.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1721 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Esser - 1.

SUBSTITUTE HOUSE BILL NO. 1721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Esser was excused.

SECOND READING

HOUSE BILL NO. 1170, by Representatives Romero, Hunt, Cooper, Simpson and Chase

Limiting restrictions on residential day-care facilities.

The bill was read the second time.

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1170 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1170.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No 1170 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Esser - 1.

HOUSE BILL NO. 1170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1379, by Representatives Ericksen, Bush and Anderson

Authorizing agreements for traffic control.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

State, local, or county law enforcement personnel may enforce speeding violations under RCW 46.61.400 on private roads within a community organized under chapter 64.38 RCW if:

(1) A majority of the homeowner's association's board of directors votes to authorize the issuance of speeding infractions on its private roads, and declares a speed limit not lower than twenty miles per hour;

(2) A written agreement regarding the speeding enforcement is signed by the homeowner's association president and the chief law enforcement official of the city or county within whose jurisdiction the private road is located;

(3) The homeowner's association has provided written notice to all of the homeowners describing the new authority to issue speeding infractions; and

(4) Signs have been posted declaring the speed limit at all vehicle entrances to the community."

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

On line 2 of the title, after "personnel;" strike the remainder of the title and insert "and adding a new section to chapter 46.61 RCW."

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No 1379, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Horn, in your comments, you mentioned that this would be allowable if it was done by agreement. I would like to have some elaboration on that, because as I read the bill it actually says, 'the city and town may exercise travel control restriction over any private road or street.' So, I am a little concerned that we may granting extensive authority to cities, towns or counties to exercise traffic control authority over private roads that are owned privately by people. That would cause me some great concern. I don't see where it allows provisions for the agreement or for the agreement to be broken. Can you clarify that for me, please?"

Senator Horn: "Yes, Senator Benton. I think you are addressing the very thing that we addressed in committee and you are looking at the original bill instead of the striking amendment that we are talking about. The striking amendment very specifically says that state, local or county enforcement personnel may enforce speeding violations under RCW 46.61.400 or on private roads within communities organized under Chapter 64.38 RCW, if a whole set of conditions exist. So, that is what we did in committee to tighten this bill up very specifically. Thank you for your question."

Further debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1379, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1379, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senators Benton, Morton, Mulliken and Stevens - 4.

HOUSE BILL NO. 1379, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1905, by Representatives Gombosky, Buck, Lantz, Tom, Pettigrew, Rockefeller, Skinner, Fromhold, Benson, Kagi, Kessler, Clibborn, Nixon, Kenney, Moeller, Conway, Hudgins, Santos and McDermott

Providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the following Committee on Ways and Means striking amendment not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.36.060 and 1995 c 306 s 1 are each amended to read as follows:

(1) The following property shall be exempt from taxation:

~~((+)) (a) All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit, together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections; (and)~~

~~(b) All the real and personal property owned by or leased to associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public and not for profit, which real and personal property is used exclusively for this production or performance;~~

~~(c) All fire engines and other implements used for the extinguishment of fire, and the buildings used exclusively for their safekeeping, and for meetings of fire companies, as long as the property belongs to any city or town or to a fire company; and~~

~~(d) All property owned by humane societies in this state in actual use by the societies.~~

~~((+)) (2) To receive ~~(this)~~ an exemption under subsection (1)(a) or (b) of this section:~~

~~(a) An organization must be organized and operated exclusively for artistic, scientific, historical, literary, musical, dance, dramatic, or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision thereof or from direct or indirect contributions from the general public.~~

~~(b) If the property is not currently being used for an exempt purpose but will be used for an exempt purpose within a reasonable period of time, the nonprofit organization, association, or corporation claiming the exemption must submit proof that a reasonably specific and active program is being carried out to construct, remodel, or otherwise enable the property to be used for an exempt purpose. The property does not qualify for an exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise. Proof of a specific and active program to build or remodel the property so it may be used for an exempt purpose may include, but is not limited to:~~

~~(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation toward an active program of construction or remodeling;~~

~~(ii) Itemized reasons for the proposed construction or remodeling;~~

~~(iii) Clearly established plans for financing the construction or remodeling; or~~

~~(iv) Building permits.~~

~~((c) Notwithstanding (b) of this subsection, a for-profit limited partnership created to provide facilities for the use of nonprofit art, scientific, or historical organizations qualifies for the exemption under (b) of this subsection through 1997 if the for-profit limited partnership otherwise qualifies under (b) of this subsection.~~

~~(2) All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein.)~~

~~(3) ((Property owned by humane societies in this state in actual use by such societies)) The use of property exempt under subsection (1)(b) of this section by entities not eligible for a property tax exemption under this chapter, except as provided in this section, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified if:~~

~~(a) The property is used by entities not eligible for a property tax exemption under this chapter for periods of not more than fifteen days in the calendar year;~~

~~(b) The property is not used for pecuniary gain or to promote business activities for more than seven of the fifteen days in the calendar year;~~

~~(c) The property is used for the production and performance of musical, dance, artistic, dramatic, or literary works or for community gatherings or assembly, or meetings; and~~

~~(d) The amount of any rent or donations is reasonable and does not exceed maintenance and operation expenses created by the user.~~

Sec. 2. RCW 84.36.805 and 2001 1st sp.s. c 7 s 2 are each amended to read as follows:

(1) In order to qualify for an exemption under this chapter (~~and RCW 84.36.560~~), the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4) (~~and~~), 84.36.037, and 84.36.060(1)(b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted.

(3) The property must be irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption. This property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption under this chapter or RCW 84.36.560 for leased property, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption.

(4) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(5) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(6) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status. This subsection does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

(e) A housing authority established under RCW 35.82.300.

(7) The department shall have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter (~~and RCW 84.36.560~~).

(8) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, and 84.36.260."

MOTION

Senator Honeyford moved that the following striking amendment by Senators Honeyford and Rossi be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.36.060 and 1995 c 306 s 1 are each amended to read as follows:

(1) The following property shall be exempt from taxation:

~~((H))~~ (a) All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit, together with all real and personal property of such associations used exclusively for the safekeeping, maintaining and exhibiting of such collections; (~~and~~)

(b) All the real and personal property owned by or leased to associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public and not for profit, which real and personal property is used exclusively for this production or performance;

~~(c) All fire engines and other implements used for the extinguishment of fire, and the buildings used exclusively for their safekeeping, and for meetings of fire companies, as long as the property belongs to any city or town or to a fire company; and~~

~~(d) All property owned by humane societies in this state in actual use by the societies.~~

~~((a))~~ (2) To receive ~~(this)~~ an exemption under subsection (1)(a) or (b) of this section:

(a) An organization must be organized and operated exclusively for artistic, scientific, historical, literary, musical, dance, dramatic, or educational purposes and receive a substantial part of its support (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States or any state or any political subdivision thereof or from direct or indirect contributions from the general public.

(b) If the property is not currently being used for an exempt purpose but will be used for an exempt purpose within a reasonable period of time, the nonprofit organization, association, or corporation claiming the exemption must submit proof that a reasonably specific and active program is being carried out to construct, remodel, or otherwise enable the property to be used for an exempt purpose. The property does not qualify for an exemption during this interim period if the property is used by, loaned to, or rented to a for-profit organization or business enterprise. Proof of a specific and active program to build or remodel the property so it may be used for an exempt purpose may include, but is not limited to:

(i) Affirmative action by the board of directors, trustees, or governing body of the nonprofit organization, association, or corporation toward an active program of construction or remodeling;

(ii) Itemized reasons for the proposed construction or remodeling;

(iii) Clearly established plans for financing the construction or remodeling; or

(iv) Building permits.

~~((e) Notwithstanding (b) of this subsection, a for-profit limited partnership created to provide facilities for the use of nonprofit art, scientific, or historical organizations qualifies for the exemption under (b) of this subsection through 1997 if the for-profit limited partnership otherwise qualifies under (b) of this subsection.~~

~~(2) All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein.)~~

(3) ~~((Property owned by humane societies in this state in actual use by such societies))~~ The use of property exempt under subsection (1)(a) or (b) of this section by entities not eligible for a property tax exemption under this chapter, except as provided in this section, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified if:

(a) The property is used by entities not eligible for a property tax exemption under this chapter for periods of not more than fifteen days in the calendar year;

(b) The property is not used for pecuniary gain or to promote business activities for more than seven of the fifteen days in the calendar year;

(c) The property is used for artistic, scientific, or historic purposes, for the production and performance of musical, dance, artistic, dramatic, or literary works, or for community gatherings or assembly, or meetings; and

(d) The amount of any rent or donations is reasonable and does not exceed maintenance and operation expenses created by the user.

Sec. 2. RCW 84.36.805 and 2001 1st sp.s. c 7 s 2 are each amended to read as follows:

(1) In order to qualify for an exemption under this chapter (~~and RCW 84.36.560~~), the nonprofit organizations, associations, or corporations must satisfy the conditions in this section.

(2) The property must be used exclusively for the actual operation of the activity for which exemption is granted, unless otherwise provided, and does not exceed an amount reasonably necessary for that purpose, except:

(a) The loan or rental of the property does not subject the property to tax if:

(i) The rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and

(ii) Except for the exemptions under RCW 84.36.030(4) (~~and~~) 84.36.037, and 84.36.060(1)(a) and (b), the property would be exempt from tax if owned by the organization to which it is loaned or rented;

(b) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which the exemption is granted.

(3) The property must be irrevocably dedicated to the purpose for which exemption has been granted, and on the liquidation, dissolution, or abandonment by said organization, association, or corporation, said property will not inure directly or indirectly to the benefit of any shareholder or individual, except a nonprofit organization, association, or corporation which too would be entitled to property tax exemption. This property need not be irrevocably dedicated if it is leased or rented to those qualified for exemption under this chapter or RCW 84.36.560 for leased property, but only if under the terms of the lease or rental agreement the nonprofit organization, association, or corporation receives the benefit of the exemption.

(4) The facilities and services must be available to all regardless of race, color, national origin or ancestry.

(5) The organization, association, or corporation must be duly licensed or certified where such licensing or certification is required by law or regulation.

(6) Property sold to organizations, associations, or corporations with an option to be repurchased by the seller shall not qualify for exempt status. This subsection does not apply to property sold to a nonprofit entity, as defined in RCW 84.36.560(7), by:

(a) A nonprofit as defined in RCW 84.36.800 that is exempt from income tax under section 501(c) of the federal internal revenue code;

(b) A governmental entity established under RCW 35.21.660, 35.21.670, or 35.21.730;

(c) A housing authority created under RCW 35.82.030;

(d) A housing authority meeting the definition in RCW 35.82.210(2)(a); or

(e) A housing authority established under RCW 35.82.300.

(7) The department shall have access to its books in order to determine whether the nonprofit organization, association, or corporation is exempt from taxes under this chapter (~~and RCW 84.36.560~~).

(8) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, and 84.36.260."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Rossi moved that the following amendments to the striking amendment by Senators Honeyford and Rossi be considered simultaneously and be adopted:

On page 2, line 35, of the amendment, after "not more than", strike "fifteen" and insert "twenty-five"

On page 2, line 38 of the amendment, after "of the" strike "fifteen" and insert "twenty-five"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Honeyford and Rossi on page 2, lines 35 and 38, to the striking amendment by Senators Honeyford and Rossi to House Bill No. 1907.

The motion by Senator Rossi carried and the amendments to the striking amendment were adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Honeyford and Rossi, as amended, to House Bill No. 1907.

The motion by Senator Honeyford carried and the striking amendment, as amended, was adopted.

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

On page 1, line 4 of the title, after "works;" strike the remainder of the title and insert "and amending RCW 84.36.060 and 84.36.805."

MOTION

On motion of Senator Rossi the rules were suspended, House Bill No 1905, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1905, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1905, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Kastama - 1.

HOUSE BILL NO. 1905, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Mr. President. Mr. President and members of the Senate, I feel compelled to rise on this occasion and talk about the tragedy of the looting of the museums and libraries in Iraq. We are very fortunate here and I just want to comment and to remind us all. Thank you."

SECOND READING

HOUSE BILL NO. 1635, by Representatives Pettigrew, Boldt, Kagi, Edwards and Kenney (by request of Department of Social and Health Services)

Revising reporting requirements for income and resources under the public assistance program.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.300 and 1998 c 79 s 7 are each amended to read as follows:

If a recipient receives public assistance and/or food stamps or food stamp benefits transferred electronically for which the recipient is not eligible, or receives public assistance and/or food stamps or food stamp benefits transferred electronically in an amount greater than that for which the recipient is eligible, the portion of the payment to which the recipient is not entitled shall be a debt due the state recoverable under RCW 43.20B.030 and 43.20B.620 through 43.20B.645. It shall be the duty of recipients of ~~((public assistance and/or food stamps or food stamp))~~ cash benefits ~~((transferred electronically))~~ to notify the department ~~((within twenty days of the receipt or possession of all income or resources not previously declared to the department))~~ of changes to earned income as defined in RCW 74.04.005(11). It shall be the duty of recipients of cash benefits to notify the department of changes to liquid resources as defined in RCW 74.04.005(10) that they believe would make them ineligible for cash benefits. It shall be the duty of recipients of food benefits to report changes in income that they believe would make them ineligible for food benefits. All recipients shall report changes required in this section by the tenth of the month following the month in which the change occurs. The department shall adopt rules consistent with federal law and regulations for additional reporting requirements. The department shall advise applicants for assistance that failure to report as required, failure to reveal resources or income, and false statements will result in recovery by the state of any overpayment and may result in criminal prosecution.

The department shall make a determination regarding eligibility and notify the recipient within thirty days from the time the recipient reports a change as required by this section. If the department fails to notify the recipient within this time frame, the department forfeits any right to recover the overpayment."

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Stevens be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.300 and 1998 c 79 s 7 are each amended to read as follows:

If a recipient receives public assistance and/or food stamps or food stamp benefits transferred electronically for which the recipient is not eligible, or receives public assistance and/or food stamps or food stamp benefits transferred electronically in an amount greater than that for which the recipient is eligible, the portion of the payment to which the recipient is not entitled shall be a debt due the state recoverable under RCW 43.20B.030 and 43.20B.620 through 43.20B.645. It shall be the duty of recipients of ~~((public assistance and/or food stamps or food stamp))~~ cash benefits ~~((transferred electronically))~~ to notify the department ~~((within twenty days of the receipt or possession of all income or resources not previously declared to the department))~~ of changes to earned income as defined in RCW 74.04.005(11). It shall be the duty of recipients of cash benefits to notify the department of changes to liquid resources as defined in RCW 74.04.005(10) that would result in ineligibility for cash benefits. It shall be the duty of recipients of food benefits to report changes in income that result in ineligibility for food benefits. All recipients shall report changes required in this section by the tenth of the month following the month in which the change occurs. The department shall make a determination of eligibility within ten days from the date it receives the reported change from the recipient. The department shall adopt rules consistent with federal law and regulations for additional reporting requirements. The department shall advise applicants for assistance that failure to report as required, failure to reveal resources or income, and false statements will result in recovery by the state of any overpayment and may result in criminal prosecution."

POINT OF INQUIRY

Senator Fairley: "Senator Hargrove, what happens if the agency is unable to make this determination within ten days?"

Senator Hargrove: "They told me that that was their practice. They are doing it within ten days now. The original bill just basically said, 'go forth and do good.' I wanted them to put in the code exactly what they are doing, so they couldn't change it on us later."

Senator Fairley: "Thank you."

POINT OF INQUIRY

Senator Thibaudeau: "Senator Hargrove, how many FTEs are required to do this--under you amendment?"
Senator Hargrove: "There will be no more. This is current practice--what they are doing. The bill is intended to simplify the reporting and this will bring them into line with exactly what their current practice is."

Senator Thibaudeau: "So, the sanctions mentioned in the bill report could amount to millions of dollars--could not be offered"

Senator Hargrove: "That is the point. We are potentially at risk as a state of losing several million dollars, because of our error rate on either accepting or not accepting people under these programs."

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Stevens to House Bill No. 1635.

The motion by Senator Hargrove carried and the striking amendment was adopted.

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

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 74.04.300."

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No 1635, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1635, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1635, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

HOUSE BILL NO. 1635, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852, by House Committee on Higher Education (originally sponsored by Representatives Schual-Berke, Conway, Cox, Cody, Kenney, Pflug, Clements, O'Brien, Chase, Morrell, Voloria and Skinner)

Facilitating collaboration among health care work force stakeholders to address the health care personnel shortage.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute House Bill No. 1852 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1852.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1852 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2040, by House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Santos and Benson (by request of Insurance Commissioner Kreidler)

Establishing liability for taxes on unlawful or delinquent insurers or taxpayers.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 2040 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2040.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2040 and the bill passed the Senate by the following vote:

Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2040, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Zarelli was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1250, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Eickmeyer, Schoesler, Linville, Sump, Quall and Mielke) (by request of Commissioner of Public Lands Sutherland)

Determining annual rental rates for the lease of state-owned aquatic lands for qualifying marinas.

The bill was read the second time.

MOTION

Senator Morton moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 79.90.480 and 1998 c 185 s 2 are each amended to read as follows:

Except as otherwise provided by this chapter, annual rent rates for the lease of state-owned aquatic lands for water-dependent uses shall be determined as follows:

(1)(a) The assessed land value, exclusive of improvements, as determined by the county assessor, of the upland tax parcel used in conjunction with the leased area or, if there are no such uplands, of the nearest upland tax parcel used for water-dependent purposes divided by the parcel area equals the upland value.

(b) The upland value times the area of leased aquatic lands times thirty percent equals the aquatic land value.

(2) As of July 1, 1989, and each July 1 thereafter, the department shall determine the real capitalization rate to be applied to water-dependent aquatic land leases commencing or being adjusted under subsection (3)(a) of this section in that fiscal year. The real capitalization rate shall be the real rate of return, except that until June 30, 1989, the real capitalization rate shall be five percent and thereafter it shall not change by more than one percentage point in any one year or be more than seven percent or less than three percent.

(3) The annual rent shall be:

(a) Determined initially, and redetermined every four years or as otherwise provided in the lease, by multiplying the aquatic land value times the real capitalization rate; and

(b) Adjusted by the inflation rate each year in which the rent is not determined under subsection (3)(a) of this section.

(4) If the upland parcel used in conjunction with the leased area is not assessed or has an assessed value inconsistent with the purposes of the lease, the nearest comparable upland parcel used for similar purposes shall be substituted and the lease payment determined in the same manner as provided in this section.

(5) For the purposes of this section, "upland tax parcel" is a tax parcel, some portion of which has upland characteristics. Filled tidelands or shorelands with upland characteristics which abut state-owned aquatic land shall be considered as uplands in determining aquatic land values.

(6) The annual rent for filled state-owned aquatic lands that have the characteristics of uplands shall be determined in accordance with RCW 79.90.500 in those cases in which the state owns the fill and has a right to charge for the fill.

(7)(a) For leases for marina uses only, ~~((beginning on June 11, 1998)) as of July 1, 2004, ((the annual rental rates in effect on December 31, 1997, shall remain in effect until July 1, 1999, at which time the annual water-dependent rent shall be determined by the method in effect at that time. In order to be eligible for the rate to remain at this level, a marina lease must be in good standing, meaning that the lessee must be current with payment of rent, the lease not expired or in approved holdover status, and the lessee not in breach of other terms of the agreement))~~ lease rates will be a percentage of the annual gross revenues generated by that marina. It is the intent of the legislature that additional legislation be enacted prior to July 1, 2004, to establish the percentage of gross revenues that will serve as the basis

for a marina's rent and a definition of gross revenues. Annual rent must be recalculated each year based upon the marina's gross revenues from the previous year, as reported to the department consistent with this subsection (7).

(b) By December 31, 2003, the department will develop a recommended formula for calculating marina rents consistent with this subsection (7) and report the recommendation to the legislature. The formula recommended by the department must include a percentage or a range of percentages of gross revenues, a system for implementing such percentages, and the designation of revenue sources to be considered for rent calculation purposes. The department must also ensure, given the available information, that the rent formula recommended by the department is initially calculated to maintain state proceeds from marina rents as of July 1, 2003, and that if the department does not receive income reporting forms representing at least ninety percent of the projected annual marina revenue and at least seventy-five percent of all marinas, the current model for calculating marina rents, as described in subsections (1) through (6) of this section, will continue to be the method used to calculate marina rents, and the income method, as described in (a) of this subsection, will not be applied. In addition to the percent of marina income, the department shall determine its direct administrative costs (cost of hours worked directly on applications and leases, based on salaries and benefits, plus travel reimbursement and other actual out-of-pocket costs) to calculate, audit, execute, and monitor marina leases, and shall recover these costs from lessees. All administrative costs recovered by the department must be deposited into the resource management cost account created in RCW 79.64.020. Prior to making recommendations to the legislature, a work session consisting of the department, marina owners, and stakeholders must be convened to discuss the rate-setting criteria. The legislature directs the department to deliver recommendations to the legislature by December 2003, including any minority reports by the participating parties.

(c) When developing its recommendation for a marina lease formula consistent with this subsection (7), the department shall ensure that the percentage of revenue established is applied to the income of the direct lessee, as well as to the income of any person or entity that subleases, or contracts to operate the marina, with the direct lessee, less the amount paid by the sublease to the direct lessee.

(d) All marina operators under lease with the department must return to the department an income reporting form, provided by the department, and certified by a licensed certified public accountant, before July 1, 2003, and again annually on a date set by the department. On the income reporting form, the department may require a marina to disclose to the department any information about income from all marina-related sources, excluding restaurants and bars. All income reports submitted to the department are subject to either audit or verification, or both, by the department, and the department may inspect all of the lessee's books, records, and documents, including state and federal income tax returns relating to the operation of the marina and leased aquatic lands at all reasonable times. If the lessee fails to submit the required income reporting form once the new method for calculating marina rents is effective, the department may conduct an audit at the lessee's expense or cancel the lease.

(e) Initially, the marina rent formula developed by the department pursuant to (b) of this subsection will be applied to each marina on its anniversary date, beginning on July 1, 2004, and will be based on that marina's 2003 income information. Thereafter, rents will be recalculated each year, based on the marina's gross revenue from the previous year.

(f) No marina lease may be for less than five hundred dollars plus direct administrative costs.

(8) For all new leases for (~~marinas, or any~~) other water-dependent uses, issued after December 31, 1997, the initial annual water-dependent rent shall be determined by the methods in subsections (1) through (6) of this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment to Substitute House Bill No. 1250.

The motion by Senator Morton carried and the striking amendment was adopted.

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

On page 1, line 2 of the title, after "moorage;" strike the remainder of the title and insert "amending RCW 79.90.480; and declaring an emergency."

MOTION

On motion of Senator Morton, the rules were suspended, Substitute House Bill No 1250, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1250, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1250, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 48.

Excused: Senator Zarelli - 1.

SUBSTITUTE HOUSE BILL NO. 1250, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1153, by House Committee on State Government (originally sponsored by Representatives Haigh, Miloscia, Armstrong, Hunt, Nixon, Shabro and Mielke) (by request of Secretary of State Reed)

Managing confidential records.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1153 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1153.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1153 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 48.

Excused: Senator Zarelli - 1.

SUBSTITUTE HOUSE BILL NO. 1153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1102, by Representatives Murray, Ericksen, Rockefeller, Wood and Mielke

Revising the provision for exchange agreements for environmental mitigation sites.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.12.370 and 2002 c 188 s 1 are each amended to read as follows:

(1) The department may enter into exchange agreements with local, state, or federal agencies, tribal governments, or private nonprofit (~~groups incorporated in this state that are organized for environmental conservation purposes~~) nature conservancy corporations as defined in RCW 64.04.130, to convey properties under the jurisdiction of the department that serve as environmental mitigation sites, as full or part consideration for the grantee assuming all future maintenance and operation obligations and costs required to maintain and operate the environmental mitigation site in perpetuity.

(2) Tribal governments shall only be eligible to participate in an exchange agreement if they:

(a) Provide the department with a valid waiver of their tribal sovereign immunity from suit. The waiver must allow the department to enforce the terms of the exchange agreement or quitclaim deed in state court; and

(b) Agree that the property shall not be placed into trust status.

(3) The conveyances must be by quitclaim deed, or other form of conveyance, executed by the secretary of transportation, and must expressly restrict the use of the property to a mitigation site consistent with preservation of the functions and values of the site, and must provide for the automatic reversion to the department if the property is not used as a mitigation site or is not maintained in a manner that complies with applicable permits, laws, and regulations pertaining to the maintenance and operation of the mitigation site."

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

On page 1, line 2 of the title, after "sites;" strike the remainder of the title and insert "and amending RCW 47.12.370."

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No 1102, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Oke: "Senator Horn, you mentioned the nature conservancy organization. Would that include organizations such as the regional fisheries enhancement groups?"

Senator Horn: "Senator Oke, that would include central organizations, yes."

Senator Oke: "Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1102, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1102, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Morton, Mulliken and Stevens - 3.

HOUSE BILL NO. 1102, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1278, by House Committee on Finance (originally sponsored by Representatives Conway, Cairnes, Kirby and Bush)

Listing property for tax purposes.

The bill was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Substitute House Bill No. 1278 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1278.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1278, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1278, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1837, by House Committee on Health Care (originally sponsored by Representatives Linville, Cody, Haigh, Schual-Berke, Santos, Morrell, Veloria and Chase)

Authorizing certain fire protection districts to establish health clinic services.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1837 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1837.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1837 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1837, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1179, by Representatives Veloria, Roach, Bush, Kenney, Kessler, Grant and Chase (by request of Lieutenant Governor Owen)

Renaming the legislative committee on economic development the legislative committee on economic development and international relations.

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, House Bill No. 1179 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1179.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1179 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

HOUSE BILL NO. 1179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1609, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives O'Brien and Buck) (by request of Sentencing Guidelines Commission)

Requiring a plan to establish pilot regional correctional facilities.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that numerous changes to the sentencing reform act, chapter 9.94A RCW, as reported by the sentencing guidelines commission, have resulted in increases in the length of local jail and state prison sentences and in the number of local jail and state prison inmates. The intent of the sentencing reform act, particularly provisions regarding protection of the public, reduction of the risk of reoffense, and making frugal use of state and local government resources, would best be served, in many instances, by local and state corrections authorities sharing resources and jurisdiction over regional correctional facilities.

NEW SECTION. Sec. 2. (1) Not later than December 31, 2003, the sentencing guidelines commission shall present to the legislature a plan for establishing pilot regional correctional facilities.

(2) The plan for establishing pilot regional correctional facilities must include, but is not limited to, the following:

- (a) A plan for increasing the space availability in local and county jails for pretrial detainees;
- (b) An efficient and effective plan for joint use of total confinement beds by local and state government;
- (c) A description of proposed shared and/or revised jurisdiction and operational responsibility, including the possibility of establishing a regional corrections authority;

(d) A summary of proposed changes to the criminal code reflecting revised housing jurisdiction;

(e) A plan to account for the inmate population eligible for placement in pilot regional correctional facilities which includes: Pretrial detainees, inmates serving sentences of sixty days to twenty- four months, and inmates serving terms of confinement totaling more than one year.

(i) Other than pretrial detainees, only inmates serving sentences of sixty days to twenty-four months are eligible for placement in regional correctional facilities.

(ii) Regional correctional facilities must accept inmates serving terms of confinement totaling more than one year;

(f) A review of treatment services and programs intended to meet the needs of special populations including drug and substance abuse, mental health, and special medical needs;

(g) An estimate of potential benefits to local and county jail operators and to the state, which could be realized by implementation of pilot programs;

(h) A proposed method for identifying pilot regional correctional facility sites;

(i) A methodology for evaluating the costs benefit of operation of pilot facilities; and

(j) Recommendations for sharing capacity, resources, and funding of the construction and operation cost of the facilities."

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

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "and creating new sections."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No 1609, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1609, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1609, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 1609, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville, Schoesler, Cooper, Chandler, Holmquist and Hatfield)

Implementing the federal permit requirements for municipal separate storm sewer system permits.

The bill was read the second time.

MOTION

Senator Morton moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends to provide direction to the department of ecology and to municipalities regarding the development and implementation in Washington of phase two of the national pollutant discharge elimination system permit program required by the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

NEW SECTION. Sec. 2. (1) The department of ecology shall establish a permit development advisory group for the geographic areas draining to Puget Sound in western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The permit development advisory group, which may include up to eighteen members, of which at least half shall be representatives of local government, shall:

(a) Review and address the issues specified in section 5 of this act and any other issues regarding municipal separate storm sewer systems for which the department of ecology requests advice and assistance; and

(b) Advise and assist the department of ecology in drafting a permit or permits for municipal separate storm sewer systems in western Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 3. (1) The department of ecology shall develop a municipal separate storm sewer system permit or permits that address the issues and needs of municipalities operating these systems in eastern Washington. The department shall use the existing storm water advisory group it has established in eastern Washington to advise and assist the department regarding permits for municipal separate storm sewer systems to be issued in eastern Washington. The eastern Washington storm water advisory group shall:

(a) Review and address the issues specified in section 5 of this act as they pertain to eastern Washington and any other issues regarding municipal separate storm sewer systems for which the department of ecology requests advice and assistance; and

(b) Assist and advise the department of ecology in drafting a permit or permits for municipal separate storm sewer systems in eastern Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 4. (1) The department of ecology shall establish a permit development advisory group for the coastal and southwest areas in western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The permit development advisory group shall:

(a) Review and address the issues specified in section 5 of this act and any other issues regarding municipal separate storm sewer systems for which the department requests advice and assistance; and

(b) Advise and assist the department in drafting a permit or permits for municipal separate storm sewer systems in coastal and southwest Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 5. (1) The permit development advisory group for Puget Sound areas in western Washington established in section 2 of this act, the eastern Washington storm water advisory group identified in section 3 of this act, and the permit development advisory group for coastal and southwest areas in western Washington established in section 4 of this act shall review and make recommendations to the department of ecology regarding the development of permits for municipal separate storm sewer systems. Issues considered by these groups shall include the:

(a) Types of discharges being regulated under these permits;

(b) Areas being regulated by these permits under phases one and two of the federal national pollutant discharge elimination system permit program as they relate to municipal borders;

(c) Issuance of these permits on a watershed basis;

(d) Integration of permits and permit requirements for phase one and phase two of the federal national pollutant discharge elimination system permit program;

(e) Application of these permits to ground water discharges;

(f) Level of effort required of municipalities to satisfy permit requirements regarding:

(i) Public education and outreach;

(ii) Public participation and public involvement;

(iii) Illicit discharge detection and elimination;

(iv) Construction site runoff control;

(v) Postconstruction runoff control;

(vi) Pollution prevention and good housekeeping;

(vii) Implementation of applicable total maximum daily loads; and

(viii) Program evaluation and reporting;

(g) Protection for shellfish areas;

(h) Costs and benefits associated with each permit element not required under federal law;

(i) The use of land use planning and existing land use plans and rules as a best management practice for storm water management;

and
(j) Potential funding sources for implementation of permit requirements.

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 6. (1) No later than December 1, 2003, the department of ecology shall submit a progress report regarding the work of the western Washington permit development advisory group established in section 2 of this act and the eastern Washington storm water advisory group identified in section 3 of this act to the appropriate committees of the legislature.

(2) After the permits are developed but no later than December 1, 2004, the department of ecology shall submit a final report to the appropriate committees of the legislature regarding these permits and the work of the advisory groups. The department shall also identify any legislative recommendations from these groups or from the department based on the work of these groups."

MOTION

On motion of Senator Morton, the following amendments by Senators Morton and Hargrove to the Committee on Natural Resources, Energy and Water striking amendment were considered simultaneously and were adopted:

On page 1, line 20 of the amendment, after "systems" insert "in geographic areas draining to Puget Sound"

On page 3, beginning on line 33 of the amendment, after "the" strike all material through "3" on line 35 of the amendment, and insert "permit development advisory groups established and identified in sections 2, 3, and 4"

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment, as amended.

The motion by Senator Morton carried and the committee amendment, as amended, was adopted.

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

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "creating new sections; and providing expiration dates."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No 1689, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1689, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1689, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1350, by Representatives Flannigan and Moeller (by request of Office of the Code Reviser)

Repealing RCW 42.44.040.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 1350 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1350.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1350 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Rossi - 1.

HOUSE BILL NO. 1350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1108, by Representatives Chase, DeBolt, Lovick, Ahern, Moeller, Blake, McCoy, Eickmeyer, Sump, O'Brien, Mielke and Haigh

Establishing penalties for harming a police horse.

The bill was read the second time.

MOTION

Senator Kline moved that the following amendment by Senators Kline and Brandland be adopted:

On page 1, after line 18, insert the following:

"Sec. 2. RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)

XVI

Homicide by abuse (RCW 9A.32.055)

XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)

XIV

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine or any of its Salts or Isomers or Salts of Isomers, Pseudoephedrine or any of its Salts or Isomers or Salts of Isomers, Pressurized Ammonia Gas, or Pressurized Ammonia Gas Solution with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (except when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics

from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Harming a Police or Accelerant Detection Dog or Police Horse (RCW 9A.76.200)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

Aggravated Murder 1 (RCW 10.95.020)

XVI

Homicide by abuse (RCW 9A.32.055)

XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)

XIV

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9A.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Harming a Police or Accelerant Detection Dog or Police Horse (RCW 9A.76.200)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more)
(RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 4. RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	<i>Arson and Malicious Mischief</i>	
A	<i>Arson 1 (9A.48.020)</i>	B +
B	<i>Arson 2 (9A.48.030)</i>	C
C	<i>Reckless Burning 1 (9A.48.040)</i>	D
D	<i>Reckless Burning 2 (9A.48.050)</i>	E
B	<i>Malicious Mischief 1 (9A.48.070)</i>	C
C	<i>Malicious Mischief 2 (9A.48.080)</i>	D
D	<i>Malicious Mischief 3 (<\$50 is E class) (9A.48.090)</i>	E
E	<i>Tampering with Fire Alarm Apparatus (9.40.100)</i>	E
A	<i>Possession of Incendiary Device (9.40.120)</i>	B +

Assault and Other Crimes Involving Physical Harm

	<i>Assault 1 (9A.36.011)</i>	<i>B +</i>
<i>A</i>		
	<i>Assault 2 (9A.36.021)</i>	<i>C +</i>
<i>B +</i>		
	<i>Assault 3 (9A.36.031)</i>	<i>D +</i>
<i>C +</i>		
	<i>Assault 4 (9A.36.041)</i>	<i>E</i>
<i>D +</i>		
	<i>Drive-By Shooting (9A.36.045)</i>	<i>C +</i>
<i>B +</i>		
	<i>Reckless Endangerment (9A.36.050)</i>	<i>E</i>
<i>D +</i>		
	<i>Promoting Suicide Attempt (9A.36.060)</i>	<i>D +</i>
<i>C +</i>		
	<i>Coercion (9A.36.070)</i>	<i>E</i>
<i>D +</i>		
	<i>Custodial Assault (9A.36.100)</i>	<i>D +</i>
<i>C +</i>		
	<i>Burglary and Trespass</i>	
	<i>Burglary 1 (9A.52.020)</i>	<i>C +</i>
<i>B +</i>		
	<i>Residential Burglary (9A.52.025)</i>	<i>C</i>
<i>B</i>		
	<i>Burglary 2 (9A.52.030)</i>	<i>C</i>
<i>B</i>		
	<i>Burglary Tools (Possession of) (9A.52.060)</i>	<i>E</i>
<i>D</i>		

D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D +
E	Possession of Legend Drug (69.41.030)	E
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (I) or (ii))	B +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana <40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (I) or (ii))	B

C	<i>Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))</i>	C
C	<i>Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))</i>	C
C	<i>Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))</i>	C
	Firearms and Weapons	
	<i>Theft of Firearm (9A.56.300)</i>	C
B		
B	<i>Possession of Stolen Firearm (9A.56.310)</i>	C
E	<i>Carrying Loaded Pistol Without Permit (9.41.050)</i>	E
C	<i>Possession of Firearms by Minor (<18) (9.41.040(1)(b)(iii))</i>	C
D +	<i>Possession of Dangerous Weapon (9.41.250)</i>	E
D	<i>Intimidating Another Person by use of Weapon (9.41.270)</i>	E
	Homicide	
A +	<i>Murder 1 (9A.32.030)</i>	A
A +	<i>Murder 2 (9A.32.050)</i>	B +
B +	<i>Manslaughter 1 (9A.32.060)</i>	C +
C +	<i>Manslaughter 2 (9A.32.070)</i>	D +
B +	<i>Vehicular Homicide (46.61.520)</i>	C +

Kidnapping

Kidnap 1 (9A.40.020) ***B +***

A

Kidnap 2 (9A.40.030) ***C +***

B +

Unlawful Imprisonment (9A.40.040) ***D +***

C +

Obstructing Governmental Operation

Obstructing a Law Enforcement Officer (9A.76.020) ***E***

D

Resisting Arrest (9A.76.040) ***E***

E

Introducing Contraband 1 (9A.76.140) ***C***

B

Introducing Contraband 2 (9A.76.150) ***D***

C

Introducing Contraband 3 (9A.76.160) ***E***

E

Intimidating a Public Servant (9A.76.180) ***C +***

B +

Intimidating a Witness (9A.72.110) ***C +***

B +

Harming a Police or Accelerant Detection Dog or Police Horse (9A.76.200) ***C***

C +

Public Disturbance

Riot with Weapon (9A.84.010) ***D +***

C +

D +	<i>Riot Without Weapon (9A.84.010)</i>	<i>E</i>
E	<i>Failure to Disperse (9A.84.020)</i>	<i>E</i>
E	<i>Disorderly Conduct (9A.84.030)</i>	<i>E</i>
	<i>Sex Crimes</i>	
A	<i>Rape 1 (9A.44.040)</i>	<i>B +</i>
A-	<i>Rape 2 (9A.44.050)</i>	<i>B +</i>
C +	<i>Rape 3 (9A.44.060)</i>	<i>D +</i>
A-	<i>Rape of a Child 1 (9A.44.073)</i>	<i>B +</i>
B +	<i>Rape of a Child 2 (9A.44.076)</i>	<i>C +</i>
B	<i>Incest 1 (9A.64.020(1))</i>	<i>C</i>
C	<i>Incest 2 (9A.64.020(2))</i>	<i>D</i>
D +	<i>Indecent Exposure (Victim <14) (9A.88.010)</i>	<i>E</i>
E	<i>Indecent Exposure (Victim 14 or over) (9A.88.010)</i>	<i>E</i>
B +	<i>Promoting Prostitution 1 (9A.88.070)</i>	<i>C +</i>
C +	<i>Promoting Prostitution 2 (9A.88.080)</i>	<i>D +</i>
E	<i>O & A (Prostitution) (9A.88.030)</i>	<i>E</i>

B +	<i>Indecent Liberties (9A.44.100)</i>	C +
A-	<i>Child Molestation 1 (9A.44.083)</i>	B +
B	<i>Child Molestation 2 (9A.44.086)</i>	C +
	<i>Theft, Robbery, Extortion, and Forgery</i>	
B	<i>Theft 1 (9A.56.030)</i>	C
C	<i>Theft 2 (9A.56.040)</i>	D
D	<i>Theft 3 (9A.56.050)</i>	E
B	<i>Theft of Livestock (9A.56.080)</i>	C
C	<i>Forgery (9A.60.020)</i>	D
A	<i>Robbery 1 (9A.56.200)</i>	B +
B +	<i>Robbery 2 (9A.56.210)</i>	C +
B +	<i>Extortion 1 (9A.56.120)</i>	C +
C +	<i>Extortion 2 (9A.56.130)</i>	D +
C	<i>Identity Theft 1 (9.35.020(2)(a))</i>	D
D	<i>Identity Theft 2 (9.35.020(2)(b))</i>	E
D	<i>Improperly Obtaining Financial Information (9.35.010)</i>	E

B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2))	D
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.005)	E
B +	Hit and Run - Death (46.52.020(4)(a))	C +
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
	Other	
B	Bomb Threat (9.61.160)	C

C	Escape 1¹ (9A.76.110)	C
C	Escape 2¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

180 WEEKS TO AGE 21 YEARS

A +

103 WEEKS TO 129 WEEKS

A

15-36

52-65

80-100

103-129

A-

WEEKS

WEEKS

WEEKS

WEEKS

EXCEPT

30-40

WEEKS FOR

15-17

YEAR OLDS

B +

15-36

52-65

80-100

103-129

Current

Offense

Category

WEEKS

WEEKS

WEEKS

WEEKS

LOCAL

52-65

B

15-36 WEEKS

WEEKS

SANCTIONS (LS)

LS

C+

15-36 WEEKS

LS

15-36 WEEKS

C

Local Sanctions:

0 to 30 Days

D+	LS	0 to 12 Months Community Supervision				
			0 to 150 Hours Community Restitution			
D	LS	\$0 to \$500 Fine				
E	LS					
			1	2	3	4 or more
		0				

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

**OPTION B
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B + offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

**OPTION C
MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. Sec. 5. Section 2 of this act expires July 1, 2004.

NEW SECTION. Sec. 6. Section 3 of this act takes effect July 1, 2004."

Debated ensued

The President declared the question before the Senate to be the adoption of the amendment by Senators Kline and Brandland on page 1, after line 18, to House Bill No. 1108.

The motion by Senator Kline carried and the amendment was adopted.

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

On page 1, line 2 of the title, after "9A.76.200;" strike the remainder of the title and insert "reenacting and amending RCW 9.94A.515, 9.94A.515, and 13.40.0357; prescribing penalties; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Brandland, the rules were suspended, House Bill No 1108, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1108, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1108, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1108, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6017, by Senators Stevens and Hargrove

Modifying general assistance provisions.

MOTIONS

On motion of Senator Rossi, Second Substitute Senate Bill No. 6017 was substituted for Senate Bill No. 6017 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Second Substitute Senate Bill No. 6017 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 6017.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 6017 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 27.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 22.

SECOND SUBSTITUTE SENATE BILL NO. 6017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1083, by Representatives Simpson, Benson and Schual-Berke (by request of Insurance Commissioner Kreidler)

Making clarifying, nonsubstantive amendments to and correcting outdated references in the insurance code.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 1083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued. Prentice

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1083.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1083 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Deccio - 1.

HOUSE BILL NO. 1083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1226, by Representatives Moeller, Campbell, Lantz and Carrell

Authorizing service of summons for persons not found in this state.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 1226 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1226.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1226 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5337, by Senators Horn, Haugen and Rasmussen (by request of Office of Financial Management)

Revising the agency council on coordinated transportation.

MOTIONS

On motion of Senator Horn, Substitute Senate Bill No. 5337 was substituted for Senate Bill No. 5337 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Horn, the rules were suspended, Substitute Senate Bill No. 5337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5337.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5337 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel and Thibaudeau - 24.

SUBSTITUTE SENATE BILL NO. 5337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2215, by House Committee on Transportation (originally sponsored by Representatives Murray and Simpson)

Allowing car dealers to charge document service fees.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 46.70.180 and 2001 c 272 s 10 and 2001 c 64 s 9 are each reenacted and amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale. However, an amount not to exceed thirty-five dollars per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The documentary service fee is not represented to the purchaser or lessee as a fee or charge required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount up to thirty-five dollars may be added to the sale price or the capitalized cost.

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer or lessee of a vehicle a written order or offer to purchase or lease, or a contract document signed by the buyer or lessee, which:

(a) Is subject to the dealer's, or his or her authorized representative's future acceptance, and the dealer fails or refuses within three calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee, either (i) to deliver to the buyer or lessee the dealer's signed acceptance, or (ii) to void the order, offer, or contract document and tender the return of any initial payment or security made or given by the buyer or lessee, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ownership has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

Sec. 2. RCW 63.14.010 and 1999 c 113 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid principal balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under RCW 46.12.042, any vehicle dealer documentary service fee under RCW 46.70.180(2), or official fees;

(12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(13) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(14) "Time balance" means the principal balance plus the service charge;

(15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and official fees; and the amount actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

Sec. 3. RCW 63.14.130 and 1999 c 113 s 4 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer, except for any vehicle dealer administrative fee under RCW 46.12.042 or for any vehicle dealer documentary service fee under RCW 46.70.180(2).

(1) The service charge, in a retail installment contract, shall not exceed the dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(h).

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

NEW SECTION. Sec. 4. This act takes effect only when Senate Bill No. 6061 or House Bill No. 2231 takes effect. If neither of these bills takes effect by December 31, 2003, this act is null and void in its entirety."

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

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 63.14.010 and 63.14.130; reenacting and amending RCW 46.70.180; and providing contingent effect."

MOTION

On motion of Senator Horn, the rules were suspended, Substitute House Bill No 2215, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2215, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2215, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Fairley, Haugen, Roach, Sheldon, B., Sheldon, T., Spanel and Thibaudeau - 7

SUBSTITUTE HOUSE BILL NO. 2215, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1878, by Representatives Dickerson and Pettigrew

Providing the courts access to information in third-party custody petitions.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was adopted: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 26.10 RCW to read as follows:

(1) Before granting any order regarding the custody of a child under this chapter, the court shall consult the judicial information system, if available, to determine the existence of any information and proceedings that are relevant to the placement of the child.

(2) Before entering a final order, the court shall:

(a) Direct the department of social and health services to release information as provided under RCW 13.50.100; and

(b) Require the petitioner to provide the results of an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW for the petitioner and adult members of the petitioner's household.

Sec. 2. RCW 13.50.100 and 2001 c 162 s 2 are each amended to read as follows:

(1) This section governs records not covered by RCW 13.50.050.

(2) Records covered by this section shall be confidential and shall be released only pursuant to this section and RCW 13.50.010.

(3) Records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility of supervising the juvenile. Records covered under this section and maintained by the juvenile courts which relate to the official actions of the agency may be entered in the statewide judicial information system. However, truancy records associated with a juvenile who has no other case history, and records of a juvenile's parents who have no other case history, shall be removed from the judicial information system when the juvenile is no longer subject to the compulsory attendance laws in chapter 28A.225 RCW. A county clerk is not liable for unauthorized release of this data by persons or agencies not in his or her employ or otherwise subject to his or her control, nor is the county clerk liable for inaccurate or incomplete information collected from litigants or other persons required to provide identifying data pursuant to this section.

(4) Subject to (a) of this subsection, the department of social and health services may release information retained in the course of conducting child protective services investigations to a family or juvenile court hearing a petition for custody under chapter 26.10 RCW.

(a) Information that may be released shall be limited to information regarding investigations in which: (I) The juvenile was an alleged victim of abandonment or abuse or neglect; or (ii) the petitioner for custody of the juvenile, or any individual aged sixteen or older residing in the petitioner's household, is the subject of a founded or currently pending child protective services investigation made by the department subsequent to October 1, 1998.

(b) Additional information may only be released with the written consent of the subject of the investigation and the juvenile alleged to be the victim of abandonment or abuse or neglect, or the parent, custodian, guardian, or personal representative of the juvenile, or by court order obtained with notice to all interested parties.

(5) Any disclosure of records or information by the department of social and health services pursuant to this section shall not be deemed a waiver of any confidentiality or privilege attached to the records or information by operation of any state or federal statute or regulation, and any recipient of such records or information shall maintain it in such a manner as to comply with such state and federal statutes and regulations and to protect against unauthorized disclosure.

(6) A contracting agency or service provider of the department of social and health services that provides counseling, psychological, psychiatric, or medical services may release to the office of the family and children's ombudsman information or records relating to services provided to a juvenile who is dependent under chapter 13.34 RCW without the consent of the parent or guardian of the juvenile, or of the juvenile if the juvenile is under the age of thirteen years, unless such release is otherwise specifically prohibited by law.

~~((5))~~ (7) A juvenile, his or her parents, the juvenile's attorney and the juvenile's parent's attorney, shall, upon request, be given access to all records and information collected or retained by a juvenile justice or care agency which pertain to the juvenile except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to other order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate, the court may specify terms and conditions for the release of the information; or

(b) If the information or record has been obtained by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric, or medical services to the juvenile, when the services have been sought voluntarily by the juvenile, and the juvenile has a legal right to receive those services without the consent of any person or agency, then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile unless otherwise authorized by law; or

(c) That the department of social and health services may delete the name and identifying information regarding persons or organizations who have reported alleged child abuse or neglect.

~~((6))~~ (8) A juvenile or his or her parent denied access to any records following an agency determination under subsection ~~((5))~~ (7) of this section may file a motion in juvenile court requesting access to the records. The court shall grant the motion unless it finds access may not be permitted according to the standards found in subsection ~~((5))~~ (7)(a) and (b) of this section.

~~((7))~~ (9) The person making a motion under subsection ~~((6))~~ (8) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

~~((8))~~ (10) Subject to the rules of discovery in civil cases, any party to a proceeding seeking a declaration of dependency or a termination of the parent-child relationship and any party's counsel and the guardian ad litem of any party, shall have access to the records of any natural or adoptive child of the parent, subject to the limitations in subsection ~~((5))~~ (7) of this section. A party denied access to records may request judicial review of the denial. If the party prevails, he or she shall be awarded attorneys' fees, costs, and an amount not less than five dollars and not more than one hundred dollars for each day the records were wrongfully denied.

~~((9))~~ (11) No unfounded allegation of child abuse or neglect as defined in RCW 26.44.020(12) may be disclosed to a child-placing agency, private adoption agency, or any other licensed provider.

Sec. 3. RCW 26.10.030 and 2000 c 135 s 3 are each amended to read as follows:

(1) Except as authorized for proceedings brought under chapter 13.34 RCW, or chapter 26.50 RCW in district or municipal courts, a child custody proceeding is commenced in the superior court by a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where the child is found, but only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian. In proceedings in which the juvenile court has not exercised concurrent jurisdiction and prior to a child custody hearing, the court shall determine if the child is the subject of a pending dependency action.

(2) Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

(3) The petitioner shall include in the petition the names of any adult members of the petitioner's household.

NEW SECTION. Sec. 4. A new section is added to chapter 26.50 RCW to read as follows:

In addition to the information required to be included in the judicial information system under RCW 26.50.160, the data base shall contain the names of any adult cohabitant of a petitioner to a third-party custody action under chapter 26.10 RCW.

Sec. 5. RCW 43.43.830 and 2002 c 229 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (I) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults; ~~((f))~~

(c) Any prospective adoptive parent, as defined in RCW 26.33.020; or

(d) Any prospective custodian in a nonparental custody proceeding under chapter 26.10 RCW.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnapping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first,

second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Disciplinary board final decision" means any final decision issued by a disciplining authority under chapter 18.130 RCW or the secretary of the department of health for the following businesses or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Massage;
- (e) Midwifery;
- (f) Naturopathy;
- (g) Osteopathic medicine and surgery;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing; and
- (l) Psychology.

"Disciplinary board final decision," for real estate brokers and salespersons, means any final decision issued by the director of the department of licensing for real estate brokers and salespersons.

(9) "Unsupervised" means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(10) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(11) "Financial exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(12) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

NEW SECTION. Sec. 6. A new section is added to chapter 26.10 RCW to read as follows:

(1) A party seeking a custody order shall submit, along with his or her motion, an affidavit declaring that the child is not in the physical custody of one of its parents or that neither parent is a suitable custodian and setting forth facts supporting the requested order. The party seeking custody shall give notice, along with a copy of the affidavit, to other parties to the proceedings, who may file opposing affidavits.

(2) The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order should not be granted.

NEW SECTION. Sec. 7. A new section is added to chapter 26.10 RCW to read as follows:

(1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an Indian child as defined under the Indian child welfare act, the provisions of the act shall apply.

(2) Every order or decree entered in any proceeding under this chapter shall contain a finding that the Indian child welfare act does or does not apply. Where there is a finding that the Indian child welfare act does apply, the decree or order must also contain a finding that all notice requirements and evidentiary requirements under the Indian child welfare act have been satisfied."

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

On page 1, line 2 of the title, after "petitions;" strike the remainder of the title and insert "amending RCW 13.50.100, 26.10.030, and 43.43.830; adding new sections to chapter 26.10 RCW; and adding a new section to chapter 26.50 RCW."

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1878, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1878, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1878, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1878, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Hewitt, Senators Johnson and McCaslin were excused.
On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4021, by Representatives Wallace, Crouse, Morris, Condotta, Lovick, Kessler, Darneille, Berkey, Hatfield, Hudgins, Moeller and Blake

Requesting that the Bonneville Power Administration not raise rates.

The joint memorial was read the second time.

MOTION

On motion of Senator Benton, the following Committee on Natural Resources, Energy and Water amendment was adopted:

Beginning on page 1, after line 10, strike all material through "Washington." on page 3, line 2, and insert the following:
"WHEREAS, The State of Washington's economy is constructed on affordable and reliable electricity; and
WHEREAS, Energy prices in the Northwest are threatening businesses and industries, including aluminum companies; and
WHEREAS, The Bonneville Power Administration is proposing yet another rate increase to go into effect on October 1, 2003; and
WHEREAS, The proposed increase is 15% more than the current rates, which are already extremely high due to the more than 50% increase that has already occurred in the last couple of years; and
WHEREAS, This increase will cost the state's economy one billion dollars over the next three years; and
WHEREAS, Many industries moved to Washington to take advantage of low-cost hydroelectric power. They are now paying more for power in Washington than in most of their other locations in the nation; and
WHEREAS, Without affordable energy for these industries (aluminum, pulp and paper, aerospace, agriculture, etc.), thousands of family-wage jobs will be lost; and
WHEREAS, Many of these jobs are in rural and economically challenged areas. These industries are at the core of many Northwest communities and provide the foundation for numerous secondary employment opportunities and also provide substantial tax revenues; and
WHEREAS, The proposed rate increase will do more than jeopardize high paying jobs. The nation is suffering a severe recession and the Pacific Northwest is already the hardest hit region in the country; and
WHEREAS, Any increase in Bonneville Power Administration rates will only slow or prevent economic recovery as well as exacerbate the state's budget crisis; and
WHEREAS, The Bonneville Power Administration has the tools available to meet all of its legal obligations, including protecting fish and wildlife, without raising rates; and
WHEREAS, As a result of its \$500 million in prepayments to Treasury to avoid a rate increase, the Bonneville Power Administration can cut costs (not just slow its rate of growth) and utilize its newly acquired additional borrowing authority and the flexibility it has garnered; and
WHEREAS, This region simply cannot support an additional billion dollar hit to its economy over the next three years;
NOW, THEREFORE, Your Memorialists respectfully communicate their request for the Bonneville Power Administration to refrain from adopting rate increases at this time, unless absolutely necessary to preserve its bond rating, and to use other tools at its disposal to manage costs until economic recovery is in sight.
BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Steven Wright, Administrator of the Bonneville Power Administration, Spencer Abraham, Secretary of Energy, Tom Ridge, Secretary of the Department of Homeland Security, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

MOTION

On motion of Senator Benton, the rules were suspended, House Joint Memorial No 4021, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4021, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4021, as amended by the Senate, and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen,

Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Fairley, Johnson and McCaslin - 3.

HOUSE JOINT MEMORIAL NO. 4021, as amended by the Senate, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Stevens: "A point of personal privilege, Mr. President. I just want to remind the members that you have all been invited to come to the ALEC luncheon which is being held today over in A, B and C meeting rooms. It is an opportunity to learn about Washington, D.C. this summer and the many benefits that ALEC affords those who are members. So, just wanted to remind you to come."

MOTION

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

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5223,
SUBSTITUTE SENATE BILL NO. 5236,
SUBSTITUTE SENATE BILL NO. 5600,
SUBSTITUTE SENATE BILL NO. 5601,
SUBSTITUTE SENATE BILL NO. 5616,
SENATE BILL NO. 5726,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5766,
SENATE BILL NO. 5898,
SENATE JOINT MEMORIAL NO. 8003,
SENATE JOINT MEMORIAL NO. 8012,
SENATE JOINT MEMORIAL NO. 8015, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5223,
SUBSTITUTE SENATE BILL NO. 5236,
SUBSTITUTE SENATE BILL NO. 5600,
SUBSTITUTE SENATE BILL NO. 5601,
SUBSTITUTE SENATE BILL NO. 5616,
SENATE BILL NO. 5726,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5766,
SENATE BILL NO. 5898,
SENATE JOINT MEMORIAL NO. 8003,
SENATE JOINT MEMORIAL NO. 8012,
SENATE JOINT MEMORIAL NO. 8015.

MOTION

At 12:03 p.m., on motion of Senator Sheahan, the Senate recessed until 1:30 p.m.

The Senate was called to order at 1:30 p.m. by President Owen.

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Reardon, Gubernatorial Appointment No. 9118, Brent Stewart, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF BRENT STEWART

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Brandland, Finkbeiner and Morton - 3.

Excused: Senator Johnson - 1.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1003, by House Committee on Appropriations (originally sponsored by Representatives Morris, Linville, Wood, Anderson, O'Brien and Sullivan)

Creating the research and technology transfer commission.

The bill was read the second time.

MOTION

On motion of Senator Esser, the following Committee on Technology and Communications striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to promote growth in the technology sectors of our state's economy and to particularly focus support on the creation and commercialization of intellectual property in the technology, energy, and telecommunications industries.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington technology center established under RCW 28B.20.283 through 28B.20.295.

(2) "Board" means the board of directors for the center.

NEW SECTION. Sec. 3. The investing in innovation account is created in the custody of the state treasurer. Expenditures from the account may be used only for grants awarded by the center and for administering the grant award program. Only the executive director of the Washington technology center or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 4. (1) The investing in innovation grants program is established.

(2) The center shall periodically make strategic assessments of the types of state investments in research and technology in this state that would likely create jobs and business opportunities and produce the most beneficial long-term improvements to the lives and health of the citizens of the state. The assessments shall be available to the public and shall be used to guide decisions on awarding grants under this chapter.

NEW SECTION. Sec. 5. The board shall:

(1) Develop criteria for the awarding of grants to qualifying universities, institutions, or individuals;

(2) Make decisions regarding distribution of grant funds and make grant awards; and

(3) In making grant awards, seek to provide a balance between research grant awards and commercialization grant awards.

NEW SECTION. Sec. 6. (1) The board may accept grant proposals and establish a competitive process for the awarding of grants.

(2) The board shall establish a peer review committee to include board members, scientists, engineers, and individuals with specific recognized expertise. The peer review committee shall provide to the board an independent peer review of all proposals determined to be competitive for a grant award that are submitted to the board.

(3) In the awarding of grants, priority shall be given to proposals that leverage additional private and public funding resources.

(4) Up to fifty percent of available funds from the investing in innovation account may be used to support commercialization opportunities for research in Washington state.

(5) The center may not be a direct recipient of grant awards under this act.

NEW SECTION. Sec. 7. The board shall establish performance benchmarks against which the program will be evaluated. The grants program shall be reviewed periodically by the board. The board shall report annually to the appropriate standing committees of the legislature on grants awarded and as appropriate on program reviews conducted by the board.

NEW SECTION. Sec. 8. (1) The center shall administer the investing in innovation grants program.

(2) Not more than one percent of the available funds from the investing in innovation account may be used for administrative costs of the program.

Sec. 9. RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington

advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, ~~((and))~~ the children's trust fund, and the investing in innovation account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 10. RCW 28B.20.285 and 1992 c 142 s 3 are each amended to read as follows:

A Washington technology center is created to be a collaborative effort between the state's universities, private industry, and government. The technology center shall be headquartered at the University of Washington. The mission of the technology center shall be to perform and commercialize research on a statewide basis that benefits the intermediate and long-term economic vitality of the state of Washington, and to develop and strengthen university-industry relationships through the conduct of research that is primarily of interest to Washington-based companies or state economic development programs. The technology center shall:

(1) Perform and/or facilitate research supportive of state science and technology objectives, particularly as they relate to state industries;

(2) Provide leading edge collaborative research and technology transfer opportunities primarily to state industries;

(3) Provide substantial opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions;

(4) Emphasize and develop nonstate support of the technology center's research activities; ~~((and))~~

(5) Administer the investing in innovation grants program; and

(6) Provide a forum for effective interaction between the state's technology-based industries and its academic research institutions through promotion of faculty collaboration with industry, particularly within the state.

Sec. 11. RCW 28B.20.289 and 1995 c 399 s 26 are each amended to read as follows:

(1) The technology center shall be administered by the board of directors of the technology center.

(2) The board shall consist of the following members: Fourteen members from among individuals who are associated with or employed by technology-based industries and have broad business experience and an understanding of high technology; eight members from the state's universities with graduate science and engineering programs; the executive director of the Spokane Intercollegiate Research and Technology Institute or his or her designated representative; the provost of the University of Washington or his or her designated representative; the provost of the Washington State University or his or her designated representative; and the director of the department of community, trade, and economic development or his or her designated representative. The term of office for each board member, excluding the executive director of the Spokane Intercollegiate Research and Technology Institute, the provost of the University of Washington, the provost of the Washington State University, and the director of the department of community, trade, and economic development, shall be three years. The executive director of the technology center shall be an ex officio, nonvoting member of the board. The board shall meet at least quarterly. Board members shall be appointed by the governor based on the recommendations of the existing board of the technology center, and the research universities. The governor shall stagger the terms of the first group of appointees to ensure the long term continuity of the board.

(3) The duties of the board include:

(a) Developing the general operating policies for the technology center;

(b) Appointing the executive director of the technology center;

(c) Approving the annual operating budget of the technology center;

(d) Establishing priorities for the selection and funding of research projects that guarantee the greatest potential return on the state's investment;

(e) Approving and allocating funding for research projects conducted by the technology center, based on the recommendations of the advisory committees for each of the research centers;

(f) In cooperation with the department of community, trade, and economic development, developing a biennial work plan and five-year strategic plan for the technology center that are consistent with the statewide technology development and commercialization goals;

(g) Coordinating with the University of Washington, Washington State University, and other participating institutions of higher education in the development of training, research, and development programs to be conducted at the technology center that shall be targeted to meet industrial needs;

(h) Assisting the department of community, trade, and economic development in the department's efforts to develop state science and technology public policies and coordinate publicly funded programs;

(i) Performing the duties required under chapter 70.-- RCW (sections 1 through 8 of this act) relating to the investing in innovation grants program;

(j) Reviewing annual progress reports on funded research projects that are prepared by the advisory committees for each of the research centers;

~~((j))~~ (k) Providing an annual report to the governor and the legislature detailing the activities and performance of the technology center; and

~~((k))~~ (l) Submitting annually to the department of community, trade, and economic development an updated strategic plan and a statement of performance measured against the mission, roles, and contractual obligations of the technology center.

NEW SECTION. **Sec. 12.** Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW."

MOTION

On motion of Senator Esser, the following striking amendment by Senators Esser, Brown and West was adopted:
Strike everything after the enacting clause and insert the following: "NEW SECTION. **Sec. 1.** It is the intent of the legislature to promote growth in the technology sectors of our state's economy and to particularly focus support on the creation and commercialization of intellectual property in the technology, energy, and telecommunications industries.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Center" means the Washington technology center established under RCW 28B.20.283 through 28B.20.295.

(2) "Board" means the board of directors for the center.

NEW SECTION. Sec. 3. The investing in innovation account is created in the custody of the state treasurer. Expenditures from the account may be used only for grants awarded by the center and for administering the grant award program. Only the executive director of the Washington technology center or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 4. (1) The investing in innovation grants program is established.

(2) The center shall periodically make strategic assessments of the types of state investments in research and technology in this state that would likely create jobs and business opportunities and produce the most beneficial long-term improvements to the lives and health of the citizens of the state. The assessments shall be available to the public and shall be used to guide decisions on awarding grants under this chapter.

NEW SECTION. Sec. 5. The board shall:

(1) Develop criteria for the awarding of grants to qualifying universities, institutions, businesses, or individuals;

(2) Make decisions regarding distribution of grant funds and make grant awards; and

(3) In making grant awards, seek to provide a balance between research grant awards and commercialization grant awards.

NEW SECTION. Sec. 6. (1) The board may accept grant proposals and establish a competitive process for the awarding of grants.

(2) The board shall establish a peer review committee to include board members, scientists, engineers, and individuals with specific recognized expertise. The peer review committee shall provide to the board an independent peer review of all proposals determined to be competitive for a grant award that are submitted to the board.

(3) In the awarding of grants, priority shall be given to proposals that leverage additional private and public funding resources.

(4) Up to fifty percent of available funds from the investing in innovation account may be used to support commercialization opportunities for research in Washington state through an organization with commercialization expertise such as the Spokane intercollegiate research and technology institute.

(5) The center may not be a direct recipient of grant awards under this act.

NEW SECTION. Sec. 7. The board shall establish performance benchmarks against which the program will be evaluated. The grants program shall be reviewed periodically by the board. The board shall report annually to the appropriate standing committees of the legislature on grants awarded and as appropriate on program reviews conducted by the board.

NEW SECTION. Sec. 8. (1) The center shall administer the investing in innovation grants program.

(2) Not more than one percent of the available funds from the investing in innovation account may be used for administrative costs of the program.

Sec. 9. RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, ~~((and))~~ the children's trust fund, and the investing in innovation account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 10. RCW 28B.20.285 and 1992 c 142 s 3 are each amended to read as follows:

A Washington technology center is created to be a collaborative effort between the state's universities, private industry, and government. The technology center shall be headquartered at the University of Washington. The mission of the technology center shall be to perform and commercialize research on a statewide basis that benefits the intermediate and long-term economic vitality of the state of Washington, and to develop and strengthen university-industry relationships through the conduct of research that is primarily of interest to Washington-based companies or state economic development programs. The technology center shall:

(1) Perform and/or facilitate research supportive of state science and technology objectives, particularly as they relate to state industries;

(2) Provide leading edge collaborative research and technology transfer opportunities primarily to state industries;

(3) Provide substantial opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions;

(4) Emphasize and develop nonstate support of the technology center's research activities; ~~((and))~~

(5) Administer the investing in innovation grants program; and

(6) Provide a forum for effective interaction between the state's technology-based industries and its academic research institutions through promotion of faculty collaboration with industry, particularly within the state.

Sec. 11. RCW 28B.20.289 and 1995 c 399 s 26 are each amended to read as follows:

(1) The technology center shall be administered by the board of directors of the technology center.

(2) The board shall consist of the following members: Fourteen members from among individuals who are associated with or employed by technology-based industries and have broad business experience and an understanding of high technology; eight members from the state's universities with graduate science and engineering programs; the executive director of the Spokane Intercollegiate Research and Technology Institute or his or her designated representative; the provost of the University of Washington or his or her designated representative; the provost of the Washington State University or his or her designated representative; and the director of the department of community, trade, and economic development or his or her designated representative. The term of office for each board member, excluding

the executive director of the Spokane Intercollegiate Research and Technology Institute, the provost of the University of Washington, the provost of the Washington State University, and the director of the department of community, trade, and economic development, shall be three years. The executive director of the technology center shall be an ex officio, nonvoting member of the board. The board shall meet at least quarterly. Board members shall be appointed by the governor based on the recommendations of the existing board of the technology center, and the research universities. The governor shall stagger the terms of the first group of appointees to ensure the long term continuity of the board.

(3) The duties of the board include:

(a) Developing the general operating policies for the technology center;

(b) Appointing the executive director of the technology center;

(c) Approving the annual operating budget of the technology center;

(d) Establishing priorities for the selection and funding of research projects that guarantee the greatest potential return on the state's investment;

(e) Approving and allocating funding for research projects conducted by the technology center, based on the recommendations of the advisory committees for each of the research centers;

(f) In cooperation with the department of community, trade, and economic development, developing a biennial work plan and five-year strategic plan for the technology center that are consistent with the statewide technology development and commercialization goals;

(g) Coordinating with the University of Washington, Washington State University, and other participating institutions of higher education in the development of training, research, and development programs to be conducted at the technology center that shall be targeted to meet industrial needs;

(h) Assisting the department of community, trade, and economic development in the department's efforts to develop state science and technology public policies and coordinate publicly funded programs;

(i) Performing the duties required under chapter 70.-- RCW (sections 1 through 8 of this act) relating to the investing in innovation grants program;

(j) Reviewing annual progress reports on funded research projects that are prepared by the advisory committees for each of the research centers;

~~((j))~~ (k) Providing an annual report to the governor and the legislature detailing the activities and performance of the technology center; and

~~((k))~~ (l) Submitting annually to the department of community, trade, and economic development an updated strategic plan and a statement of performance measured against the mission, roles, and contractual obligations of the technology center.

NEW SECTION. Sec. 12. Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW."

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

On page 1, line 2 of the title, after "transfer;" strike the remainder of the title and insert "amending RCW 28B.20.285 and 28B.20.289; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 70 RCW."

MOTION

On motion of Senator Esser, the rules were suspended, Second Substitute House Bill No 1003, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1003, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1003, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Brandland - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1003, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530, by House Committee on Judiciary (originally sponsored by Representatives Grant, Holmquist, Armstrong, Blake, Shabro, Talcott, Ruderman, Schual-Berke, Schoesler, Hinkle, Condotta, Newhouse, Skinner, Sehlin, Bailey, Woods, Kristiansen and Alexander)

Changing rules for venue for declaratory judgments under the administrative procedure act.

The bill was read the second time.

MOTION

Senator Kline moved that the following amendment be adopted:

On page 2, after "county" on line 6, delete ", Clark county, Spokane county, Whatcom county, or Yakima county," and insert "or Spokane county"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kline on page 2, line 6, to Engrossed Substitute House Bill No. 1530.

The motion by Senator Kline failed and the amendment was not adopted.

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Substitute House Bill No. 1530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1530.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1530 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, West, Winsley and Zarelli - 35.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Spanel, Swecker and Thibaudeau - 14.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Benton and Zarelli were excused.

SECOND READING

HOUSE BILL NO. 1351, by Representatives Flannigan and Moeller (by request of Office of the Code Reviser)

Correcting outdated internal references.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 1351 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1351.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1351 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Benton and Zarelli - 2.

HOUSE BILL NO. 1351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1213, by House Committee on State Government (originally sponsored by Representatives Haigh, Armstrong, Morris, Hatfield, Linville, Ruderman and Rockefeller (by request of Governor Locke)

Eliminating boards and commissions.

The bill was read the second time.

MOTION

Senator Roach moved that the following Committee on Government Operations and Elections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1 HEALTH CARE POLICY TECHNICAL ADVISORY COMMITTEE

NEW SECTION. Sec. 101. RCW 41.05.150 (Health care policy technical advisory committee) and 1988 c 107 s 14 are each repealed.

PART 2 GOVERNOR'S SMALL BUSINESS IMPROVEMENT COUNCIL

NEW SECTION. Sec. 201. The following acts or parts of acts are each repealed:
(1) RCW 43.175.010 (Governor's small business improvement council-- Established--Membership--Travel expenses--Staff support and administrative assistance) and 1987 c 348 s 6, 1985 c 466 s 62, & 1984 c 282 s 7;
(2) RCW 43.175.020 (Duties) and 1998 c 245 s 53, 1987 c 348 s 7, 1985 c 466 s 63, & 1984 c 282 s 8; and
(3) RCW 43.175.901 (Severability--1984 c 282) and 1984 c 282 s 17.

PART 3 REBUILDING FAMILIES ADVISORY COMMITTEE

NEW SECTION. Sec. 301. By July 1, 2003, the secretary of the department of corrections shall abolish the rebuilding families advisory committee.

PART 4 INDEPENDENT LIVING ADVISORY COMMITTEE

NEW SECTION. Sec. 401. By July 1, 2003, the director of the department of services for the blind shall abolish the independent living advisory committee.

PART 5 OCEAN SPOT SHRIMP EMERGING FISHERY ADVISORY BOARD

NEW SECTION. Sec. 501. By July 1, 2003, the director of the department of fish and wildlife shall abolish the ocean spot shrimp emerging fishery advisory board.

PART 6 WATER TRAIL ADVISORY COMMITTEE

Sec. 601. RCW 79A.05.385 and 1993 c 182 s 2 are each amended to read as follows:
In addition to its other powers, duties, and functions, the commission may:

(1) Plan, construct, and maintain suitable facilities for water trail activities on lands administered or acquired by the commission or as authorized on lands administered by tribes or other public agencies or private landowners by agreement.

(2) Provide and issue, upon payment of the proper fee, with the assistance of those authorized agents as may be necessary for the convenience of the public, water trail permits to utilize designated water trail facilities. The commission may(~~(, after consultation with the water trail advisory committee,)~~) adopt rules authorizing reciprocity of water trail permits provided by another state or Canadian province, but only to the extent that a similar exemption or provision for water trail permits is issued by that state or province.

(3) Compile, publish, distribute, and charge a fee for maps or other forms of public information indicating areas and facilities suitable for water trail activities.

(4) Contract with a public agency, private entity, or person for the actual conduct of these duties.

(5) Work with individuals or organizations who wish to volunteer their time to support the water trail recreation program.

Sec. 602. RCW 79A.05.400 and 1993 c 182 s 5 are each amended to read as follows:

A person may not participate as a user of the water trail recreation program without first obtaining a water trail permit. A person must renew this permit on an annual basis in order to continue to participate as a user of the program. The fee for the issuance of the statewide water trail permit for each year shall be determined by the commission (~~(after consultation with the water trail advisory committee)~~). All statewide water trail permits shall expire on the last day of December of the year for which the permit is issued.

Sec. 603. RCW 79A.05.410 and 1993 c 182 s 7 are each amended to read as follows:

The commission may ~~(, after consultation with the water trail advisory committee,)~~ adopt rules to administer the water trail program and facilities on areas owned or administered by the commission. Where water trail facilities administered by other public or private entities are incorporated into the water trail system, the rules adopted by those entities shall prevail. The commission is not responsible or liable for enforcement of these alternative rules.

NEW SECTION. Sec. 604. RCW 79A.05.420 (Water trail advisory committee) and 2000 c 11 s 41, 1994 c 264 s 21, & 1993 c 182 s 9 are each repealed.

PART 7 COMMUNITY OUTDOOR ATHLETIC FIELDS ADVISORY COUNCIL

Sec. 701. RCW 79A.25.800 and 2000 c 11 s 80 are each amended to read as follows:

(1) The legislature recognizes that coordinated funding efforts are needed to maintain, develop, and improve the state's community outdoor athletic fields. Rapid population growth and increased urbanization have caused a decline in suitable outdoor fields for community athletic activities and has resulted in overcrowding and deterioration of existing surfaces. Lack of adequate community outdoor athletic fields directly affects the health and well-being of all citizens of the state, reduces the state's economic viability, and prevents Washington from maintaining and achieving the quality of life that it deserves. Therefore, it is the policy of the state and its agencies to maintain, develop, fund, and improve youth or community athletic facilities, including but not limited to community outdoor athletic fields.

(2) In carrying out this policy, the legislature intends to promote the building of new community outdoor athletic fields, the upgrading of existing community outdoor athletic fields, and the maintenance of existing community outdoor athletic fields across the state of Washington. ~~((The purpose of RCW 79A.25.800 through 79A.25.830 is to create an advisory council to provide information and advice to the interagency committee for outdoor recreation in the distribution of the funds in the youth athletic facility grant account established in RCW 43.99N.060(4).))~~

Sec. 702. RCW 79A.25.820 and 2000 c 11 s 81 are each amended to read as follows:

Subject to available resources, the interagency committee for outdoor recreation ~~((, in consultation with the community outdoor athletic fields advisory council))~~ may:

(1) Prepare and update a strategic plan for the development, maintenance, and improvement of community outdoor athletic fields in the state. In the preparation of such plan, the interagency committee for outdoor recreation may use available data from federal, state, and local agencies having community outdoor athletic responsibilities, user groups, private sector interests, and the general public. The plan may include, but is not limited to:

- (a) An inventory of current community outdoor athletic fields;
- (b) A forecast of demand for these fields;
- (c) An identification and analysis of actual and potential funding sources; and
- (d) Other information the interagency committee for outdoor recreation deems appropriate to carry out the purposes of RCW 79A.25.800 through 79A.25.830;

(2) Determine the eligibility requirements for cities, counties, and qualified nonprofit organizations to access funding from the youth athletic facility ~~((grant))~~ account created in RCW 43.99N.060(4);

(3) Encourage and provide opportunities for interagency and regional coordination and cooperative efforts between public agencies and between public entities and nonprofit organizations involved in the maintenance, development, and improvement of community outdoor athletic fields; and

(4) Create and maintain data, studies, research, and other information relating to community outdoor athletic fields in the state, and to encourage the exchange of this information.

NEW SECTION. Sec. 703. RCW 79A.25.810 (Community outdoor athletic fields advisory council) and 2001 c 245 s 1 & 1998 c 264 s 2 are each repealed.

PART 8 ARTHRITIS ADVISORY GROUP

NEW SECTION. Sec. 801. By July 1, 2003, the secretary of the department of health shall abolish the arthritis advisory group.

PART 9 COMMITTEE ON TAXATION AND ADVISORY GROUP TO THE COMMITTEE ON TAXATION

NEW SECTION. Sec. 901. By July 1, 2003, the director of revenue shall abolish the committee on taxation and the advisory group to the committee on taxation created by section 137(1), chapter 371, Laws of 2002.

PART 10 MISCELLANEOUS

NEW SECTION. Sec. 1001. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 1002. Sections 701 and 702 of this act expire one year after RCW 82.14.0494 expires.

NEW SECTION. Sec. 1003. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Government Operations and Elections striking amendment to Substitute House Bill No. 1213.

The motion by Senator Roach carried and the committee striking amendment was adopted.

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

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 79A.05.385, 79A.05.400, 79A.05.410, 79A.25.800, and 79A.25.820; creating new sections; repealing RCW 41.05.150, 43.175.010, 43.175.020, 43.175.901, 79A.05.420, and 79A.25.810; providing an effective date; providing a contingent expiration date; and declaring an emergency."

MOTION

On motion of Senator Roach, the rules were suspended, Substitute House Bill No 1213, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1213, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1213, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Benton and Zarelli - 2.

SUBSTITUTE HOUSE BILL NO. 1213, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Johnson was excused.

SECOND READING

HOUSE BILL NO. 1954, by Representatives Moeller and McMahan

Permitting a retired judge acting as a judge pro tempore to decline compensation.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 1954 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1954.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1954 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Excused: Senators Benton, Johnson and Zarelli - 3.

HOUSE BILL NO. 1954, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1296, by Representatives Moeller and Pflug (by request of Department of Health)

Making corrections to the department of health's professional and facilities licensing provisions.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, House Bill No. 1296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1296.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1296 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Absent: Senator Poulsen - 1.

Excused: Senators Benton and Zarelli - 2.

HOUSE BILL NO. 1296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2065, by Representatives Simpson and Edwards

Facilitating license plate technology advances.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following Committee on Highways and Transportation striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16.230 and 1992 c 7 s 41 are each amended to read as follows:

(1) The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates ~~((may))~~ shall be obtained by the director from the metal working plant of a state correctional facility ~~((or from any source in accordance with existing state of Washington purchasing procedures)).~~

(2) Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

(3) The department shall implement a flat, digitally printed license plate system. This system must be in place and operational by July 1, 2004, and must be used to produce all license plates issued by the department by no later than January 1, 2007. The department must phase in the production of flat, digitally printed license plates by first issuing special and personalized plates using this system. Before January 1, 2007, the department may issue all license plates as flat, digitally printed license plates, if the department determines that production of all license plates by the digital printing system is economically viable.

Sec. 2. RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of all vehicle license plates must be (issued on a standard background) legible and clearly identifiable as a Washington state license plate, as designated by the department.

(2) Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(3) In providing for the periodic replacement of license plates, the department shall offer to vehicle owners the option of retaining their current license plate numbers. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the license plate technology account created under section 4 of this act until such time as the financing necessary to implement a digital license plate system has been paid in full. After the financing has been paid in full, the revenue collected under this section shall be deposited into the multimodal transportation account.

Sec. 3. RCW 46.01.140 and 2001 c 331 s 1 are each amended to read as follows:

(1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional ~~((fifty))~~ seventy-five cents, which must be collected and remitted to the state treasurer ~~((for deposit))~~ and distributed as follows:

(i) Fifty cents must be deposited into the department of licensing services account of the motor vehicle fund~~((Revenue deposited into this account))~~ and must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(ii) Twenty-five cents must be deposited into the license plate technology account created under section 4 of this act.

(5) A subagent shall collect a service fee of (a) eight dollars and fifty cents for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of lost title other than at the time of the title application or transfer and (b) three dollars and fifty cents for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section.

NEW SECTION. Sec. 4. A new section is added to chapter 46.16 RCW to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system.

NEW SECTION. Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of one thousand five hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of five hundred dollars per rendition. All revenue collected under this section must be deposited into the license plate technology account created under section 4 of this act until such time as the financing necessary to implement a digital license plate system has been paid in full. After the financing has been paid in full, the revenue collected under this section shall be deposited into the multimodal transportation account.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act take effect for renewals that are due or become due on or after November 1, 2003.

NEW SECTION. Sec. 7. If this act is not referenced by bill or chapter number by June 30, 2003, in the omnibus transportation appropriations act, this act is null and void."

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

On line 1 of the title, after "technology;" strike the remainder of the title and insert "amending RCW 46.16.230, 46.16.233, and 46.01.140; adding new sections to chapter 46.16 RCW; and creating new sections."

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No 2065, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Sheahan, further consideration of House Bill No. 2065, as amended by the Senate, was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827, by House Committee on Health Care (originally sponsored by Representatives Moeller, Skinner, Fromhold, Schoesler, Romero, Sullivan, Hankins, Hunt, Morrell, Delvin, Cox, Kenney, Hinkle, Linville, Wood, Cody, Dunshee, Schual-Berke, Sehlin and Simpson)

Requiring information on meningitis immunization for college students.

MOTION

Senator Deccio moved that the following Committee on Health and Long-Term Care striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) Except for community and technical colleges, each degree-granting public or private postsecondary residential campus that provides on-campus or group housing shall provide information on meningococcal disease to each enrolled matriculated first-time student. Community and technical colleges must provide the information only to those students who are offered on-campus or group housing. The information about meningococcal disease shall include:

(a) Symptoms, risks, especially as the risks relate to circumstances of group living arrangements, and treatment;
and

(b) Information on the vaccination that may prevent the student from contracting the disease, that students in the high-risk group consider receiving the vaccine, and where the vaccination can be received.

(2) This section shall not be construed to require the department of health or the postsecondary educational institution to provide the vaccination to students.

(3) The department of health shall be consulted regarding the preparation of the information materials provided to the first-time students.

(4) This section does not create a private right of action.

NEW SECTION. Sec. 2. This act takes effect July 1, 2004."

MOTION

On motion of Senator Deccio, the following amendment by Senators Deccio and Sheahan to the Committee on Health and Long-Term Care striking amendment was adopted:

On page 1, line 24 of the amendment, after "(4)" insert "If institutions provide electronic enrollment or registration to first-time students, the information required by this section shall be provided electronically and acknowledged by the student before completion of electronic enrollment or registration.

(5)"

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment, as amended, to Engrossed Substitute House Bill No. 1827.

The motion by Senator Deccio carried and the committee amendment, as amended, was adopted.

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

On page 1, line 3 of the title, after "institutions;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and providing an effective date."

MOTION

On motion of Senator Deccio, the rules were suspended, Engrossed Substitute House Bill No 1827, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1827, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1827, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hewitt - 1.

Excused: Senator Benton - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2196, by House Committee on Appropriations (originally sponsored by Representatives Sommers and Fromhold) (by request of Office of Financial Management)

Revising and reporting on state agency allotments.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute House Bill No. 2196 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2196.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2196 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE HOUSE BILL NO. 2196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1576, by Representatives Campbell, Kirby, Newhouse and Moeller

Revising provisions relating to dismissal of citations for failure to provide proof of insurance.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 1576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1576.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1576 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles,

McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.
HOUSE BILL NO. 1576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6059, by Senator Oke (by request of Office of Financial Management)

Modifying teacher cost-of-living provisions.

The bill was read the second time.

MOTION

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

Debate ensued.

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

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 27.

Voting nay: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Roach, Sheldon, B., Shin, Spanel, Thibaudeau and Winsley - 22.

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

SECOND READING

HOUSE BILL NO. 1734, by Representatives Romero, Hinkle, Moeller, Delvin, Grant, Jarrett and Flannigan (by request of Department of Community, Trade, and Economic Development)

Updating the state building code.

The bill was read the second time.

POINT OF ORDER

Senator McCaslin: "A point of order, Mr. President. I submit that House Bill No. 1734 is not properly before the body, because the bill was not properly reported by the committee. Senate Rule 45, No. 7-- the rule governing committee procedure states, 'Any measure which does not receive a majority vote of the members present may be reconsidered, etc.' The rule is very specific in its authority to reconsider a measure that fails to receive a majority vote. The rule does not authorize reconsideration of a measure that does receive a majority vote may be reconsidered.

"A brief chronology of House Bill No 1734 in the committee is as follows: The bill was voted out with a 'do pass as amended' recommendation on March 31, 2003. The bill was thereafter held in committee for four days. The bill was voted out a second time with a 'do pass as amended' recommendation on April 3, 2003. It was the second recommendation that was adopted by this body on the floor and the measure was referred to the Committee on Rules. I submit that this second vote was tantamount to a reconsideration and for this reason the bill is not now properly before us under Senate Rule 45, No. 7.

"Mr. President, I readily admit that I did not raise the point of order in committee. Under previous rulings of the President, I believe I have not waived my right to do so on the floor. For the benefit of the body, however, I would inquire whether I have waived my right to raise the point of order at this time.

"Mr. President, in no way am I criticizing the Chair of the Land Use Committee. I raise this point of order simply to seek instruction for myself as a committee chair and for other chairs. In this case, the bill

was held in committee for four days after the first 'due pass' recommendation was passed. Mr President, I am concerned that if you permit this process, it might be permitted for a chair to hold a bill for reconsideration or otherwise right up to cutoff. I would, therefore ask, as how long a chair may hold a bill before it has been 'pocket vetoed' under Senate Rule 63?"

REMARKS BY SENATOR MULLIKEN

Senator Mulliken: "Thank you, Mr. President, in response, first of all, I am glad the previous speaker acknowledged that he did not make this statement before we sent it out of committee. So, I do believe the objection is untimely and should have been done on committee time and not now at this point when we are ready to debate the issue on the floor. When we voted the bill out of committee, the first time--I don't mind explaining this as a new chair--there was a word or two that were not expressed accurately in the motion. So, to be on the safe side, we recommended--we discussed it--and said we would move the bill again. We received the same vote count, but we used the correct terminology on moving the proposed substitute bill with a striker. I am sure that my ranking member can also explain further, if we need more details."

MOTION

On motion of Senator Sheahan, further consideration of Substitute House Bill No. 1734 was deferred.

MOTION

At 3:17 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 4:38 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, Senator West was excused.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1973, by House Committee on Appropriations (originally sponsored by Representatives Veloria, McCoy and Kenney)

Promoting tourism

The bill was read the second time.

MOTION

On motion of Senator Tim Sheldon, the following Committee on Economic Development striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that tourism is a growing sector of the Washington economy. Washington has a diverse geography, geology, climate, and natural resources, and offers abundant opportunities for wildlife viewing. Nature-based tourism is the fastest growing outdoor activity and segment of the travel industry and the state can take advantage of this by marketing Washington's natural assets to international as well as national tourist markets. Expanding tourism efforts can provide Washington residents with jobs and local communities with needed revenues.

The legislature also finds that current efforts to promote Washington's natural resources and nature-based tourism to national and international markets are too diffuse and limited by funding and that a collaborative effort among state and local governments, tribes, and private enterprises can serve to leverage the investments in nature-based tourism made by each.

Sec. 2. RCW 43.330.090 and 1998 c 245 s 85 are each amended to read as follows:

(1) The department shall work with private sector organizations, local governments, local ((economic)) associate development organizations, and higher education and training institutions to assist in the development of strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production by focusing on targeted sectors. The targeted sectors may include, but are not limited to, software, forest products, biotechnology, environmental industries, recycling markets and waste reduction, aerospace, food processing, tourism, film and video, microelectronics, new materials, robotics, and machine tools. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to a targeted sector's approach to economic development

and including additional sectors in its efforts. The department shall use information gathered in each service delivery region in formulating its sectoral strategies and in designating new targeted sectors.

(2) The department shall ~~((ensure that the state continues to))~~ pursue a coordinated program to expand the tourism industry throughout the state in cooperation with the public and private tourism development organizations. ~~((The department shall work to provide a balance of tourism activities throughout the state and during different seasons of the year. In addition,))~~ The department, in operating its tourism program, shall:

(a) Promote Washington as a tourism destination to national and international markets to include nature-based and wildlife viewing tourism;

(b) Provide information to businesses and local communities on tourism opportunities that could expand local revenues;

(c) Assist local communities to strengthen their tourism partnerships, including their relationships with state and local agencies;

(d) Provide leadership training and assistance to local communities to facilitate the development and implementation of local tourism plans;

(e) Coordinate the development of a statewide tourism and marketing plan. The department's tourism planning efforts shall be carried out in conjunction with public and private tourism development organizations including the department of fish and wildlife and other appropriate agencies. The plan shall specifically address mechanisms for: (i) Funding national and international marketing and nature-based tourism efforts; (ii) interagency cooperation; and (iii) integrating the state plan with local tourism plans.

(3) The department may, in carrying out its efforts to expand the tourism industry in the state:

(a) Solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local or other governmental entities, as well as private sources, and may expend the same or any income therefrom for tourism purposes. All revenue received for tourism purposes shall be deposited into the tourism development and promotion account created in RCW 43.330.094;

(b) Host conferences and strategic planning workshops relating to the promotion of nature-based and wildlife viewing tourism;

(c) Conduct or contract for tourism-related studies;

(d) Contract with individuals, businesses, or public entities to carry out its tourism-related activities under this section;

(e) Provide tourism-related organizations with marketing and other technical assistance;

(f) Evaluate and make recommendations on proposed tourism-related policies.

(4) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

~~((3))~~ (5) In assisting in the development of a targeted sector, the department's activities may include, but are not limited to:

(a) Conducting focus group discussions, facilitating meetings, and conducting studies to identify members of the sector, appraise the current state of the sector, and identify issues of common concern within the sector;

(b) Supporting the formation of industry associations, publications of association directories, and related efforts to create or expand the activities or industry associations;

(c) Assisting in the formation of flexible networks by providing (i) agency employees or private sector consultants trained to act as flexible network brokers and (ii) funding for potential flexible network participants for the purpose of organizing or implementing a flexible network;

(d) Helping establish research consortia;

(e) Facilitating joint training and education programs;

(f) Promoting cooperative market development activities;

(g) Analyzing the need, feasibility, and cost of establishing product certification and testing facilities and services; and

(h) Providing for methods of electronic communication and information dissemination among firms and groups of firms to facilitate network activity.

NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW to read as follows:

The department shall manage wildlife programs in a manner that provides for public opportunities to view wildlife and supports nature-based and wildlife viewing tourism without impairing the state's wildlife resources.

Sec. 4. RCW 43.330.094 and 1997 c 220 s 223 are each amended to read as follows:

The tourism development and promotion account is created in the state treasury. All receipts from RCW 36.102.060(10) and 43.330.090(3)(a) must be deposited into the account. Moneys in the account received under RCW 36.102.060(10) may be spent only after appropriation. No appropriation is required for expenditures from moneys received under RCW 43.330.090(3)(a). Expenditures from the account may be used by the department of community, trade, and economic development only for the purposes of ~~((promotion of))~~ expanding and promoting the tourism industry in the state of Washington.

NEW SECTION. Sec. 5. A new section is added to chapter 42.52 RCW to read as follows:

When soliciting charitable gifts, grants, or donations solely for the purposes of promoting the expansion of tourism as provided for in RCW 43.330.090, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

Sec. 6. RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as follows:

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and

attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

- (a) Unsolicited flowers, plants, and floral arrangements;
- (b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for the purpose of promoting the expansion of tourism as provided for in RCW 43.330.090;
- (h) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- ((h)) (l) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

- (a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
- (b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- (c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
- (d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
- (e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;
- (f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and
- (g) Those items excluded from the definition of gift in RCW 42.52.010 except:
 - (i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;
 - (ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and
 - (iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW."

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

On page 1, line 1 of the title, after "tourism;" strike the remainder of the title and insert "amending RCW 43.330.090, 43.330.094, and 42.52.150; adding a new section to chapter 77.12 RCW; adding a new section to chapter 42.52 RCW; and creating a new section."

MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Second Substitute House Bill No 1973, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1973, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1973, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1973, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1675, by House Committee on Judiciary (originally sponsored by Representatives Moeller, McMahan and Kirby)

Updating civil trial provisions.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1675 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1675.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1675 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Kline - 1.

SUBSTITUTE HOUSE BILL NO. 1675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1788, by House Committee on State Government (originally sponsored by Representatives Miloscia, Armstrong and Haigh)

Regulating job order contracting for public works.

The bill was read the second time.

MOTION

Senator Winsley moved that the following Committee on Government Operations and Elections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.10 RCW to read as follows:

(1) Public bodies may use a job order contract for public works projects when:

(a) A public body has made a determination that the use of job order contracts will benefit the public by providing an effective means of reducing the total lead-time and cost for public works projects or repair required at public facilities through the use of unit price books and work orders by eliminating time-consuming, costly aspects of the traditional public works process, which require separate contracting actions for each small project;

(b) The work order to be issued for a particular project does not exceed two hundred thousand dollars;
(c) Less than twenty percent of the dollar value of the work order consists of items of work not contained in the unit price book; and

(d) At least eighty percent of the job order contract must be subcontracted to entities other than the job order contractor.

(2) Public bodies shall award job order contracts through a competitive process utilizing public requests for proposals. Public bodies shall make an effort to solicit proposals from a certified minority or certified woman-owned contractor to the extent permitted by the Washington state civil rights act, RCW 49.60.400. The public body shall publish, at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public works will be done, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body shall ensure that the request for proposal documents at a minimum includes:

(a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications, functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;

(b) The reasons for using job order contracts;

(c) A description of the qualifications required of the proposer;

(d) The identity of the specific unit price book to be used;

(e) The minimum contracted amount committed to the selected job order contractor;

(f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, proposal price and the ability of the proposer to perform the job order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on similar contracts; ability to meet time and budget requirements; ability to provide a performance and payment bond for the job order contract; recent, current, and projected work loads of the proposer; location; and the concept of the proposal;

(g) The form of the contract to be awarded;

(h) The method for pricing renewals of or extensions to the job order contract;

(i) A notice that the proposals are subject to the provisions of RCW 39.10.100; and

(j) Other information relevant to the project.

(3) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit final proposals, including sealed bids based upon the identified unit price book. Such bids may be in the form of coefficient markups from listed price book costs. The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals.

(4) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

(5) The public body shall issue no work orders until it has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the job order contractor that equitably spreads certified women and minority business enterprise subcontracting opportunities, to the extent permitted by the Washington state civil rights act, RCW 49.60.400, among the various subcontract disciplines.

(6) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(7) The maximum total dollar amount that may be awarded under a job order contract shall not exceed three million dollars in the first year of the job order contract, five million dollars over the first two years of the job order contract, and, if extended or renewed, eight million dollars over the three years of the job order contract.

(8) For each job order contract, public bodies shall not issue more than two work orders equal to or greater than one hundred fifty thousand dollars in a twelve-month contract performance period.

(9) All work orders issued for the same project shall be treated as a single work order for purposes of the one hundred fifty thousand dollar limit on work orders in subsection (8) of this section and the two hundred thousand dollar limit on work orders in subsection (1)(b) of this section.

(10) Any new permanent, enclosed building space constructed under a work order shall not exceed two thousand gross square feet.

(11) Each public body may have no more than two job order contracts in effect at any one time.

(12) For purposes of chapters 39.08, 39.76, and 60.28 RCW, each work order issued shall be treated as a separate contract.

(13) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

(14) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for a job order contract must be determined as of the time of the execution of the job order contract and any extension or renewal.

(15) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the general conditions for Washington state facility construction. This will be the contractor's sole remedy.

(16) All job order contracts awarded under this section must be executed before July 1, 2007, however the job order contract may be extended or renewed as provided for in this section.

(17) For purposes of this section, "public body" includes any school district.

Sec. 2. RCW 39.10.020 and 2001 c 328 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

(4) "Job order contract" means a contract between a public body or any school district and a registered or licensed contractor in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

(5) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(6) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work.

(7) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 3. RCW 39.08.030 and 1989 c 58 s 1 are each amended to read as follows:

(1) The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsection (2) of this section, and shall be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: PROVIDED, The same shall not be for a less amount than twenty-five percent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: PROVIDED, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of dollars (here insert the amount) against the bond taken from (here insert the name of the principal and surety or sureties upon such bond) for the work of (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed)

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

(2) Under the job order contracting procedure described in section 1 of this act, bonds will be in an amount not less than the dollar value of all open work orders.

Sec. 4. RCW 39.30.060 and 2002 c 163 s 2 are each amended to read as follows:

(1) Every invitation to bid on a prime contract that is expected to cost one million dollars or more for the construction, alteration, or repair of any public building or public work of the state or a state agency or municipality as defined under RCW 39.04.010 or an institution of higher education as defined under RCW 28B.10.016 shall require each prime contract bidder to submit as part of the bid, or within one hour after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work. The prime contract bidder shall not list more than one subcontractor for each category of work identified, unless subcontractors vary with bid alternates, in which case the prime contract bidder must indicate which subcontractor will be used for which alternate. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid nonresponsive and, therefore, void.

(2) Substitution of a listed subcontractor in furtherance of bid shopping or bid peddling before or after the award of the prime contract is prohibited and the originally listed subcontractor is entitled to recover monetary damages from the prime contract bidder who executed a contract with the public entity and the substituted subcontractor but not from the public entity inviting the bid. It is the original subcontractor's burden to prove by a preponderance of the evidence that bid shopping or bid peddling occurred. Substitution of a listed subcontractor may be made by the prime contractor for the following reasons:

- (a) Refusal of the listed subcontractor to sign a contract with the prime contractor;
- (b) Bankruptcy or insolvency of the listed subcontractor;
- (c) Inability of the listed subcontractor to perform the requirements of the proposed contract or the project;
- (d) Inability of the listed subcontractor to obtain the necessary license, bonding, insurance, or other statutory requirements to perform the work detailed in the contract; or
- (e) The listed subcontractor is barred from participating in the project as a result of a court order or summary judgment.

(3) The requirement of this section to name the prime contract bidder's proposed HVAC, plumbing, and electrical subcontractors applies only to proposed HVAC, plumbing, and electrical subcontractors who will contract directly with the prime contract bidder submitting the bid to the public entity.

(4) This section does not apply to job order contract requests for proposals under section 1 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 39.12 RCW to read as follows:

Job order contracts under section 1 of this act must pay prevailing wages for all work that would otherwise be subject to the requirements of this chapter. Prevailing wages for a job order contract must be determined as of the time the job order contract and any extension or renewal is executed.

Sec. 6. RCW 60.28.011 and 2000 c 185 s 1 are each amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the

contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the materialmen and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW ((39.10.060)) 39.10.061. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or materialperson who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.020.

Sec. 7. RCW 39.10.902 and 2002 c 46 s 4 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1,

2007:

(1) RCW 39.10.010 and 1994 c 132 s 1;

(2) RCW 39.10.020 and 2003 c ... s 2 (section 2 of this act), 2001 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;

(3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;

(4) RCW 39.10.040 and 1994 c 132 s 4;

(5) RCW 39.10.051 and 2002 c 46 s 1 & 2001 c 328 s 2;

(6) RCW 39.10.061 and 2002 c 46 s 2 & 2001 c 328 s 3;

(7) RCW 39.10.065 and 1997 c 376 s 5;

(8) RCW 39.10.067 and 2002 c 46 s 3 & 2000 c 209 s 3;

(9) RCW 39.10.070 and 1994 c 132 s 7;

(10) RCW 39.10.080 and 1994 c 132 s 8;

(11) RCW 39.10.090 and 1994 c 132 s 9;

(12) RCW 39.10.100 and 1994 c 132 s 10;

(13) RCW 39.10.115 and 2001 c 328 s 4 & 2000 c 209 s 4;

(14) RCW 39.10.900 and 1994 c 132 s 13; ((and))

(15) RCW 39.10.901 and 1994 c 132 s 14; and

(16) RCW 39.10.-- and 2003 c ... s 1 (section 1 of this act).

NEW SECTION. Sec. 8. A new section is added to chapter 39.12 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1,

2007:

RCW 39.12.-- and 2003 c . . . s 5 (section 5 of this act)."

MOTION

On motion of Senator Reardon, the following amendments by Senators Reardon and Honeyford to the Committee on Government Operations and Elections striking amendment were considered simultaneously and were adopted:

On page 4, line 3 of the amendment, after "39.09," insert "39.12,"

On page 4, at the end of line 4 insert the following:

"The alternate filing provisions of RCW 39.12.040(2) shall apply to each work order that otherwise meets the eligibility requirements of RCW 39.12.040(2)."

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Schmidt, the following amendments by Senators Schmidt and Winsley to the Committee on Government Operations and Elections striking amendment were considered simultaneously and were adopted:

On page 5, after line 25 of the amendment, insert the following:

"Sec. 3. RCW 39.10.067 and 2002 c 46 s 3 are each amended to read as follows:

In addition to the projects authorized in RCW 39.10.061, public bodies may also use the general contractor/construction manager contracting procedure for the construction of school district capital demonstration projects, subject to the following conditions:

(1) The project must receive approval from the school district project review board established under RCW 39.10.115.

(2) The school district project review board may not authorize more than ~~((ten))~~ twenty demonstration projects valued over five million dollars, of which ~~((at least))~~ only two demonstration projects must be valued between five and ten million dollars."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 13, line 1 of the amendment, after "and" strike "2002 c 46 s 3" and insert "2003 c ... s 3 (section 3 of this act), 2002 c 46 s 3."

The President declared the question before the Senate to be the adoption of the Committee on Government Operations and Elections striking amendment, as amended.

The motion by Senator Winsley carried and the committee striking amendment, as amended, was adopted.

There being no objection, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "works;" strike the remainder of the title and insert "amending RCW 39.10.020, 39.08.030, 39.30.060, 60.28.011, and 39.10.902; adding a new section to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW."

On page 13, line 1 of the amendment, after "and" strike "2002 c 46 s 3" and insert "2003 c ... (section 3 of this act), 2002 c 46 s 3,"

On page 13, line 16 of the title amendment, after "39.10.020," insert "39.10.067,"

MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No 1788, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1788, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1788, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Jacobsen and McAuliffe - 2.

SUBSTITUTE HOUSE BILL NO. 1788, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1211, by House Committee on Commerce and Labor (originally sponsored by Representatives Conway, Chandler, Kenney, Wood, Hudgins, Cooper, Veloria, Schual-Berke, Lovick, Kirby, Dickerson, Upthegrove, McDermott, Rockefeller, Morrell, Murray, Simpson, Darneille, Chase, Cody and Ruderman)

Modifying accountability requirements under the public accountancy act.

The bill was read the second time.

MOTION

Senator Keiser moved that the following Committee on Financial Services, Insurance and Housing striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.04.195 and 2001 c 294 s 11 are each amended to read as follows:

(1) A sole proprietorship engaged in business in this state and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license, as a firm, every three years with the board.

(a) The sole proprietor shall hold a license to practice under RCW 18.04.215;

(b) Each resident person in charge of an office located in this state shall hold a license to practice under RCW 18.04.215; and

(c) The licensed firm must meet competency requirements established by rule by the board.

(2) A partnership engaged in business in this state and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board, and shall meet the following requirements:

(a) At least one general partner of the partnership shall hold a license to practice under RCW 18.04.215;

(b) Each resident person in charge of an office in this state shall hold a license to practice under RCW 18.04.215;

(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all partners or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal partner of the partnership and any partner having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and

(d) The licensed firm must meet competency requirements established by rule by the board.

(3) A corporation engaged in business in this state and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board and shall meet the following requirements:

(a) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all shareholders or owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state and is principally employed by the corporation or actively engaged in its business. The principal officer of the corporation and any officer or director having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state;

(b) At least one shareholder of the corporation shall hold a license under RCW 18.04.215;

(c) Each resident person in charge of an office located in this state shall hold a license under RCW 18.04.215;

(d) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding;

(e) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe; and

(f) The licensed firm must meet competency requirements established by rule by the board.

(4) A limited liability company engaged in business in this state and offering to issue or issuing reports on financial statements or using the title CPA or certified public accountant shall license as a firm every three years with the board, and shall meet the following requirements:

(a) At least one member of the limited liability company shall hold a license under RCW 18.04.215;

(b) Each resident manager or member in charge of an office located in this state shall hold a license under RCW 18.04.215;

(c) A simple majority of the ownership of the licensed firm in terms of financial interests and voting rights of all owners shall be held by natural persons who are licensees or holders of a valid license issued under this chapter or by another state that entitles the holder to practice public accounting in this state. The principal member or manager of the limited liability company and any member having authority over issuing reports on financial statements shall hold a license under this chapter or issued by another state that entitles the holder to practice public accounting in this state; and

(d) The licensed firm must meet competency requirements established by rule by the board.

(5) Application for a license as a firm shall be made upon the affidavit of the proprietor or person designated as managing partner, member, or shareholder for Washington. This person shall hold a license under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for a license. A partnership, corporation, or limited liability company which is licensed to practice under RCW 18.04.215 may use the designation "certified public accountants" or "CPAs" in connection with its partnership, limited liability company, or corporate name. The board shall be given notification within ninety days after the admission or withdrawal of a partner, shareholder, or member engaged in this state in the practice of public accounting from any partnership, corporation, or limited liability company so licensed.

(6) Licensed firms which fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a license, shall notify the board in writing within ~~((thirty))~~ ninety days of its falling out of compliance and propose a time period in which they will come back into compliance. The board may grant a reasonable period of time for a firm to be in compliance with the provisions of this section. Failure to bring the firm into compliance within a reasonable period of time, as determined by the board, may result in suspension, revocation, or imposition of conditions on the firm's license.

(7) Fees for the license as a firm and for notification of the board of the admission or withdrawal of a partner, shareholder, or member shall be determined by the board. Fees shall be paid by the firm at the time the license application form or notice of admission or withdrawal of a partner, shareholder, or member is filed with the board.

(8) Nonlicensee owners of licensed firms are:

(a) Required to fully comply with the provisions of this chapter and board rules;

(b) Required to be a natural person;

(c) Required to be an active individual participant in the licensed firm or affiliated entities as these terms are defined by board rule; and

(d) Subject to discipline by the board for violation of this chapter.

(9) Resident nonlicensee owners of licensed firms are required to meet:

(a) The ethics examination, registration, and fee requirements as established by the board rules; and

(b) The ethics CPE requirements established by the board rules.

(10)(a) Licensed firms must notify the board within thirty days after:

(i) Sanction, suspension, revocation, or modification of their professional license or practice rights by the securities exchange commission, internal revenue service, or another state board of accountancy;

(ii) Sanction or order against the licensee or nonlicensee firm owner by any federal or other state agency related to the licensee's practice of public accounting or violation of ethical or technical standards established by board rule; or

(iii) The licensed firm is notified that it has been charged with a violation of law that could result in the suspension or revocation of the firm's license by a federal or other state agency, as identified by board rule, related to the firm's professional license, practice rights, or violation of ethical or technical standards established by board rule.

(b) The board must adopt rules to implement this subsection and may also adopt rules specifying requirements for licensees to report to the board sanctions or orders relating to the licensee's practice of public accounting or violation of ethical or technical standards entered against the licensee by a nongovernmental professionally related standard-setting entity.

Sec. 2. RCW 18.04.215 and 2001 c 294 s 13 are each amended to read as follows:

(1) Three-year licenses shall be issued by the board:

(a) To persons meeting the requirements of RCW 18.04.105(1), 18.04.180, or 18.04.183.

(b) To certificate holders meeting the requirements of RCW 18.04.105(4).

(c) To firms under RCW 18.04.195, meeting the requirements of RCW 18.04.205.

(2) The board shall, by rule, provide for a system of certificate and license renewal and reinstatement. Applicants for renewal or reinstatement shall, at the time of filing their applications, list with the board all states and foreign jurisdictions in which they hold or have applied for certificates, permits or licenses to practice.

(3) An inactive certificate is renewed every three years with renewal subject to the requirements of ethics CPE and the payment of fees, prescribed by the board. Failure to renew the inactive certificate shall cause the inactive certificate to lapse and be subject to reinstatement. The board shall adopt rules providing for fees and procedures for renewal and reinstatement of inactive certificates.

(4) A license is issued every three years with renewal subject to requirements of CPE and payment of fees, prescribed by the board. Failure to renew the license shall cause the license to lapse and become subject to reinstatement. Persons holding a lapsed license are prohibited from using the title "CPA" or "certified public accountant." Persons holding a lapsed license are prohibited from practicing public accountancy. The board shall adopt rules providing for fees and procedures for issuance, renewal, and reinstatement of licenses.

(5) The board shall adopt rules providing for CPE for licensees and certificate holders. The rules shall:

(a) Provide that a licensee shall verify to the board that he or she has completed at least an accumulation of one hundred twenty hours of CPE during the last three-year period to maintain the license;

(b) Establish CPE requirements; and

(c) Establish when new licensees shall verify that they have completed the required CPE.

(6) A certified public accountant who holds a license issued by another state, and applies for a license in this state, may practice in this state from the date of filing a completed application with the board, until the board has acted upon the application provided the application is made prior to holding out as a certified public accountant in this state and no sanctions or investigations, deemed by the board to be pertinent to public accountancy, by other jurisdictions or agencies are in process.

(7) A licensee shall submit to the board satisfactory proof of having completed an accumulation of one hundred twenty hours of CPE recognized and approved by the board during the preceding three years. Failure to furnish this evidence as required shall make the license lapse and subject to reinstatement procedures, unless the board determines the failure to have been due to retirement or reasonable cause.

The board in its discretion may renew a certificate or license despite failure to furnish evidence of compliance with requirements of CPE upon condition that the applicant follow a particular program of CPE. In issuing rules and individual orders with respect to CPE requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and may take into account the accessibility of CPE to licensees and certificate holders and instances of individual hardship.

(8) Fees for renewal or reinstatement of certificates and licenses in this state shall be determined by the board under this chapter. Fees shall be paid by the applicant at the time the application form is filed with the board. The board, by rule, may provide for proration of fees for licenses or certificates issued between normal renewal dates.

(9)(a) Licensees, certificate holders, and nonlicensee owners must notify the board within thirty days after:

(i) Sanction, suspension, revocation, or modification of their professional license or practice rights by the securities exchange commission, internal revenue service, or another state board of accountancy;

(ii) Sanction or order against the licensee, certificate holder, or nonlicensee owner by any federal or other state agency related to the licensee's practice of public accounting or the licensee's, certificate holder's, or nonlicensee owner's violation of ethical or technical standards established by board rule; or

(iii) The licensee, certificate holder, or nonlicensee owner is notified that he or she has been charged with a violation of law that could result in the suspension or revocation of a license or certificate by a federal or other state agency, as identified by board rule, related to the licensee's, certificate holder's, or nonlicensee owner's professional license, practice rights, or violation of ethical or technical standards established by board rule.

(b) The board must adopt rules to implement this subsection and may also adopt rules specifying requirements for licensees, certificate holders, and nonlicensee owners to report to the board sanctions or orders relating to the licensee's practice of public accounting or the licensee's, certificate holder's, or nonlicensee owner's violation of ethical or technical standards entered against the licensee, certificate holder, or nonlicensee owner by a nongovernmental professionally related standard-setting entity.

Sec. 3. RCW 18.04.295 and 2001 c 294 s 14 are each amended to read as follows:

The board shall have the power to: Revoke, suspend, refuse to renew, or reinstate a license or certificate; impose a fine in an amount not to exceed ~~((ten))~~ thirty thousand dollars plus the board's investigative and legal costs in bringing charges against a certified public accountant, a certificate holder, a licensee, a licensed firm, or a nonlicensee holding an ownership interest in a licensed firm; may impose full restitution to injured parties; may impose conditions precedent to renewal of a certificate or a license; or may prohibit a nonlicensee from holding an ownership interest in a licensed firm, for any of the following causes:

- (1) Fraud or deceit in obtaining a license, or in any filings with the board;
 - (2) Dishonesty, fraud, or negligence while representing oneself as a nonlicensee owner holding an ownership interest in a licensed firm, a licensee, or a certificate holder;
 - (3) A violation of any provision of this chapter;
 - (4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;
 - (5) Conviction of a crime or an act constituting a crime under:
 - (a) The laws of this state;
 - (b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or
 - (c) Federal law;
 - (6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of CPE in the other state;
 - (7) Suspension or revocation of the right to practice matters relating to public accounting before any state or federal agency;
- For purposes of subsections (6) and (7) of this section, a certified copy of such revocation, suspension, or refusal to renew shall be prima facie evidence;
- (8) Failure to maintain compliance with the requirements for issuance, renewal, or reinstatement of a certificate or license, or to report changes to the board;
 - (9) Failure to cooperate with the board by:
 - (a) Failure to furnish any papers or documents requested or ordered by the board;
 - (b) Failure to furnish in writing a full and complete explanation covering the matter contained in the complaint filed with the board or the inquiry of the board;
 - (c) Failure to respond to subpoenas issued by the board, whether or not the recipient of the subpoena is the accused in the proceeding;
 - (10) Failure by a nonlicensee owner of a licensed firm to comply with the requirements of this chapter or board rule; and
 - (11) Failure to comply with an order of the board.

Sec. 4. RCW 18.04.390 and 2001 c 294 s 21 are each amended to read as follows:

(1) In the absence of an express agreement between the licensee or licensed firm and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a licensee or licensed firm incident to or in the course of professional service to clients, except reports submitted by a licensee or licensed firm, are the property of the licensee or licensed firm.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the licensee, partnership, limited liability company, or corporation, or any combined or merged partnership, limited liability company, or corporation, or successor in interest.

(3) A licensee shall furnish to the board or to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers or electronic documents, to the extent that such working papers or electronic documents include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

(4) ~~((Nothing in this section shall require a licensee to keep any work paper or electronic document beyond the period prescribed in any other applicable statute))~~ (a) For a period of seven years after the end of the fiscal period in which a licensed firm concludes an audit or review of a client's financial statements, the licensed firm must retain records relevant to the audit or review, as determined by board rule.

(b) The board must adopt rules to implement this subsection, including rules relating to working papers and document retention.

(5) Nothing in this section should be construed as prohibiting any temporary transfer of workpapers or other material necessary in the course of carrying out peer reviews or as otherwise interfering with the disclosure of information pursuant to RCW 18.04.405.

Sec. 5. RCW 18.04.370 and 2001 c 294 s 19 are each amended to read as follows:

(1) Any person who violates any provision of this chapter, shall be guilty of a crime, as follows:

(a) Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than ~~((ten))~~ thirty thousand dollars, or to imprisonment for not more than six months, or to both such fine and imprisonment.

(b) Notwithstanding (a) of this subsection, any person who uses a professional title intended to deceive the public, in violation of RCW 18.04.345, having previously entered into a stipulated agreement and order of assurance with the board, is guilty of a felony, and upon conviction thereof, is subject to a fine of not more than ~~((ten))~~ thirty thousand dollars, or to imprisonment for not more than two years, or to both such fine and imprisonment.

(2) With the exception of first time violations of RCW 18.04.345, subject to subsection (3) of this section whenever the board has reason to believe that any person is violating the provisions of this chapter it shall certify the facts to the prosecuting attorney of the county in which such person resides or may be apprehended and the prosecuting attorney shall cause appropriate proceedings to be brought against such person.

(3) The board may elect to enter into a stipulated agreement and orders of assurance with persons in violation of RCW 18.04.345 who have not previously been found to have violated the provisions of this chapter. The board may order full restitution to injured parties as a condition of a stipulated agreement and order of assurance.

(4) Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive or other relief as above provided.

NEW SECTION. Sec. 6. (1) By December 1, 2003, the board of accountancy shall report to the senate committee on commerce and trade and the house committee on commerce and labor, or successor committees, on the issue of auditor independence.

(2) This section expires January 1, 2004."

Debate ensued.

The President declared the question before the Senate to be the adoption of the Committee on Financial Services, Insurance and Housing striking amendment to Substitute House Bill No. 1211.

The motion by Senator Keiser carried and the committee striking amendment was adopted.

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

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 18.04.195, 18.04.215, 18.04.295, 18.04.390, and 18.04.370; creating a new section; prescribing penalties; and providing an expiration date."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1211, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1211, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1211, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Jacobsen - 1.

Excused: Senator Prentice - 1.

SUBSTITUTE HOUSE BILL NO. 1211, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2132, House Committee on Financial Institutions and Insurance (originally sponsored by Representatives Kenney, Schual-Berke, Santos and McDermott)

Securing public building or construction contracts.

The bill was read the second time.

MOTION

Senator Benton moved that the following Committee on Financial Services, Insurance and Housing striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.30.270 and 2000 2nd sp.s. c 4 s 33 and 2000 c 143 s 2 are each reenacted and amended to read as follows:

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to:

(a) The public nonprofit corporation authorized under RCW 67.40.020; ((or))

(b) Projects in excess of one hundred million dollars for port districts formed under chapter 53.04 RCW; ((or))

(c) A regional transit authority authorized under RCW 81.112.030; or

(d) Projects in excess of one hundred million dollars for counties with a population over one million, for projects administered for public hospitals.

Sec. 2. RCW 48.30.270 and 2000 2nd sp.s. c 4 s 33 are each amended to read as follows:

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to:

(a) The public nonprofit corporation authorized under RCW 67.40.020; ((or))

(b) A regional transit authority authorized under RCW 81.112.030; or

(c) Projects in excess of one hundred million dollars for counties with a population over one million, for projects administered for public hospitals.

NEW SECTION. Sec. 3. Section 1 of this act expires December 31, 2006.
NEW SECTION. Sec. 4. Section 2 of this act takes effect December 31, 2006."

MOTION

On motion of Senator Sheahan, further consideration of Substitute House Bill No. 2132 was deferred.

MOTION

On motion of Senator Sheahan, the Senate reverted to the first order of business.

OBJECTION TO REVERTING TO FIRST ORDER OF BUSINESS

Senator Betti Sheldon objected to reverting to the first order of business.

POINT OF ORDER

Senator Betti Sheldon: "A point of order, Mr. President. Under the Senate Cutoff Resolution No. 8400, I believe that April 4, 2003, was the last day to read in committee reports, except for bills from fiscal committees for which the cutoff is April 7, 2003. I believe that under the cutoff resolution, it is not appropriate to read in this committee report at this time."

Debate ensued.

MOTION

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

PARLIAMENTARY INQUIRY

Senator Betti Sheldon: "A parliamentary inquiry, Mr. President. So, this means that you can go ahead and make your decision at a later time, even though we move out--"

REPLY BY THE PRESIDENT

President Owen: "A point of order has been raised by yourself and the President believes that it is his responsibility, then, to report back on your point of order at a future time."

Senator Betti Sheldon: "Thank you very much."

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute House Bill No. 1163 and Engrossed Substitute House Bill No. 2231, which were held on the desk April 11, 2003, were advanced to second reading and placed on the second reading calendar.

MOTION

At 5:18 p.m., on motion of Senator Sheahan, the Senate adjourned until 8:45 a.m., Thursday, April 17, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-FOURTH DAY, APRIL 16, 2003

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

NINETY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 17, 2003

The Senate was called to order at 8:45 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Doumit and Winsley. On motion of Senator Eide, Senator Doumit was excused. On motion of Senator Hewitt, Senator Winsley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Benjamin Feehan and Ingrid Kraig, presented the Colors. Senator Adam Kline offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

April 16, 2003

SB 5401 Prime Sponsor, Senator Zarelli: Making appropriations and authorizing expenditures for capital improvements. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5401 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan and B. Sheldon.

HOLD.

April 16, 2003

SB 5402 Prime Sponsor, Senator Zarelli: Issuing general obligation bonds. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5402 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan and B. Sheldon.

HOLD.

April 16, 2003

SB 5908 Prime Sponsor, Senator Zarelli: Enacting the building Washington's future act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5908 be substituted therefor, and the substitute bill do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Honeyford, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan and B. Sheldon.

HOLD.

April 16, 2003

SHB 2038 Prime Sponsor, House Committee on Finance: Modifying tobacco escrow refund provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Brown, Doumit, Fairley, Fraser, Hale, Parlette, Poulsen, Regala, Roach, Sheahan and B. Sheldon.

HOLD.

April 16, 2003

HB 2223 Prime Sponsor, Representative Hunt: Allowing The Evergreen State College capital projects account to retain its interest income. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Rossi, Chair; Zarelli, Vice-Chair; Brown, Doumit, Fairley, Fraser, Hale, Johnson, Parlette, Poulsen, Regala, Roach, Sheahan and B. Sheldon.

HOLD.

MOTION

On motion of Senator Sheahan, the rules were suspended and Senate Bill No. 5401, Senate Bill No. 5402, Senate Bill No. 5908, Substitute House Bill No. 2038 and House Bill No. 2223 were advanced to the second reading and placed on the second reading calendar.

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute House Bill No. 1163 and Engrossed Substitute House Bill No. 2231 were advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE GOVERNOR

April 16, 2003

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

I have the honor to advise you that on April 16, 2003, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5570

Relating to communication with a minor for immoral purpose

Senate Bill No. 5574

Relating to district court jurisdiction over actions involving commercial electronic mail.

Sincerely,
Jennifer Joly, General Counsel

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

October 7, 2002

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

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

Carolyn A. Lake, reappointed October 1, 2002, for a term ending September 30, 2007, as a member of the Board of Trustees for Bates Technical College District No. 28.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education

April 4, 2003

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

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

Dennis Kloida, appointed April 2, 2003, for a term ending June 30, 2005, as a member of the Housing Finance Commission.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Financial Services, Insurance and Housing.

MESSAGE FROM THE HOUSE

April 15, 2003

MR. PRESIDENT:

The Speaker has signed:

SENATE BILL NO. 5425,

SENATE BILL NO. 5429,

SUBSTITUTE SENATE BILL NO. 5452,

SUBSTITUTE SENATE BILL NO. 5561,

SENATE BILL NO. 5632,

SENATE BILL NO. 5651,

SENATE BILL NO. 5720,

SUBSTITUTE SENATE BILL NO. 5780, and the same are herewith transmitted

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Parlette, the following resolution was adopted:

SENATE RESOLUTION 8625

By Senators Parlette, Fraser, Kohl-Welles, Johnson and Spanel

WHEREAS, In 1963, Washington established the Teacher of the Year program, which honors an exceptional elementary and a secondary classroom educator; and

WHEREAS, The program's objective is to increase awareness of a classroom teacher's contribution to education and provide unique teaching and learning opportunities for chosen teachers by establishing partnerships that support, educate, and honor regional and state teachers of the year; and

WHEREAS, Students, parents, administrators, and school employees participate in the nomination process within their local school district; and

WHEREAS, On October 16, 2002, Superintendent of Public Instruction Terry Bergeson bestowed the Teacher of the Year Award upon Kenroy Elementary School teacher Véronique Paquette; and

WHEREAS, A resident of East Wenatchee, Paquette is a 1987 graduate of Central Washington University who received her Master of Arts degree in reading specialty from Central Washington University in 1992; and

WHEREAS, Paquette's teaching style exemplifies how successful and engaging a standards-based education can be for students and teachers; and

WHEREAS, Paquette's NASA space project that she incorporated into her second grade curriculum at Kenroy is an innovative example of her ability to generate enthusiasm and knowledge in the world of science; and

WHEREAS, Paquette uses science as a catalyst for creating an environment for all her students to learn and grow as individuals; and

WHEREAS, In April 2003, Véronique Paquette will represent Washington in the National Teacher of the Year competition, to be held in Washington, D.C.;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize Véronique Paquette for her fifteen years of continued excellence, dedication, and perseverance in the teaching profession; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Office of the Governor, the Office of the Superintendent of Public Instruction, the Washington Education Association, the Eastmont School District Superintendent, the Principal of Kenroy Elementary, and Véronique Paquette.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kline, Gubernatorial Appointment No. 9132, Heyward Watson, as a member of the Higher Education Facilities Authority, was confirmed.

APPOINTMENT OF HEYWARD WATSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 47.

Excused: Senators Doumit and Winsley - 2.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1059, by House Committee on Trade and Economic Development (originally sponsored by Representatives Veloria, Sump, Grant and Clements)

Creating a joint committee on trade policy.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1059 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1059.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1059 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 47.

Excused: Senators Doumit and Winsley - 2.

SUBSTITUTE HOUSE BILL NO. 1059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1605, by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Ruderman, Anderson, Sullivan, Miloscia, Schual-Berke, Conway, O'Brien and Lovick)

Creating a statewide justice information network.

The bill was read the second time.

MOTION

On motion of Senator Esser, the following Committee on Technology and Communications striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.98 RCW to read as follows:

(1) The legislature finds that each of the state's justice agencies and the courts have developed independent information systems to address independent management and planning needs, that the state's justice information system is fragmented, and that access to complete, accurate, and timely justice information is difficult and inefficient.

(2) The legislature declares that the purpose of this act is to develop and maintain, in a cost-effective manner, a statewide network of criminal justice information that enables sharing and integrated delivery of justice information maintained in the state's independent information systems and that will:

(a) Maximize standardization of data and communications technology among law enforcement agencies, jails, prosecuting attorneys, the courts, corrections, and licensing;

(b) Reduce redundant data collection and input efforts;

(c) Reduce or eliminate paper-based information exchanges;

(d) Improve work flow within the criminal justice system;

(e) Provide complete, accurate, and timely information to criminal justice agencies and courts in a single computer session;

and

(f) Maintain security and privacy rights respecting criminal justice information.

(3) Statewide coordination of criminal justice information will improve:

(a) The safety of the public and the safety of law enforcement officers and other public servants, by making more complete, accurate, and timely information concerning offenders available to all criminal justice agencies and courts;

(b) Decision making, by increasing the availability of statistical measures for review, evaluation, and promulgation of public policy; and

(c) Access to complete, accurate, and timely information by the public, to the extent permitted pursuant to chapters 10.97 and 42.17 RCW.

(4) The legislature encourages state and local criminal justice agencies and courts to collaborate in the development of justice information systems, as criminal justice agencies and courts collect the most complete, accurate, and timely information regarding offenders.

(5) The legislature finds that the implementation, operation, and continuing enhancement of a statewide justice information network that enables sharing and integrated delivery of information maintained in the state's independent information systems is critical to the complete, accurate, and timely performance of criminal background checks and to the effective communications between and among law enforcement, the courts, executive agencies, and political subdivisions of the state. The legislature further finds and declares that it is in the best interests of the citizens of the state and for the enhancement of public safety that the Washington integrated justice information board be created as soon as possible.

(6) The legislature finds that the intent, purpose, and goals of this act will be implemented most effectively by a board having the power, authority, and responsibility to develop, maintain, and enhance a statewide justice information network that enables sharing and integrated delivery of justice information maintained in the state's independent information systems.

Sec. 2. RCW 10.98.160 and 1999 c 143 s 53 are each amended to read as follows:

In the development and modification of the procedures, definitions, and reporting capabilities of the section, the department, the office of financial management, and the responsible agencies and persons shall consider the needs of other criminal justice agencies such as the administrator for the courts, local law enforcement agencies, (jailers) local jails, the sentencing guidelines commission, the

indeterminate sentence review board, the clemency board, prosecuting attorneys, and affected state agencies such as the office of financial management and legislative committees dealing with criminal justice issues. ~~((An executive committee appointed by the heads of the department, the Washington state patrol, and the office of financial management))~~ The Washington integrated justice information board shall review and provide recommendations to state justice agencies and the courts for development and modification of the ((section, the department, and the office of financial management's felony criminal information systems)) statewide justice information network.

NEW SECTION. Sec. 3. A new section is added to chapter 10.98 RCW to read as follows:

(1) There is created the Washington integrated justice information board. The board shall be composed of the following members:

- (a) A representative appointed by the governor;
- (b) The attorney general;
- (c) The chief of the state patrol;
- (d) The secretary of the department of corrections;
- (e) The director of the department of licensing;
- (f) The administrator for the courts;
- (g) The director of the office of financial management;
- (h) The director of the department of information services;
- (i) The assistant secretary of the department of social and health services responsible for juvenile rehabilitation programs;
- (j) A sheriff appointed by the Washington association of sheriffs and police chiefs;
- (k) A police chief appointed by the Washington association of sheriffs and police chiefs;
- (l) A county legislative authority member appointed by the Washington state association of counties;
- (m) An elected county clerk appointed by the Washington association of county clerks;
- (n) A representative appointed by the Washington association of city and county information systems;
- (o) Two representatives appointed by the judicial information system committee;
- (p) A representative appointed by the association of Washington cities; and
- (q) An elected prosecutor appointed by the Washington association of prosecuting attorneys.

These members shall constitute the membership of the board with full voting rights and shall serve at the pleasure of the appointing authority. Each member may, in writing, appoint a designee to serve in the member's absence. Any member of the board shall immediately cease to be a member if he or she ceases to hold the particular office or employment that was the basis of the appointment. Vacancies shall be filled in the same manner that the original appointments were made to the board.

(2) The board may appoint additional justice information stakeholders as nonvoting members to the board.

(3) In making the appointments, the appointing authorities shall endeavor to assure that there is committed board membership having expertise relating to state and local criminal justice business practices and to information sharing and integration technology.

NEW SECTION. Sec. 4. A new section is added to chapter 10.98 RCW to read as follows:

The board shall elect a chair and vice-chair from among its voting members. Nine voting members of the board shall constitute a quorum. Meetings may be called by the chair or upon the written request of three members of the board. Meeting participation may be by means of conference call or any other communication equipment that allows all persons participating in the meeting to speak and hear all participants.

NEW SECTION. Sec. 5. A new section is added to chapter 10.98 RCW to read as follows:

- (1) The board shall have the following powers and duties related to integration of justice information:
- (a) Meet at such times and places as may be designated by the chair or by three voting members of the board;
 - (b) Adopt its own bylaws, and such other rules governing the board and the conduct of its meetings as the board may deem reasonable or convenient;
 - (c) Coordinate and facilitate the governance, implementation, operation, maintenance, and enhancement of sharing and integrated delivery of complete, accurate, and timely justice information;
 - (d) Increase the use of automated electronic data transfer among state justice agencies, local justice agencies, and courts;
 - (e) Establish and implement uniform data standards and protocols for data transfer and sharing, interface applications, and connectivity standards;
 - (f) Provide state agency and court justice information to criminal justice agencies and courts through connections and applications that enable single session access from multiple platforms;
 - (g) Pursue, develop, and coordinate grants and other funding opportunities for state and local justice information projects that will expand or enhance the sharing and integrated delivery of statewide justice information;
 - (h) Assess state and local agencies' projects and plans for sharing and delivery of integrated justice information, as may be requested by the agencies, the director of the office of financial management, the supreme court, or the legislature;
 - (i) Assist the office of financial management with budgetary and policy review of state agency plans affecting the justice information network;
 - (j) Recommend to the governor, the supreme court, and the legislature those legislative changes and appropriations needed to implement, maintain, and enhance a statewide justice information network and to assure the availability of complete, accurate, and timely justice information;
 - (k) Encourage coordination, consistency, and compatibility among courts, state agency, and local agency justice information systems and projects; and
 - (l) Adopt strategic and tactical planning goals and objectives that implement, maintain, and enhance sharing and integrated delivery of justice information for the state.
- (2)(a) Nothing in this section supersedes the authority of the information services board under chapter 43.105 RCW.
- (b) Nothing in this section supersedes the authority of courts, state agencies, and local agencies to control and maintain access to information within their independent systems.

NEW SECTION. Sec. 6. A new section is added to chapter 10.98 RCW to read as follows:

The board shall file a report with the governor, the supreme court, and the chairs and ranking minority members of the senate and house committees with jurisdiction over criminal justice funding and policy by September 1, 2004, and not less than every two years thereafter. The report shall include specific goals for improving criminal justice information systems integration, a timeline and identifiable benchmarks for achieving those goals, and recommendations concerning legislative changes and appropriations needed to implement, operate, and enhance a statewide justice information network to assure the availability of complete, accurate, and timely justice information."

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

On page 1, beginning on line 1 of the title, after "network;" strike the remainder of the title and insert "amending RCW 10.98.160; and adding new sections to chapter 10.98 RCW."

MOTION

On motion of Senator Esser, the rules were suspended, Substitute House Bill No. 1605, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1605, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1605, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 44.

Voting nay: Senators Poulsen and Reardon - 2.

Excused: Senators Doumit, Sheldon, T. and Winsley - 3.

SUBSTITUTE HOUSE BILL NO. 1605, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1786, by Representatives Veloria and Santos

Modifying mobile home landlord-tenant provisions.

The bill was read the second time.

MOTION

On motion of Senator Benton, the following Committee on Financial Services, Insurance and Housing striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.20.030 and 1999 c 359 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" as it relates to a mobile home, manufactured home, or park model owned by a tenant in a mobile home park, mobile home park cooperative, or mobile home park subdivision or tenancy in a mobile home lot means the tenant has defaulted in rent and by absence and by words or actions reasonably indicates the intention not to continue tenancy;

(2) "Landlord" means the owner of a mobile home park and includes the agents of a landlord;

(3) "Manufactured home" means a single-family dwelling built according to the United States department of housing and urban development manufactured home construction and safety standards act, which is a national preemptive building code. A manufactured home also: (a) Includes plumbing, heating, air conditioning, and electrical systems; (b) is built on a permanent chassis; and (c) can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported, or when installed on the site is three hundred twenty square feet or greater;

(4) "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the United States department of housing and urban development code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the United States department of housing and urban development manufactured home construction and safety act;

(5) "Mobile home lot" means a portion of a mobile home park or manufactured housing community designated as the location of one mobile home, manufactured home, or park model and its accessory buildings, and intended for the exclusive use as a primary residence by the occupants of that mobile home, manufactured home, or park model;

(6) "Mobile home park" or "manufactured housing community" means any real property which is rented or held out for rent to others for the placement of two or more mobile homes~~((~~+~~))~~, manufactured homes, or park models for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy;

(7) "Mobile home park cooperative" or "manufactured housing cooperative" means real property consisting of common areas and two or more lots held out for placement of mobile homes, manufactured homes, or park models in which both the individual lots and the common areas are owned by an association of shareholders which leases or otherwise extends the right to occupy individual lots to its own members;

(8) "Mobile home park subdivision" or "manufactured housing subdivision" means real property, whether it is called a subdivision, condominium, or planned unit development, consisting of common areas and two or more lots held for placement of mobile homes, manufactured homes, or park models in which there is private ownership of the individual lots and common, undivided ownership of the common areas by owners of the individual lots;

(9) "Park model" means a recreational vehicle intended for permanent or semi-permanent installation ~~((and habitation))~~ and is used as a primary residence;

(10) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot;

(11) "Tenant" means any person, except a transient, who rents a mobile home lot;

(12) "Transient" means a person who rents a mobile home lot for a period of less than one month for purposes other than as a primary residence;

(13) "Occupant" means any person, including a live-in care provider, other than a tenant, who occupies a mobile home, manufactured home, or park model and mobile home lot.

Sec. 2. RCW 59.20.070 and 1999 c 359 s 6 are each amended to read as follows:

A landlord shall not:

(1) Deny any tenant the right to sell such tenant's mobile home, manufactured home, or park model within a park or require the removal of the mobile home, manufactured home, or park model from the park because of the sale thereof. Requirements for the transfer of the rental agreement are in RCW 59.20.073;

(2) Restrict the tenant's freedom of choice in purchasing goods or services but may reserve the right to approve or disapprove any exterior structural improvements on a mobile home space: PROVIDED, That door-to-door solicitation in the mobile home park may be restricted in the rental agreement. Door-to-door solicitation does not include public officials or candidates for public office meeting or distributing information to tenants in accordance with subsection (4) of this section;

(3) Prohibit meetings by tenants of the mobile home park to discuss mobile home living and affairs, including political caucuses or forums for or speeches of public officials or candidates for public office, or meetings of organizations that represent the interest of tenants in the park, held in any of the park community or recreation halls if these halls are open for the use of the tenants, conducted at reasonable times and in an orderly manner on the premises, nor penalize any tenant for participation in such activities;

(4) Prohibit a public official or candidate for public office from meeting with or distributing information to tenants in their individual mobile homes, manufactured homes, or park models, nor penalize any tenant for participating in these meetings or receiving this information;

(5) Evict a tenant, terminate a rental agreement, decline to renew a rental agreement, increase rental or other tenant obligations, decrease services, or modify park rules in retaliation for any of the following actions on the part of a tenant taken in good faith:

(a) Filing a complaint with any state, county, or municipal governmental authority relating to any alleged violation by the landlord of an applicable statute, regulation, or ordinance;

(b) Requesting the landlord to comply with the provision of this chapter or other applicable statute, regulation, or ordinance of the state, county, or municipality;

(c) Filing suit against the landlord for any reason;

(d) Participation or membership in any homeowners association or group;

(6) Charge to any tenant a utility fee in excess of actual utility costs or intentionally cause termination or interruption of any tenant's utility services, including water, heat, electricity, or gas, except when an interruption of a reasonable duration is required to make necessary repairs;

(7) Remove or exclude a tenant from the premises unless this chapter is complied with or the exclusion or removal is under an appropriate court order; or

(8) Prevent the entry or require the removal of a mobile home, manufactured home, or park model for the sole reason that the mobile home has reached a certain age. Nothing in this subsection shall limit a landlords' right to exclude or expel a mobile home, manufactured home, or park model for any other reason, including but not limited to, ~~((fire and safety concerns provided such)) failure to comply with fire, safety, and other provisions of local ordinances and state laws relating to mobile homes, manufactured homes, and park models, as long as the action conforms to this chapter ((59-20-RCW)) or any other relevant statutory provision.~~

Sec. 3. RCW 59.20.073 and 1999 c 359 s 7 are each amended to read as follows:

(1) Any rental agreement shall be assignable by the tenant to any person to whom he or she sells or transfers title to the mobile home, manufactured home, or park model.

(2) A tenant who sells a mobile home, manufactured home, or park model within a park shall notify the landlord in writing of the date of the intended sale and transfer of the rental agreement at least fifteen days in advance of such intended transfer and shall notify the buyer in writing of the provisions of this section. The tenant shall verify in writing to the landlord payment of all taxes, rent, and reasonable expenses due on the mobile home, manufactured home, or park model and mobile home lot.

(3) The landlord shall notify the selling tenant, in writing, of a refusal to permit transfer of the rental agreement at least seven days in advance of such intended transfer.

(4) The landlord may require the mobile home, manufactured home, or park model to meet applicable fire and safety standards if a state or local agency responsible for the enforcement of fire and safety standards has issued a notice of violation of those standards to the tenant and those violations remain uncorrected. Upon correction of the violation to the satisfaction of the state or local agency responsible for the enforcement of that notice of violation, the landlord's refusal to permit the transfer is deemed withdrawn.

(5) The landlord shall approve or disapprove of the assignment of a rental agreement on the same basis that the landlord approves or disapproves of any new tenant, and any disapproval shall be in writing. Consent to an assignment shall not be unreasonably withheld.

(6) Failure to notify the landlord in writing, as required under subsection (2) of this section; or failure of the new tenant to make a good faith attempt to arrange an interview with the landlord to discuss assignment of the rental agreement; or failure of the current or new tenant to obtain written approval of the landlord for assignment of the rental agreement, shall be grounds for disapproval of such transfer.

Sec. 4. RCW 59.20.080 and 1999 c 359 s 10 are each amended to read as follows:

(1) A landlord shall not terminate or fail to renew a tenancy of a tenant or the occupancy of an occupant, of whatever duration except for one or more of the following reasons:

(a) Substantial violation, or repeated or periodic violations of the rules of the mobile home park as established by the landlord at the inception of the tenancy or as assumed subsequently with the consent of the tenant or for violation of the tenant's duties as provided in RCW 59.20.140. The tenant shall be given written notice to cease the rule violation immediately. The notice shall state that failure to cease the violation of the rule or any subsequent violation of that or any other rule shall result in termination of the tenancy, and that the tenant shall vacate the premises within fifteen days: PROVIDED, That for a periodic violation the notice shall also specify that repetition of the same violation shall result in termination: PROVIDED FURTHER, That in the case of a violation of a "material change" in park rules with respect to pets, tenants with minor children living with them, or recreational facilities, the tenant shall be given written notice under this chapter of a six month period in which to comply or vacate;

(b) Nonpayment of rent or other charges specified in the rental agreement, upon five days written notice to pay rent and/or other charges or to vacate;

(c) Conviction of the tenant of a crime, commission of which threatens the health, safety, or welfare of the other mobile home park tenants. The tenant shall be given written notice of a fifteen day period in which to vacate;

(d) Failure of the tenant to comply with local ordinances and state laws and regulations relating to mobile homes, manufactured homes, or park models or mobile home, manufactured homes, or park model living within a reasonable time after the tenant's receipt of notice of such noncompliance from the appropriate governmental agency;

(e) Change of land use of the mobile home park including, but not limited to, conversion to a use other than for mobile homes, manufactured homes, or park models or conversion of the mobile home park to a mobile home park cooperative or mobile home park subdivision: PROVIDED, That the landlord shall give the tenants twelve months' notice in advance of the effective date of such change, except that for the period of six months following April 28, 1989, the landlord shall give the tenants eighteen months' notice in advance of the proposed effective date of such change;

(f) Engaging in "criminal activity." "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants. A park owner seeking to evict a tenant or occupant under this subsection need not produce

evidence of a criminal conviction, even if the alleged misconduct constitutes a criminal offense. Notice from a law enforcement agency of criminal activity constitutes sufficient grounds, but not the only grounds, for an eviction under this subsection. Notification of the seizure of illegal drugs under RCW 59.20.155 is evidence of criminal activity and is grounds for an eviction under this subsection. The requirement that any tenant or occupant register as a sex offender under RCW 9A.44.130 is grounds for eviction under this subsection. If criminal activity is alleged to be a basis of termination, the park owner may proceed directly to an unlawful detainer action;

(g) The tenant's application for tenancy contained a material misstatement that induced the park owner to approve the tenant as a resident of the park, and the park owner discovers and acts upon the misstatement within one year of the time the resident began paying rent;

(h) If the landlord serves a tenant three fifteen-day notices within a twelve-month period to comply or vacate for failure to comply with the material terms of the rental agreement or park rules. The applicable twelve-month period shall commence on the date of the first violation;

(i) Failure of the tenant to comply with obligations imposed upon tenants by applicable provisions of municipal, county, and state codes, statutes, ordinances, and regulations, including this chapter (~~59.20 RCW~~). The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(j) The tenant engages in disorderly or substantially annoying conduct upon the park premises that results in the destruction of the rights of others to the peaceful enjoyment and use of the premises. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days;

(k) The tenant creates a nuisance that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to cease the conduct that constitutes a nuisance immediately. The notice must state that failure to cease the conduct will result in termination of the tenancy and that the tenant shall vacate the premises in five days;

(l) Any other substantial just cause that materially affects the health, safety, and welfare of other park residents. The landlord shall give the tenant written notice to comply immediately. The notice must state that failure to comply will result in termination of the tenancy and that the tenant shall vacate the premises within fifteen days; or

(m) Failure to pay rent by the due date provided for in the rental agreement three or more times in a twelve-month period, commencing with the date of the first violation, after service of a five-day notice to comply or vacate.

(2) Within five days of a notice of eviction as required by subsection (1)(a) of this section, the landlord and tenant shall submit any dispute to mediation. The parties may agree in writing to mediation by an independent third party or through industry mediation procedures. If the parties cannot agree, then mediation shall be through industry mediation procedures. A duty is imposed upon both parties to participate in the mediation process in good faith for a period of ten days for an eviction under subsection (1)(a) of this section. It is a defense to an eviction under subsection (1)(a) of this section that a landlord did not participate in the mediation process in good faith.

(3) Chapters 59.12 and 59.18 RCW govern the eviction of recreational vehicles, as defined in RCW 59.20.030, from mobile home parks. This chapter governs the eviction of mobile homes, manufactured homes, park models, and recreational vehicles used as a primary residence from a mobile home park."

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

On page 1, line 1 of the title, after "act;" strike the remainder of the title and insert "and amending RCW 59.20.030, 59.20.070, 59.20.073, and 59.20.080."

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 1786, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1786, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1786, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 47.

Excused: Senators Sheldon, T. and Winsley - 2.

HOUSE BILL NO. 1786, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1246, by Representatives Linville, Schoesler, Rockefeller, Sump, Orcutt, Quall, Uptegrove and Mielke (by request of Commissioner of Public Lands Sutherland)

Authorizing the department of natural resources to accept gifts of aquatic land.

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, House Bill No. 1246 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1246.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1246 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 47.

Excused: Senators Sheldon, T. and Winsley - 2.

HOUSE BILL NO. 1246, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1084, by Representatives Hunter, Benson and Schual-Berke (by request of Insurance Commissioner Kreidler)

Regulating automobile insurance.

The bill was read the second time.

MOTION

On motion of Senator Benton, the rules were suspended, House Bill No. 1084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1084.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1084 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 48.

Excused: Senator Winsley - 1.

HOUSE BILL NO. 1084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1090, by Representatives Veloria, Roach, O'Brien, Bush, Lantz, Clements, Linville, Kenney, Boldt, Sullivan, Upthegrove, Chase, Darneille, Hudgins and Edwards

Extending the task force against trafficking of persons.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the following Committee on Children and Family Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. 2002 c 10 s 2 (uncodified) is amended to read as follows:

(1) There is created the Washington state task force against the trafficking of persons.

(2) The task force shall consist of the following members:

(a) The director of the office of community development, or the director's designee;

(b) The secretary of the department of health, or the secretary's designee;

(c) The secretary of the department of social and health services, or the secretary's designee;

(d) The director of the department of labor and industries, or the director's designee;

(e) The commissioner of the employment security department, or the commissioner's designee;

(f) Nine members, selected by the director of the office of community development, that represent public and private sector organizations that provide assistance to persons who are victims of trafficking.

(3) The task force shall be chaired by the director of the office of community development, or the director's designee.

- (4) The task force shall carry out the following activities:
- (a) Measure and evaluate the progress of the state in trafficking prevention activities;
 - (b) Identify available federal, state, and local programs that provide services to victims of trafficking that include, but are not limited to health care, human services, housing, education, legal assistance, job training or preparation, interpreting services, English as a second language classes, and victim's compensation; and
 - (c) Make recommendations on methods to provide a coordinated system of support and assistance to persons who are victims of trafficking.
- (5) The task force shall report its supplemental findings and recommendations to the governor and legislature by ~~((November 30, 2002))~~ June 30, 2004.
- (6) The office of community development shall provide necessary administrative and clerical support to the task force, within available resources.
- (7) The members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, within available resources.
- (8) The task force expires ~~((March 1, 2003))~~ June 30, 2004.
- NEW SECTION. Sec. 2.** Section 1 of this act is added to chapter 7.68 RCW.
- NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."
- There being no objection, the following title amendment was adopted:
- On page 1, line 2 of the title, after "persons;" strike the remainder of the title and insert "amending 2002 c 10 s 2 (uncodified); adding a new section to chapter 7.68 RCW; and declaring an emergency."

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed House Bill No. 1090, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1090, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1090, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 48.

Excused: Senator Winsley - 1.

ENGROSSED HOUSE BILL NO. 1090, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 1010, by Representatives Dickerson, Delvin, Kenney, Sullivan and Darneille

Changing provisions relating to discharge of a minor from a mental health facility.

The bill was read the second time.

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed House Bill No. 1010 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1010.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1010 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 47.

Excused: Senators Honeyford and Winsley - 2.

ENGROSSED HOUSE BILL NO. 1010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1361, by Representatives Linville, Schoesler, Grant and Holmquist

Increasing the powers of the state agricultural commodity commissions.

The bill was read the second time.

MOTION

Senator Swecker moved that the following Committee on Agriculture striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.66.030 and 2002 c 313 s 40 are each amended to read as follows:

Marketing orders may be made for any one or more of the following purposes:

(1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets, or to create new or larger markets for any agricultural commodity grown in the state of Washington;

(2) To provide for carrying on research studies to find more efficient methods of production, irrigation, processing, transportation, handling, and marketing of any agricultural commodity;

(3) To provide for improving standards and grades by defining, establishing, and providing labeling requirements with respect to the same;

(4) To investigate and take necessary action to prevent unfair trade practices;

(5) To provide information or communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;

(6) To provide marketing information and services for producers of an agricultural commodity;

(7) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;

(8) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity;

((and))

(9) To provide for commodity-related education and training; and

(10) To assist and cooperate with the department or any other local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect trade of the affected commodity.

"**Sec. 2.** RCW 15.66.140 and 2002 c 313 s 57 are each amended to read as follows:

Every commodity commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

(1) To elect a chair and such other officers as determined advisable;

(2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;

(3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;

(4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(5) To acquire personal property and purchase or lease office space and other necessary real property and transfer and convey the same;

(6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;

(7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the state auditor or private auditor designated by the state auditor at least every five years;

(8) Borrow money and incur indebtedness;

(9) Make necessary disbursements for routine operating expenses;

(10) To expend funds for commodity-related education, training, and leadership programs as each commission deems expedient;

(11) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the commission's marketing order;

(12) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the commission's marketing order. Personal service contracts must comply with chapter 39.29 RCW;

(13) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the commission's marketing order;

(14) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of an affected commodity;

(15) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a commission. The retention of a private attorney is subject to review by the office of the attorney general;

(16) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by the marketing order;

(17) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(18) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of the marketing order and data on the value of each producer's production for a minimum three-year period;

(19) To maintain a list of the names and addresses of persons who handle the affected commodity within the affected area and data on the amount and value of the commodity handled for a minimum three-year period by each person; ~~(and)~~

~~(20) To request records and audit the records of producers or handlers of the affected commodity during normal business hours to determine whether the appropriate assessment has been paid;~~

~~(21) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to the affected commodity; and~~

~~(22) Such other powers and duties that are necessary to carry out the purposes of this chapter.~~

Sec. 3. RCW 15.66.185 and 2002 c 313 s 62 are each amended to read as follows:

(1) Any funds of any agricultural commodity commission may be invested in savings or time deposits in banks, trust companies, and mutual savings banks that are doing business in the United States, up to the amount of insurance afforded such accounts by the Federal Deposit Insurance Corporation.

(2) This section shall apply to all funds which may be lawfully so invested, which in the judgment of any agricultural commodity commission are not required for immediate expenditure. The authority granted by this section is not exclusive and shall be construed to be cumulative and in addition to other authority provided by law for the investment of such funds, including, but not limited to, authority granted under chapters 39.58, 39.59, and 43.84 RCW.

Sec. 4. RCW 15.66.110 and 2002 c 313 s 51 are each amended to read as follows:

(1) Every marketing order shall establish a commodity commission composed of not less than five nor more than ~~((thirteen))~~ fifteen members. ~~((In addition, the director shall be an ex officio member of each commodity commission unless otherwise specified in the marketing order.))~~ Commission members shall be citizens and residents of this state if required by the marketing order, and over the age of eighteen. Not more than one commission member may be part of the same "person" as defined by this chapter. The term of office of commission members shall be three years with the terms rotating so that one-third of the terms will commence as nearly as practicable each year. However, the first commission shall be selected, one-third for a term of one year, one-third for a term of two years, and one-third for a term of three years, as nearly as practicable. Except as provided in subsection (2) of this section, no less than ~~((two-thirds))~~ sixty percent of the commission members shall be elected by the affected producers and such elected members shall all be affected producers. Except as provided in subsection (4) of this section, the remaining members shall be appointed by the commission and shall be either affected producers, others active in matters relating to the affected commodity, or persons not so related.

(2) A marketing order may provide that a majority of the commission be appointed by the director ~~((, but in any event, no less than one-third of the commission members shall be elected by the affected producers)).~~

(3) In the event that the marketing order provides that a majority of the commission be appointed by the director, the marketing order shall incorporate ~~((either))~~ the provisions of RCW 15.66.113 ~~((or 15.66.115))~~ for member selection.

(4) The director shall appoint to every commission one member who represents the director. The director is a voting member of each commodity commission.

NEW SECTION. Sec. 5. A new section is added to chapter 15.66 RCW to read as follows:

(1) Each commodity commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of the affected commodity; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodity may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review each commodity commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodity.

(3) Each commodity commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 6. A new section is added to chapter 15.66 RCW to read as follows:

Each commission organized under a marketing order adopted under this chapter exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges each commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodity.

NEW SECTION. Sec. 7. RCW 15.66.115 (When director appoints majority of the commission--Nominations--Advisory vote--Notice-- Director appoints candidate receiving the most votes--Exception) and 2002 c 313 s 53 are each repealed.

NEW SECTION. Sec. 8. The costs incurred by the department of agriculture that are associated with the implementation of section 5 of this act shall be paid for by the affected commodity commissions.

Sec. 9. RCW 15.65.220 and 2002 c 313 s 20 are each amended to read as follows:

(1) Every marketing agreement and order shall provide for the establishment of a commodity board of not less than five nor more than thirteen members and shall specify the exact number thereof and all details as to (a) qualification, (b) nomination, (c) election or appointment by the director, (d) term of office, and (e) powers, duties, and all other matters pertaining to such board.

(2) The members of the board shall be producers or handlers or both in such proportion as the director shall specify in the marketing agreement or order, but in any marketing order or agreement the number of handlers on the board shall not exceed the number of producers thereon. The marketing order or agreement may provide that a majority of the board be appointed by the director, but in any event, no less than one-third of the board members shall be elected by the affected producers.

(3) In the event that the marketing order or agreement provides that a majority of the commodity board be appointed by the director, the marketing order or agreement shall incorporate ~~((either))~~ the provisions of RCW 15.65.243 ~~((or 15.65.245))~~ for board member selection.

(4) The director shall appoint to every board one member who represents the director. The director shall be a voting member of each commodity board.

NEW SECTION. Sec. 10. A new section is added to chapter 15.65 RCW to read as follows:

(1) Each commodity commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of the affected commodity; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodity may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review each commodity commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodity.

(3) Each commodity commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 11. A new section is added to chapter 15.65 RCW to read as follows:

Each commission organized under a marketing order adopted under this chapter exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges each commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodity.

NEW SECTION. Sec. 12. A new section is added to chapter 15.65 RCW to read as follows:

The costs incurred by the department associated with the implementation of section 10 of this act shall be paid for by the affected commodity commissions.

Sec. 13. RCW 15.28.020 and 2002 c 313 s 105 are each amended to read as follows:

The commission is composed of ~~((sixteen))~~ seventeen voting members, as follows: Ten producers, four dealers, and two processors, who are ~~((elected and qualified))~~ appointed as provided in this chapter. The director, or an authorized representative, shall be ~~((an ex-officio member without a vote))~~ a voting member of the commission. Other sections of this chapter that relate to the selection of voting members shall not apply to the director or his or her authorized representative.

A majority of the voting members constitute a quorum for the transaction of any business.

Sec. 14. RCW 15.28.040 and 1967 c 191 s 3 are each amended to read as follows:

Of the producer members, four shall be ~~((elected))~~ appointed from the first district and occupy positions one, two, three and four; four shall be ~~((elected))~~ appointed from the second district and occupy positions five, six, seven and eight, and two shall be ~~((elected))~~ appointed from the third district and occupy positions nine and ten.

Of the dealer members, two shall be ~~((elected))~~ appointed from each of the first and second districts and respectively occupy positions eleven and twelve from the first district and positions thirteen and fourteen from the second district.

The processor members shall be ~~((elected))~~ appointed from the state at large and occupy positions fifteen and sixteen. The dealer member position previously referred to as position twelve shall henceforth be position thirteen. The processor member position heretofore referred to as position fourteen shall cease to exist on March 21, 1967. The processor member position heretofore referred to as position shall be known as position sixteen.

Sec. 15. RCW 15.28.050 and 1967 c 191 s 4 are each amended to read as follows:

The regular term of office of the members of the commission shall be three years commencing on May 1, following the date of ~~((election))~~ appointment and until their successors are ~~((elected))~~ appointed and qualified, except, however, that the first term of dealer position twelve in the first district shall be for two years and expire May 1, 1969.

NEW SECTION. Sec. 16. A new section is added to chapter 15.28 RCW to read as follows:

(1) The director shall appoint the members of the commission.

(2) Candidates for positions on the commission shall be nominated under RCW 15.28.060.

(3) Not less than sixty days nor more than seventy-five days prior to the commencement of a commission member's term, the director shall cause an advisory vote to be held for the director-appointed positions. Advisory ballots shall be mailed to all affected producers and shall be returned to the director not less than thirty days prior to the commencement of the term. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the commission. In the event there are only two candidates nominated for a position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment. If only one candidate is nominated for a position, the commission shall select a second candidate whose name will be forwarded to the director.

(4) Any candidate whose name is forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the commission. The director may select either person for the position.

NEW SECTION. Sec. 17. A new section is added to chapter 15.28 RCW to read as follows:

To accomplish the transition to a commission structure where the director appoints a majority of commission members, the names of the currently elected commission members shall be forwarded to the director for appointment to the commission within thirty days of the effective date of this act. Thereafter, the director shall appoint commission members pursuant to section 16 of this act as the current commission member terms expire.

Sec. 18. RCW 15.28.060 and 1967 c 191 s 6 are each amended to read as follows:

The director shall call meetings at times and places concurred upon by the director and the commission for the purpose of nominating producer, dealer or processor members for ~~((election))~~ potential appointment to the commission when such members' terms are about to expire. Notice of such meetings shall be given at least sixty days prior to the time the respective members' term is about to expire. The nominating meetings shall be held at least sixty days prior to the expiration of the respective members' term of office.

Notice shall be given by the commission by mail to all known persons having a right to vote for such respective nominee's ~~((election))~~ potential appointment to the commission.

Further, the commission shall publish notice at least once in a newspaper of general circulation in the district where the nomination is to be held. Such a newspaper may be published daily or weekly. The failure of any person entitled to receive notice of such nominating meeting shall not invalidate such nominating meeting or the ~~((election))~~ appointment of a member nominated at such meeting.

Any person qualified to serve on the commission may be nominated orally at ~~((said))~~ the nomination meetings. Written nominations, signed by five persons qualified to vote for the said nominee, may be made for five days subsequent to ~~((said))~~ the nomination meeting. Such written nominations shall be filed with the commission at its Yakima office.

~~((Members of the commission shall be elected by a))~~ The director shall cause an advisory vote to be held for commission positions. The advisory vote shall be by secret mail ballot(, and such election shall be conducted under the supervision of the director, and the elected candidate shall become a member of the commission upon certification of the director that said elected candidate has satisfied the required qualifications for membership on the commission.

~~When only one nominee is nominated for any position on the commission, the director shall, if such nominee satisfies the requirements of the position for which he was nominated, certify the said nominee as to his qualifications and then it shall be deemed that said nominee has been duly elected. Nominees receiving a majority of the votes in an election shall be considered to have been elected and if more than one position is to be filled in a district or at large, the nominees respectively receiving the largest number of votes shall be deemed to have been elected to fill the vacancies from said districts or areas on the commission).~~ Persons qualified to vote for members of the commission shall, except as otherwise provided by law or rule or regulation of the commission, vote only in the district in which their activities make them eligible to vote for a potential member of the commission.

A producer to be eligible to vote in ~~((an election))~~ the advisory vote for a nominee as a producer member of the commission must be a commercial producer of soft tree fruits paying assessments to the commission.

When a legal entity acting as a producer, dealer, or processor is qualified to vote for a candidate in any district or area to serve in a specified position on the commission, such legal entity may cast only one vote for such candidate, regardless of the number of persons comprising such legal entity or stockholders owning stock therein.

Sec. 19. RCW 15.28.070 and 1967 c 191 s 7 are each amended to read as follows:

The commission shall have the authority, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act), for adopting rules and regulations, after public hearing, establishing one or more subdistricts in any one of the three districts. Such subdistricts shall include a substantial portion of the soft tree fruit producing area in the district in which they are formed.

The commission shall, when a subdistrict has been formed within one of the districts as in this section provided for, assign one of the districts' producer positions on the commission to said subdistrict. Such producer position may only be filled by a producer residing in such subdistrict, whether by ~~((election;))~~ apportionment~~((;))~~ or appointment.

Sec. 20. RCW 15.28.080 and 1961 c 11 s 15.28.080 are each amended to read as follows:

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position, until the next annual ~~((election))~~ nominating meeting, shall be filled by vote of the remaining members of the commission. ~~((At such annual election a commissioner shall be elected to fill the balance of the unexpired term.))~~ Following the next annual nomination meeting, the director shall appoint one of the two nominees selected by advisory ballot to fill the balance of the unexpired term.

NEW SECTION. Sec. 21. A new section is added to chapter 15.28 RCW to read as follows:

(1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of the affected commodities; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodities may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodities.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 22. A new section is added to chapter 15.28 RCW to read as follows:

The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodities.

NEW SECTION. Sec. 23. A new section is added to chapter 15.28 RCW to read as follows:

The costs incurred by the department of agriculture associated with the implementation of section 21 of this act shall be paid for by the commission.

Sec. 24. RCW 15.44.020 and 2002 c 313 s 89 are each amended to read as follows:

The dairy products commission shall be composed of not more than ten members. There shall be one member from each district who shall be a practical producer of dairy products ~~((to be elected by such producers)),~~ one member shall be a dealer, and one member shall be a producer who also acts as a dealer ~~((and such dealer and producer who acts as a dealer shall be appointed by the director of agriculture, and)).~~ The director of agriculture shall be ~~((an ex-officio member without vote))~~ a voting member of the commission.

As used in this chapter, "director" means the director of agriculture or his or her authorized representative.

NEW SECTION. Sec. 25. A new section is added to chapter 15.44 RCW to read as follows:

(1) The director shall appoint the members of the commission.

(2) Candidates for producer member positions on the commission shall be nominated under RCW 15.44.033.

(3) The director shall cause an advisory vote to be held for the producer member positions. Advisory ballots shall be mailed to all affected producers in the district where a vacancy is about to occur and shall be returned to the director not less than thirty days prior to the commencement of the term. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the commission. In the event there are only two candidates nominated for a position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment. If only one candidate is nominated for a position, the commission shall select a second candidate whose name will be forwarded to the director.

(4) Any candidate whose name is forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the commission. The director may select either person for the position.

Sec. 26. RCW 15.44.033 and 1995 c 374 s 59 are each amended to read as follows:

Producer members of the commission shall be nominated ~~((and elected))~~ by producers within the district that such producer members represent in the year in which a commission member's term shall expire. ~~((Such producer members receiving the largest number of the votes cast in the respective districts which they represent shall be elected. The election shall be by secret mail ballot and under the supervision of the director.))~~

Nomination for candidates to be ~~((elected))~~ appointed to the commission shall be conducted by mail by the director. Such nomination forms shall be mailed by the director to each producer in a district where a vacancy is about to occur. Such mailing shall be made on or after April 1st, but not later than April 10th of the year the commission vacancy will occur. The nomination form shall provide for the name of the producer being nominated and the names of five producers nominating such nominee. The producers nominating such nominee shall affix their signatures to such form and shall further attest that the said nominee meets the qualifications for a producer member to serve on the commission and that he or she will be willing to serve on the commission if ~~((elected))~~ appointed.

All nominations as provided for herein shall be returned to the director by April 30th, and the director shall not accept any nomination postmarked later than midnight April 30th, nor place the candidate thereon on the advisory election ballot.

Advisory vote ballots for electing ~~((members))~~ nominees to the commission will be mailed by the director to all eligible producers no later than May 15th, in districts where advisory elections are to be held and such ballots to be valid shall be returned postmarked no later than May 31st of the year mailed, to the director in Olympia.

~~((If only one person is nominated for a position on the commission.))~~ The director shall determine whether the ~~((person possesses))~~ persons nominated possess the qualifications required by statute for the position ~~((and, if the director determines that the person possesses such qualifications, the director shall declare that the person has been duly elected)).~~

Sec. 27. RCW 15.44.035 and 2002 c 313 s 90 are each amended to read as follows:

(1) The commission shall prior to each advisory election, in sufficient time to satisfy the requirements of RCW 15.44.033, furnish the director with a list of all producers within the district for which the advisory election is being held. The commission shall require each dealer and shipper in addition to the information required under RCW 15.44.110 to furnish the commission with a list of names of producers whose milk they handle.

(2) Any producer may on his or her own motion file his or her name with the commission for the purpose of receiving notice of the advisory election.

(3) It is the responsibility of each producer to ensure that his or her correct address is filed with the commission.

(4) For all purposes of giving notice, holding referenda, and ~~((electing members of))~~ conducting advisory votes for nominees to the commission, the applicable list of producers corrected up to the day preceding the date the list is certified and mailed to the director is deemed to be the list of all producers or handlers, as applicable, entitled to notice or to vote. The list shall be corrected and brought up-to-date in accordance with evidence and information provided to the commission.

NEW SECTION. Sec. 28. A new section is added to chapter 15.44 RCW to read as follows:

To accomplish the transition to a commission structure where the director appoints the commission members, the names of the currently elected commission members shall be forwarded to the director for appointment to the commission within thirty days of the effective date of this act. Thereafter, the director shall appoint commission members pursuant to section 25 of this act as the current commission member terms expire.

NEW SECTION. Sec. 29. A new section is added to chapter 15.44 RCW to read as follows:

(1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising, promotion, and education of the affected commodities; and
(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodities may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodities.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education, training and leadership plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 30. A new section is added to chapter 15.44 RCW to read as follows:

The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodities.

NEW SECTION. Sec. 31. A new section is added to chapter 15.44 RCW to read as follows:

The costs incurred by the department of agriculture associated with the implementation of section 29 of this act shall be paid for by the commission.

Sec. 32. RCW 15.44.150 and 2002 c 313 s 102 are each amended to read as follows:

Any action by the commission administrator, member, employee, or agent thereof pertaining to the performance or nonperformance or misperformance of any matters or things authorized, required, or permitted by this chapter, and any other liabilities, debts, or claims against the commission shall be enforced in the same manner as if the commission were a corporation. No liability for the debts or actions of the commission shall exist against the state of Washington or any subdivision or instrumentality thereof. Liability for the debts or actions of the commission's administrator, member, employee, or agent incurred in their official capacity under this chapter does not exist either against the administrator, members, employees, and agents in their individual capacity or the state of Washington. The administrator, its members, and its agents and employees are not responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime.

All persons employed or contracting under this chapter shall be limited to, and all salaries, expenses, and liabilities incurred by the commission shall be payable only from the funds collected under this chapter.

Sec. 33. RCW 16.67.040 and 2000 c 146 s 1 are each amended to read as follows:

There is hereby created a Washington state beef commission to be thus known and designated. The commission shall be composed of two beef producers, two dairy (beef) producers, two feeders, one livestock salesyard operator, ~~((and))~~ one meat packer, and the director, who shall be a voting member. If an otherwise voting member is elected as the chair of the commission, the member may, during the member's term as chair of the commission, cast a vote as a member of the commission only to break a tie vote. ~~((In addition there may be one ex officio member without the right to vote from the department of agriculture to be designated by the director thereof and,))~~ If the commission so chooses, there may be one additional nonvoting member in an advisory capacity appointed by the ((voting)) members of the commission for such a term as the ((voting)) members may set.

A majority of voting members shall constitute a quorum for the transaction of any business.

All appointed members as stated in RCW 16.67.060 shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in that phase of the cattle industry he or she represents for a period of five years, and has during that period derived a substantial portion of his or her income therefrom, or have a substantial investment in cattle as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the production of cattle or dressed beef, or a manager or executive officer of such corporation. Producer members of the commission shall not be directly engaged in the business of being a meat packer, or as a feeder, feeding cattle other than their own. Said qualifications must continue throughout each member's term of office.

NEW SECTION. Sec. 34. A new section is added to chapter 16.67 RCW to read as follows:

(1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of its affected commodities; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of its affected commodities may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning its affected commodities.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 35. A new section is added to chapter 16.67 RCW to read as follows:

The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of Washington state government with regard to its particular commodities.

NEW SECTION. Sec. 36. A new section is added to chapter 16.67 RCW to read as follows:

The costs incurred by the department associated with the implementation of section 34 of this act shall be paid for by the commission.

NEW SECTION. Sec. 37. RCW 15.65.245 (When director appoints majority of the board--Nominations--Advisory vote--Notice--Director appoints candidate receiving the most votes--Exception) and 2002 c 313 s 25 are each repealed.

NEW SECTION. Sec. 38. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

MOTION

On motion of Senator Swecker, the following amendment by Senators Swecker and Rasmussen to the Committee on Agriculture striking amendment was adopted:

On page 19, after line 31 of the amendment, insert the following:

"**Sec. 38.** RCW 15.88.030 and 1997 c 321 s 40 are each amended to read as follows:

(1) There is created an agricultural commodity commission to be known and designated as the Washington wine commission. ~~((Except as provided in RCW 15.88.100(2)-))~~ The commission shall be composed of ~~((eleven))~~ twelve voting members and one nonvoting member; five voting members shall be growers, five voting members shall be wine producers, one voting member shall be the director, and one voting member shall be a wine distributor licensed under RCW 66.24.200. Of the grower members, at least one shall be a person who does not have over fifty acres of vinifera grapes in production, at least one shall be a person who has over one hundred acres of vinifera grapes in production, and two may be persons who produce and sell their own wine. Of the wine producer members, at least one shall be a person producing not more than twenty-five thousand gallons of wine annually, at least one shall be a person producing over one million gallons of wine annually, and at least two shall be persons who produce wine from their own grapes. In addition, at least one member shall be a wine producer located in western Washington and at least two members shall be wine producers located in eastern Washington.

(2) ~~((In addition to the voting members identified in subsection (1) of this section,))~~ The commission shall have one nonvoting member who is a wine producer in this state whose principal wine or wines are produced from fruit other than vinifera grapes. ~~((The director of agriculture, or the director's designee, shall serve as an ex officio, nonvoting member.))~~

(3) ~~((Except as provided in RCW 15.88.100(2)-))~~ Seven voting members of the commission constitute a quorum for the transaction of any business of the commission.

(4) Each voting member of the commission shall be a citizen and resident of this state and over the age of twenty-one years. Each voting member, except the member holding position eleven, must be or must have been engaged in that phase of the grower or wine producer industry that he or she is appointed to represent, and must during his or her term of office derive a substantial portion of income therefrom, or have a substantial investment in the growing of vinifera grapes or the production of wine from vinifera grapes as an owner, lessee, partner, or a stockholder owning at least ten percent of the voting stock in a corporation engaged in the growing of vinifera grapes or wine production from vinifera grapes; or the manager or executive officer of such a corporation. These qualifications apply throughout each member's term of office. This subsection does not apply to the director.

Sec. 39. RCW 15.88.040 and 1988 c 254 s 13 are each amended to read as follows:

The ~~((appointive))~~ appointed voting positions on the commission shall be designated as follows: The wine producers shall be designated positions one, two, three, four, and five; the growers shall be designated positions six, seven, eight, nine, and ten; ~~((and))~~ the wine wholesaler shall be position eleven; and the director shall be position number thirteen. The nonvoting industry member shall be designated position number twelve. The member designated as filling position one shall be a person producing over one million gallons of wine annually. The member designated as position one shall be the sole representative, directly or indirectly, of the producer eligible to hold position one and in no event shall that producer directly or indirectly control more than fifty percent of the votes of the commission.

Except ~~((as provided in RCW 15.88.100(2)))~~ for position thirteen, the regular terms of office shall be three years from the date of appointment and until their successors are appointed. However, the first terms of the members appointed upon July 1, 1987, shall be as follows: Positions one, six, and eleven shall terminate July 1, 1990; positions two, four, seven, and nine shall terminate July 1, 1989; and positions three, five, eight, and ten shall terminate July 1, 1988. The term of the initial nonvoting industry member shall terminate July 1, 1990.

Sec. 40. RCW 15.88.050 and 2002 c 313 s 111 are each amended to read as follows:

(1) The director shall appoint the members of the commission. In making such appointments ~~((of the voting members)),~~ the director shall take into consideration recommendations made by the growers' association and the wine institute as the persons recommended for appointment as members of the commission. In appointing persons to the commission, the director shall seek to ensure as nearly as possible a balanced representation on the commission which would reflect the composition of the growers and wine producers throughout the state as to number of acres cultivated and amount of wine produced.

(2) The appointment shall be carried out immediately subsequent to July 1, 1987, and members so appointed as set forth in this chapter shall serve for the periods set forth for the original members of the commission under RCW 15.88.040.

(3) In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of the position shall immediately be filled by appointment by the director.

(4) Each member or employee of the commission shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter as defined by the commission in rule. Otherwise if not defined in rule, reimbursement for travel expenses shall be at the rates allowed by RCW 43.03.050 and 43.03.060.

Sec. 41. RCW 15.88.100 and 1988 c 254 s 14 are each amended to read as follows:

(1) Except as provided in subsection(s) (2) ~~((and (3)))~~ of this section, the vote of each of the voting members of the commission shall be weighted as provided by this subsection for the transaction of any of the business of the commission. The total voting strength of the entire voting membership of the commission shall be ~~((eleven))~~ twelve votes. The vote of position one shall be equal to the lesser of the following: ~~((Five))~~ Six and one-half votes; or eleven votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.

(2) ~~((In the event the assessment described in RCW 66.24.215(1)(b) is not effective on July 1, 1989, the positions designated for growers cease to exist. In such an event, the commission shall be composed of six voting members and two nonvoting members. The nonvoting industry member shall be position seven. Four voting members of the commission constitute a quorum for the modified commission. Of the six votes of the entire voting membership of the modified commission, the vote of position one shall be the lesser of the following: Three votes; or six votes times the percentage of the wine produced in the state that is produced by the person filling position one. The percentage shall be based upon the amount of wine produced in the previous calendar year and shall be rounded to the nearest ten percent. The remaining votes of the membership of the commission shall be divided equally among the remaining members of the commission.))~~

~~((3))~~ In the event that the percentage of wine produced by the producer represented by position one falls below twenty-five percent of the wine produced in this state, the weighted voting mechanism provided for in subsection(s) (1) ~~((and (2)))~~ of this section shall cease to be effective. In that case, the voting shall be based on one vote per position.

NEW SECTION. Sec. 42. A new section is added to chapter 15.88 RCW to read as follows:

(1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising, promotion, and education of the affected commodities; and

(b) The establishment and effectuation of market research projects, market development projects, or both to the end that the marketing and utilization of the affected commodities may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning the affected commodities.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall strive to review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 43. A new section is added to chapter 15.88 RCW to read as follows:

The commission exists primarily for the benefit of the people of the state of Washington and its economy. The legislature hereby charges the commission, with oversight by the director, to speak on behalf of the Washington state government with regard to wine grapes and wine.

Sec. 44. RCW 15.88.180 and 2002 c 313 s 76 are each amended to read as follows:

(1) The director may provide by rule for a method to fund staff support for all commodity boards or commissions in accordance with RCW 43.23.033 if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

(2) The costs incurred by the department associated with the implementation of section 42 of this act shall be paid for by the commission.

Renumber the remaining section consecutively.

The President declared the question before the Senate to be the adoption of the Committee on Agriculture striking amendment, as amended, to House Bill No. 1361.

The motion by Senator Swecker carried and the committee amendment, as amended, was adopted.

There being no objection, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 15.66.030, 15.66.140, 15.66.185, 15.66.110, 15.65.220, 15.28.020, 15.28.040, 15.28.050, 15.28.060, 15.28.070, 15.28.080, 15.44.020, 15.44.033, 15.44.035, 15.44.150, and 16.67.040; adding new sections to chapter 15.66 RCW; adding new sections to chapter 15.65 RCW; adding new sections to chapter 15.28 RCW; adding new sections to chapter 15.44 RCW; adding new sections to chapter 16.67 RCW; creating a new section; repealing RCW 15.66.115 and 15.65.245; and declaring an emergency."

On page 20, line 8 of the title amendment, strike "and 16.67.040" and insert "16.67.040, 15.88.030, 15.88.040, 15.88.050, 15.88.100, and 15.88.180"

On page 20, line 11 of the title amendment, after "16.67 RCW;" insert "adding new sections to chapter 15.88 RCW;"

MOTION

On motion of Senator Swecker, the rules were suspended, House Bill No. 1361, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Swecker, I understand that this striking amendment is not meant to affect the outcome of the recent Washington State Apple Commission case, or any related settlement negotiations. It is also my understanding that, by adopting this amendment, we do not intend to expand or alter the states's liability with regard to agricultural commissions. Is this the case?"

Senator Swecker: "Thank you, Senator Rasmussen. Yes, you are correct. This amendment is not meant to affect the outcome of the case you referred to or to influence settlement negotiations in any manner,. Furthermore, in adopting this amendment, we do not intend to expand the state's liability with regard to agricultural commissions, and it is our intent that this amendment not be construed in a manner that would subject the state to liability."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1361, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1361, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 1361, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1734, deferred on April 16, after a point of order on whether the bill was properly before the Senate.

RULING BY THE PRESIDENT

"In ruling upon the point of order raised by Senator McCaslin as to whether Substitute House Bill No. 1734 was properly before the Senate, the President finds and rules as follows:

"The President believes a brief recitation of the facts is appropriate to explain how this measure came before the body. The bill was originally moved by the committee upon a motion to recommend a substitute bill be adopted and passed. In fact, the underlying measure is a House Bill, and the Senate cannot adopt a substitute to a House Bill.

Instead, the proper way to change language in the underlying bill is with an amendment. Realizing the mistake, the committee later moved to report the bill out with a 'do pass' recommendation as amended by the committee. This was the proper motion. Because the previous motion to substitute the bill was never proper, it could not properly be reported out. Put another way, the bill was never actually reported out until the motion was correctly put to adopt a striking amendment--not a substitute. Therefore, the measure, as amended by the committee, is properly reported out and before this body for consideration.

"Senator McCaslin is correct that Senate Rule 45, No. 7, provides a mechanism by which a committee may reconsider a measure that has failed to receive a majority vote by providing one day's notice. This is not, however, the exclusive authority by which a question may be reconsidered. The President believes that motions to reconsider achieve two primary purposes. First, they allow for the question to be decided by a true majority of the body or committee by providing an opportunity for a measure to pass that has failed because of a member's absence or a mistake. Likewise, they allow for a member to change his or her mind. Second, a motion to reconsider can serve as a means by which the body or committee can change mistakes made in the text of a bill, presentation of a motion, or in procedure. In this regard, the main thrust of reconsideration is to ensure that the will of the body is done and done correctly, whether the reconsideration be for a question that has failed or passed. Reed's Rule 202 makes this clear.

"It states: 'Even after a measure has passed the ordeal of consideration, of debate and amendment, and of final passage by the assembly, it has not yet, in American assemblies, reached an end. It is subject to a motion to reconsider.'

"Reed's Rules, along with Senate Rule 37, provide additional means of reconsideration which are supplemented, not excluded, by Rule 45, No. 7. The need for Rule 45, No. 7 to specifically state a mechanism for reconsideration of a failed measure in committee is clear: once a measure has failed in committee, it will generally not be presented on the floor for full consideration, and there may be no other practical opportunity to consider any other aspect--procedural or substantive--of the measure. By contrast, a measure which has passed will, as a practical matter, generally provide more opportunities to be revisited to correct procedural or substantive mistakes. Rule 45, No 7, clearly provides a process by which a measure which fails in committee may be reconsidered by that committee, but Senate Rules and Reed's Rules likewise provide a means by which that committee may reconsider measures which have not failed.

"The President, therefore, finds that a committee may reconsider any question still pending or within its control, regardless of whether that question was previously positively or negatively decided by that committee. Any other interpretation would leave a committee without reasonable means to correct substantive or procedural mistakes.

"With respect to the ability of a chair to hold a committee report or exercise a 'pocket veto' under Senate Rule 63, the President finds that a committee has a reasonable time to transmit a committee report to the Secretary of the Senate to be read in to the full body as part of the First Order of Business. If a member believes that a chair is not acting in good faith, that member has several options. First, he or she may move, in committee, that the report be immediately transmitted to the Secretary of the Senate to be read in to the full body as part of the First Order of Business. Second, he or she may move, on the floor of the Senate, that the report be read in during First Order. Third, under Rule 48, a bill may be recalled from committee by a majority vote of the membership. These are not necessarily the only remedies available, but should provide some guidance as to how a member may protest a perceived pocket veto.

"Therefore, the President finds that Substitute House Bill No. 1734, and the amendment by the Committee on Land Use Planning, are properly before this body for consideration. The President thanks Senator McCaslin for an opportunity to elaborate on these important issues."

The President ruled that Substitute House Bill No. 1734 was properly before the Senate.

PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege, Mr. President. I know that we are in real tight quarters in here and I noticed when you spoke, this place was like a pin could drop and you could hear. I appreciate that. I wonder, Mr. President, if you could institute an award for the best and worst desks in here. I have walked through the passage way here and I have noticed that some are even flowing over to the other desks. If you had an award for the best or worst, we might clear this matter up."

POINT OF ORDER

Senator Roach: "A point of order, Mr. President. This is entirely unfair. I have just noticed my desk and I think there should be plenty of warning for such a thing. I think Senator Oke's motion is completely out of order until I have just about two minutes--if you will give me that."

REPLY BY THE PRESIDENT

President Owen: "Since this room is set up in somewhat of a schoolroom fashion, possibly a gold star?"

PERSONAL PRIVILEGE

Senator McAuliffe: "A point of personal privilege, Mr. President. I was so impressed with your analysis of the rules and I would appreciate that it would they be written out in full and that I might have a copy."

REPLY BY THE PRESIDENT

President Owen: "Any member may have a copy of the any of the rulings if they so desire. So it is said, so it is written and so it is done."

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. When you are reading those long rulings, can we ask for the last line, please?"

REPLY BY THE PRESIDENT

President Owen: "What is the opposite of a gold star?"

PERSONAL PRIVILEGE

Senator Jacobsen: "Mr. President, a point of personal privilege, Mr. President. When Senator Oke said the best and worst desk, and of course what is the best and worst desk? I understand that there have been studies and the messy desk is the most efficient, because the working documents are at the top of the pile and the eighty percent that you never use are at the bottom."

MOTION

On motion of Senator Sheahan, the Senate will immediately consider Substitute House Bill No. 1734.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1734, by House Committee on Local Government (originally sponsored by Representatives Romero, Hinkle, Moeller, Delvin, Grant, Jarrett and Flannigan) (by request of Department of Community, Trade, and Economic Development)

Updating the state building code.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the following Committee on Land Use and Planning striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The intent of the adoption of the International Building Code by the legislature is to remain consistent with state laws regulating construction, including electrical, plumbing, and energy codes established in chapters 19.27, 19.27A, and 19.28 RCW. The International Building Code references the International Residential Code for provisions related to the construction of single and multiple-family dwellings. No portion of the International Residential Code shall supersede or take precedent over provisions in chapter 19.28 RCW, regulating the electrical code; nor provisions in RCW 19.27.031(4), regulating the plumbing code; nor provisions in chapter 19.27A RCW, regulating the energy code.

(2) It is in the state's interest and consistent with the state building code act to have in effect provisions regulating the construction of single and multiple-family residences. It is the legislative intent that the state building code council adopt the International Residential Code through rule making granted in RCW 19.27.074, consistent with state law regulating construction for electrical, plumbing, and energy codes, and other state and federal laws regulating single and multiple-family construction.

(3) In accordance with RCW 19.27.020, the state building code council shall promote fire and life safety in buildings consistent with accepted standards. In adopting the codes for the state of Washington, the state building code council shall consider provisions related to fire fighter safety. The state building code council shall review all nationally recognized codes to ensure accepted minimum safety requirements.

(4) The legislature finds that building codes are an integral component of affordable housing. In accordance with this finding, the state building code council shall consider and review building code provisions related to improving affordable housing.

Sec. 2. RCW 19.27.031 and 1995 c 343 s 1 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) ~~((Uniform))~~ (a) The International Building Code ~~((and Uniform Building Code Standards))~~, published by the International ~~((Conference of Building Officials))~~ Code Council Inc.;

(b) The International Residential Code, published by the International Code Council, Inc.;

(2) ~~((Uniform))~~ The International Mechanical Code, ~~((including Chapter 13, Fuel Gas Piping, Appendix B,))~~ published by the International ~~((Conference of Building Officials))~~ Code Council Inc., except that the standards for liquified petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquified Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);

(3) The ~~((Uniform)) International Fire Code ((and Uniform Fire Code Standards))~~, published by the International ~~((Fire Code Institute)) Code Council Inc.~~: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That ~~((chapters 11 and 12)) any provisions~~ of such code ~~affecting sewers or fuel gas piping~~ are not adopted; and

(5) The rules ~~((and regulations))~~ adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically ~~((handicapped)) disabled~~ or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074. The council shall solicit input from first responders and the housing construction industry to ensure that fire fighter safety and housing affordability issues are addressed during the code adoption process.

The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes.

Sec. 3. RCW 19.27.080 and 1990 c 33 s 555 are each amended to read as follows:

Nothing in this chapter affects the provisions of chapters ~~19.27A~~, 19.28, 43.22, 70.77, 70.79, 70.87, 48.48, 18.20, 18.46, 18.51, 28A.305, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, 76.04, 90.76 RCW, or RCW 28A.195.010, or grants rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

Sec. 4. RCW 19.27.110 and 1975-'76 2nd ex. s. c 37 s 1 are each amended to read as follows:

Each county government shall administer and enforce the ~~((uniform)) International Fire Code~~ in the unincorporated areas of the county: PROVIDED, That any political subdivision or municipal corporation providing fire protection pursuant to RCW 14.08.120 shall, at its sole option, be responsible for administration and enforcement of the ~~((uniform)) International Fire Code~~ on its facility. Any fire protection district or political subdivision may, pursuant to chapter 39.34 RCW, the interlocal cooperation act, assume all or a portion of the administering responsibility and coordinate and cooperate with the county government in the enforcement of the ~~((uniform)) International Fire Code~~.

It is not the intent of RCW 19.27.110 and 19.27.111 to preclude or limit the authority of any city, town, county, fire protection district, state agency, or political subdivision from engaging in those fire prevention activities with which they are charged.

It is not the intent of the legislature by adopting the state building code or RCW 19.27.110 and 19.27.111 to grant counties any more power to suppress or extinguish fires than counties currently possess under the Constitution or other statutes.

Each county is authorized to impose fees sufficient to pay the cost of inspections, administration, and enforcement pursuant to RCW 19.27.110 and 19.27.111."

MOTION

Senator Mulliken moved that the following striking amendment by Senators Mulliken and Kline be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The intent of the adoption of the International Building Code by the legislature is to remain consistent with state laws regulating construction, including electrical, plumbing, and energy codes established in chapters 19.27, 19.27A, and 19.28 RCW. The International Building Code references the International Residential Code for provisions related to the construction of single and multiple-family dwellings. No portion of the International Residential Code shall supersede or take precedent over provisions in chapter 19.28 RCW, regulating the electrical code; nor provisions in RCW 19.27.031(4), regulating the plumbing code; nor provisions in chapter 19.27A RCW, regulating the energy code.

(2) It is in the state's interest and consistent with the state building code act to have in effect provisions regulating the construction of single and multiple-family residences. It is the legislative intent that the state building code council adopt the International Residential Code through rule making granted in RCW 19.27.074, consistent with state law regulating construction for electrical, plumbing, and energy codes, and other state and federal laws regulating single and multiple-family construction.

(3) In accordance with RCW 19.27.020, the state building code council shall promote fire and life safety in buildings consistent with accepted standards. In adopting the codes for the state of Washington, the state building code council shall consider provisions related to fire fighter safety published by nationally recognized organizations. The state building code council shall review all nationally recognized codes as set forth in RCW 19.27.074.

(4) The legislature finds that building codes are an integral component of affordable housing. In accordance with this finding, the state building code council shall consider and review building code provisions related to improving affordable housing.

Sec. 2. RCW 19.27.031 and 1995 c 343 s 1 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes which are hereby adopted by reference:

(1) ~~((Uniform)) (a) The International Building Code ((and Uniform Building Code Standards))~~, published by the International ~~((Conference of Building Officials)) Code Council Inc.~~;

~~((b) The International Residential Code, published by the International Code Council, Inc.;~~

~~((2) ((Uniform)) The International Mechanical Code, ((including Chapter 13, Fuel Gas Piping, Appendix B,)) published by the International ((Conference of Building Officials)) Code Council Inc., except that the standards for liquified petroleum gas installations shall be NFPA 58 (Storage and Handling of Liquified Petroleum Gases) and ANSI Z223.1/NFPA 54 (National Fuel Gas Code);~~

~~((3) The ((Uniform)) International Fire Code ((and Uniform Fire Code Standards))~~, published by the International ~~((Fire Code Institute)) Code Council Inc.~~, including those standards of the National Fire Protection Association specifically referenced in the ~~International Fire Code~~: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

~~((4) Except as provided in RCW 19.27.170, the Uniform Plumbing Code and Uniform Plumbing Code Standards, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That ((chapters 11 and 12)) any provisions of such code affecting sewers or fuel gas piping are not adopted; and~~

~~((5) The rules ((and regulations)) adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically ((handicapped)) disabled or elderly persons as provided in RCW 70.92.100 through 70.92.160.~~

~~In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.~~

~~The codes enumerated in this section shall be adopted by the council as provided in RCW 19.27.074. The council shall solicit input from first responders to ensure that fire fighter safety issues are addressed during the code adoption process.~~

~~The council may issue opinions relating to the codes at the request of a local official charged with the duty to enforce the enumerated codes.~~

Sec. 3. RCW 19.27.080 and 1990 c 33 s 555 are each amended to read as follows:

Nothing in this chapter affects the provisions of chapters 19.27A, 19.28, 43.22, 70.77, 70.79, 70.87, 48.48, 18.20, 18.46, 18.51, 28A.305, 70.41, 70.62, 70.75, 70.108, 71.12, 74.15, 70.94, 76.04, 90.76 RCW, or RCW 28A.195.010, or grants rights to duplicate the authorities provided under chapters 70.94 or 76.04 RCW.

Sec. 4. RCW 19.27.110 and 1975-'76 2nd ex. s. c 37 s 1 are each amended to read as follows:

Each county government shall administer and enforce the ~~((uniform))~~ International Fire Code in the unincorporated areas of the county: PROVIDED, That any political subdivision or municipal corporation providing fire protection pursuant to RCW 14.08.120 shall, at its sole option, be responsible for administration and enforcement of the ~~((uniform))~~ International Fire Code on its facility. Any fire protection district or political subdivision may, pursuant to chapter 39.34 RCW, the interlocal cooperation act, assume all or a portion of the administering responsibility and coordinate and cooperate with the county government in the enforcement of the ~~((uniform))~~ International Fire Code.

It is not the intent of RCW 19.27.110 and 19.27.111 to preclude or limit the authority of any city, town, county, fire protection district, state agency, or political subdivision from engaging in those fire prevention activities with which they are charged.

It is not the intent of the legislature by adopting the state building code or RCW 19.27.110 and 19.27.111 to grant counties any more power to suppress or extinguish fires than counties currently possess under the Constitution or other statutes.

Each county is authorized to impose fees sufficient to pay the cost of inspections, administration, and enforcement pursuant to RCW 19.27.110 and 19.27.111."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Mulliken and Kline to Substitute House Bill No. 1734.

The motion by Senator Mulliken carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "codes;" strike the remainder of the title and insert "amending RCW 19.27.031, 19.27.080, and 19.27.110; and creating a new section."

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute House Bill No. 1734, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1734, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1734, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West and Zarelli - 41.

Voting nay: Senators Finkbeiner, Hargrove, Johnson, Keiser, McCaslin, Poulsen, Thibaudeau and Winsley - 8.

SUBSTITUTE HOUSE BILL NO. 1734, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163, by House Committee on Transportation (originally sponsored by Representative Murray) (by request of Governor Locke)

Making 2001-03 and 2003-05 transportation appropriations.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following striking amendment by Senators Horn and Haugen was adopted: Strike everything after the enacting clause and insert the following:

"2003-05 BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2005.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2004" or "FY 2004" means the fiscal year ending June 30, 2004.

(b) "Fiscal year 2005" or "FY 2005" means the fiscal year ending June 30, 2005.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

(3) Reappropriations are limited to the unexpended balances remaining on June 30, 2003, from the 2001-03 biennial appropriations, or for the amount indicated on the appropriate capital project list dated March 31, 2003, for each project.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION UTILITIES AND TRANSPORTATION COMMISSION Grade Crossing Protective Account--State Appropriation \$293,000

NEW SECTION. Sec. 102. FOR THE MARINE EMPLOYEES COMMISSION MARINE EMPLOYEES COMMISSION Puget Sound Ferry Operations Account--State Appropriation \$412,000

NEW SECTION. Sec. 103. FOR THE STATE PARKS AND RECREATION COMMISSION STATE PARKS AND RECREATION COMMISSION Motor Vehicle Account--State Appropriation \$822,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF AGRICULTURE DEPARTMENT OF AGRICULTURE Motor Vehicle Account--State Appropriation \$315,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS WASHINGTON STATE PARKS AND RECREATION | CAPITAL PROJECTS Motor Vehicle Account--State Appropriation \$150,000

The appropriation in this section is subject to the following conditions and limitations: The motor vehicle account--state appropriation is a one-time reappropriation and is provided solely for the Beacon Rock state park entrance road project. Any of the appropriations not expended by June 30, 2005, shall revert to the motor vehicle account--state.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION WASHINGTON TRAFFIC SAFETY COMMISSION Highway Safety Account--State Appropriation \$1,649,000

Highway Safety Account--Federal Appropriation \$15,744,000

School Zone Safety Account--State Appropriation \$3,059,000

TOTAL APPROPRIATION \$20,452,000

The appropriations in this section are subject to the following conditions and limitations:

The commission may oversee up to four pilot projects implementing the use of traffic safety cameras to detect failure to stop at railroad crossings, stoplights, and school zones.

(1) In order to ensure adequate time in the 2003-05 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the commission must be authorized by December 31, 2003.

(2) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(3) The traffic safety commission shall use the following guidelines to administer the program:

(a) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only, and only while an infraction is occurring;

(b) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(c) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(d) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(e) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the issuing law enforcement agency, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(f) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(g) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the issuing agency within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use;

(h) For purposes of the 2003-05 biennium pilot projects, infractions generated by the use of traffic safety cameras are exempt from the provisions of RCW 3.50.100 and must be processed in the same manner as parking violations; and

(i) By June 30, 2005, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

NEW SECTION. Sec. 202. FOR THE LOCAL BOARDS COORDINATED PROGRAM LOCAL BOARDS COORDINATED PROGRAM Rural Arterial Trust Account--State Appropriation \$769,000

Motor Vehicle Account--State Appropriation \$1,927,000
Urban Arterial Trust Account--State Appropriation \$1,611,000
Transportation Improvement Account--State Appropriation \$1,620,000
County Arterial Preservation Account--State Appropriation \$719,000
TOTAL APPROPRIATION \$6,646,000

The appropriations in this section are subject to the following conditions and limitations: The executive director of the local boards coordinated program is encouraged to contract with the Washington state department of transportation, highways and local programs division, for maintenance administrative review and endangered species act training services. Contract costs shall be paid only from expenditure savings realized from efficiencies produced by the combining of the staff for the transportation improvement board and the county road administration board.

NEW SECTION. Sec. 203. FOR THE COUNTY ROAD ADMINISTRATION BOARD COUNTY ROAD ADMINISTRATION BOARDRural Arterial Trust Account--State Appropriation \$769,000

Motor Vehicle Account--State Appropriation \$1,927,000
County Arterial Preservation Account--State Appropriation \$719,000
TOTAL APPROPRIATION \$3,415,000

NEW SECTION. Sec. 204. FOR THE TRANSPORTATION IMPROVEMENT BOARD TRANSPORTATION IMPROVEMENT BOARDUrban Arterial Trust Account--State Appropriation \$1,611,000

Transportation Improvement Account--State Appropriation \$1,620,000
TOTAL APPROPRIATION \$3,231,000

NEW SECTION. Sec. 205. FOR THE BOARD OF PILOTAGE COMMISSIONERS BOARD OF PILOTAGE COMMISSIONERSPilotage Account--State Appropriation \$272,000

NEW SECTION. Sec. 206. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE LEGISLATIVE TRANSPORTATION COMMITTEEMotor Vehicle Account--State Appropriation \$2,374,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No funding is provided for the staffing, administration and operations of the house of representatives transportation committee. Existing staff of the transportation committee shall be transferred to the house of representatives in the office of program research. All tangible and intangible property that has been acquired by, or allocated for use by the house of representatives transportation committee and its staff, including but not limited to office space and equipment, information systems technology, and employer-related assets, rights, privileges, and liabilities shall be transferred to the house of representatives. Any property acquired by, or allocated for use by the senate transportation committee and its staff shall be transferred to the senate.

(2) \$1,600,000 of the motor vehicle state appropriation in this section is provided for the purposes of (a) and (b) of this subsection:

(a)(i) If Substitute Senate Bill No. 5748 becomes law by June 30, 2003, the amount provided in this subsection shall be for performance and functional audits of transportation agencies and departments as provided in Substitute Senate Bill No. 5748; and

(ii) If Substitute Senate Bill No. 5748 does not become law by June 30, 2003, the amount provided in this subsection shall be for performance and functional audits of transportation agencies and departments paid for and ordered by the executive committee of the legislative transportation committee, pursuant to a recommendation of the transportation performance audit board hereby created. The transportation performance audit board shall consist of the majority and minority leaders of the transportation committees of the legislature, five citizen members with transportation-related expertise who shall be nominated by professional associations chosen by the board's legislative members and appointed by the governor, the legislative auditor as an ex officio member, and one at-large member appointed by the governor. The citizen members may not currently, or within one year of their appointment, be employed by the Washington state department of transportation, and shall include:

(A) One member with expertise in construction project planning, including permitting and assuring regulatory compliance;
(B) One member with expertise in construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(C) One member with expertise in construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(D) One member with expertise in project management, including design estimating, contract packaging, and procurement;
and

(E) One member with expertise in transportation planning and congestion management.

(b) Within the amount provided in this subsection, the joint legislative audit and review committee shall contract with the legislative transportation committee to conduct a targeted performance audit of the Washington state patrol. For this performance audit, the joint legislative audit and review committee shall put its highest priority on the following topics: (i) An assessment of the types and categories of services, including a contrast of public highway policing and general policing services provided by the patrol, and the organizational structures used to deliver these services; (ii) an evaluation of the patrol's fiscal policies and procedures, including a differentiation between transportation and general fund expenditures; and (iii) an evaluation of the linkages among expenditures, organizational structures, service delivery, accountability, and outcomes. The joint legislative audit and review committee shall provide a progress report to the appropriate committees of the legislature by December 31, 2003, and a final report, including findings and recommendations, by September 30, 2004.

(3)(a) The legislative transportation committee and the transportation commission shall establish a joint work group to develop a work plan for the 2003 legislative interim for the purpose of recommending revisions to the statewide transportation plan under RCW 47.01.071. The work group shall at a minimum develop recommendations that:

(i) Propose changes to chapter 47.06 RCW, regarding statewide transportation planning;

(ii) Propose changes to chapter 47.05 RCW, regarding priority programming for highway development;

(iii) Improve the needs analysis process in RCW 47.05.030;

(iv) Integrate the needs analysis process in RCW 47.05.030 and the benchmark measures of RCW 47.01.012 (section 101, chapter 5, Laws of 2002); and

(v) Develop guidelines for regional transportation planning organizations to incorporate state policies into long-range transportation plans.

(b) The work group shall submit its recommendations under this subsection to the legislature and the governor by December 1, 2003.

(4) The legislative transportation committee shall establish a joint work group with the transportation commission and a representative of the office of financial management to develop a revised budgeting format for the omnibus transportation budgets adopted by the legislature. The revised format should help improve understanding and communication of legislative policies and priorities, as reflected in the budget document. The work group shall submit its recommendations to the legislative transportation committee by December 1, 2003.

(5) The legislative transportation committee and the transportation commission shall establish a joint work group to define and designate highways of statewide significance under RCW 47.06.140. The work group shall consider the minimum criteria for

designation of highways of statewide significance as provided under RCW 47.05.021(3). The work group shall submit its recommendations to the legislature by December 1, 2003.

(6) The legislative transportation committee and the transportation commission shall establish a joint work group to plan for the implementation in 2005 of the Personnel System Reform Act of 2002 (chapter 354, Laws of 2002), as it relates to transportation agencies. The work group shall submit its recommendations to the legislative transportation committee by December 1, 2004.

NEW SECTION. Sec. 207. FOR THE TRANSPORTATION COMMISSION TRANSPORTATION

COMMISSION Motor Vehicle Account--State Appropriation \$807,000

The appropriation in this section is subject to the following conditions and limitations: Sufficient funds are provided to implement Substitute Senate Bill No. 5987.

NEW SECTION. Sec. 208. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD Motor Vehicle Account--State Appropriation \$616,000

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

WASHINGTON STATE PATROL | FIELD OPERATIONS BUREAU State Patrol Highway Account--State

Appropriation \$171,527,000

State Patrol Highway Account--Federal Appropriation \$6,167,000

State Patrol Highway Account--Private/Local Appropriation \$175,000

TOTAL APPROPRIATION \$177,869,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in authorized off-duty uniformed employment are authorized to use state patrol vehicles for the purposes of that authorized employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2004, on the use of agency vehicles by officers engaging in off-duty employment. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) \$1,700,000 of the state patrol highway account--state appropriation in this section is provided solely for the addition of thirteen troopers to those permanently assigned to vessel and terminal security. The Washington state patrol shall continue to provide the enhanced services levels established after September 11, 2001. Vessel and terminal security troopers shall board vessels at random, and conduct commercial vehicle inspections and explosive detection dog handler patrols.

(3) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account created under section 1501 of this act, no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(4) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31 of each year.

NEW SECTION. Sec. 210. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

WASHINGTON STATE PATROL | SUPPORT SERVICES BUREAU State Patrol Highway Account--State Appropriation \$71,799,000

State Patrol Highway Account--Private/Local Appropriation \$1,290,000

TOTAL APPROPRIATION \$73,089,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,895,000 of the state patrol highway account--state appropriation in this section is provided solely for the purchase of 923 mobile radios. Before June 30, 2005, the patrol shall install in all of its highway law enforcement and pursuit vehicles the mobile radios funded in this subsection.

(2) Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

(3) The Washington state patrol shall assign two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives shall work cooperatively with the department of licensing's driver's special investigation unit.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING-- MANAGEMENT AND SUPPORT

SERVICES DEPARTMENT OF LICENSING | MANAGEMENT AND SUPPORT SERVICES Marine Fuel Tax Refund Account--State Appropriation \$7,000

Motorcycle Safety Education Account--State Appropriation \$94,000

Wildlife Account--State Appropriation \$80,000

Highway Safety Account--State Appropriation \$8,718,000

Motor Vehicle Account--Local Appropriation \$86,000

Motor Vehicle Account--State Appropriation \$4,925,000

Motor Vehicle Account--Federal Appropriation \$19,000

DOL Services Account--State Appropriation \$139,000

TOTAL APPROPRIATION \$14,068,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$12,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) \$10,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(3) \$67,000 of the motor vehicle account--state appropriation is provided solely for the implementation of House Bill No. 2065.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING-- INFORMATION SERVICES

DEPARTMENT OF LICENSING | INFORMATION SERVICES Marine Fuel Tax Refund Account--State Appropriation \$2,000

Motorcycle Safety Education Account--State Appropriation \$159,000

Wildlife Account--State Appropriation \$64,000

Highway Safety Account--State Appropriation \$11,394,000

Highway Safety Account--Federal Appropriation \$6,000

Motor Vehicle Account--Local Appropriation \$61,000

Motor Vehicle Account--State Appropriation \$7,087,000
Motor Vehicle Account--Federal Appropriation \$13,000
DOL Services Account--State Appropriation \$773,000
TOTAL APPROPRIATION \$19,559,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

(2) \$7,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(3) \$48,000 of the motor vehicle account--state appropriation is provided solely for the implementation of House Bill No. 2065.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES DEPARTMENT OF LICENSING | VEHICLE SERVICES Marine Fuel Tax Refund Account--State Appropriation \$60,000

Wildlife Account--State Appropriation \$585,000
Motor Vehicle Account--Local Appropriation \$1,225,000
Motor Vehicle Account--State Appropriation \$61,932,000
Motor Vehicle Account--Federal Appropriation \$568,000
DOL Services Account--State Appropriation \$3,596,000
TOTAL APPROPRIATION \$67,966,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$90,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$2,901,000 of the motor vehicle account--state appropriation is provided solely for the implementation of House Bill No. 2065. Within the amount provided, the department shall fund the implementation of a digital license plate system including the purchase of digital license plate printing equipment for correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. By December 1, 2003, the department and correctional industries shall submit a report to the transportation committees of the legislature detailing the digital license plate printing system implementation plan. By January 1, 2005, the department and correctional industries shall submit a report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES DEPARTMENT OF LICENSING | DRIVER SERVICES Motorcycle Safety Education Account--State Appropriation \$2,576,000

Highway Safety Account--State Appropriation \$85,487,000
Highway Safety Account--Federal Appropriation \$204,000
TOTAL APPROPRIATION \$88,267,000

The appropriations in this section are subject to the following conditions and limitations: \$178,000 of the highway safety account--state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM C DEPARTMENT OF TRANSPORTATION | INFORMATION TECHNOLOGY--PROGRAM C Motor Vehicle Account--State Appropriation \$58,661,000

Motor Vehicle Account--Federal Appropriation \$5,163,000
Puget Sound Ferry Operations Account--State Appropriation \$6,508,000
Multimodal Transportation Account--State Appropriation \$363,000
TOTAL APPROPRIATION \$70,695,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$715,000 of the motor vehicle account--state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application modernization. The legislative transportation committee shall approve the statement of work before the consultant is hired. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan.

The department and the consultant shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication. The department shall provide a report on its proposed application modernization plan to the transportation committees of the legislature by June 30, 2004.

(2)(a) \$2,150,000 of the motor vehicle account--state appropriation and \$2,150,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) \$400,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program. \$200,000 of this amount must be held in allotment reserve until a smart card report is delivered to the legislative transportation committee indicating that an agreement on which technology will be used throughout the state of Washington for the smart card program has been reached among smart card participants.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D-- OPERATING DEPARTMENT OF TRANSPORTATION | FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D Motor Vehicle Account--State Appropriation \$31,048,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--PROGRAM F DEPARTMENT OF TRANSPORTATION | AVIATION--PROGRAM F Aeronautics Account--State Appropriation \$5,107,000
Aeronautics Account--Federal Appropriation \$650,000
Aircraft Search and Rescue Safety and Education Account--State Appropriation \$282,000
TOTAL APPROPRIATION \$6,039,000

The appropriations in this section are subject to the following conditions and limitations: \$1,381,000 of the aeronautics account-- state appropriation is provided solely for additional preservation grants to airports. \$122,000 of the aircraft search and rescue safety and education account--state appropriation is provided for additional search and rescue and safety and education activities. If Senate Bill No. 6056 is not enacted by June 30, 2003, the amounts provided shall lapse.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H DEPARTMENT OF TRANSPORTATION| | PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H Motor Vehicle Account--State Appropriation \$49,010,000
Motor Vehicle Account--Federal Appropriation \$400,000
TOTAL APPROPRIATION \$49,410,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in section 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS-- PROGRAM K DEPARTMENT OF TRANSPORTATION| | ECONOMIC PARTNERSHIPS--PROGRAM K Motor Vehicle Account--State Appropriation \$1,011,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE-- PROGRAM M DEPARTMENT OF TRANSPORTATION| | HIGHWAY MAINTENANCE--PROGRAM M Motor Vehicle Account--State Appropriation \$283,350,000

Motor Vehicle Account--Federal Appropriation \$1,426,000
Motor Vehicle Account--Private/Local Appropriation \$4,253,000

TOTAL APPROPRIATION \$289,029,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS-- PROGRAM Q--OPERATING DEPARTMENT OF TRANSPORTATION| | TRAFFIC OPERATIONS--PROGRAM Q-- OPERATING Motor Vehicle Account--State Appropriation \$42,696,000

Motor Vehicle Account--Private/Local Appropriation \$125,000

TOTAL APPROPRIATION \$42,821,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$8,227,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S DEPARTMENT OF TRANSPORTATION| | TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S Motor Vehicle Account--State Appropriation \$24,852,000

Motor Vehicle Account--Federal Appropriation \$636,000

Puget Sound Ferry Operations Account--State Appropriation \$1,093,000

Multimodal Transportation Account--State Appropriation \$973,000

TOTAL APPROPRIATION \$27,554,000

The appropriations in this section are subject to the following conditions and limitations: \$627,000 of the motor vehicle account-- state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T DEPARTMENT OF TRANSPORTATION| | TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T Motor Vehicle Account--State Appropriation \$31,564,000

Motor Vehicle Account--Federal Appropriation \$14,814,000

Multimodal Transportation Account--State Appropriation \$1,021,000

Multimodal Transportation Account--Federal Appropriation \$2,000,000

TOTAL APPROPRIATION \$49,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound, Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts.

(3) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 209(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 209(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES FROM OTHER AGENCIES--PROGRAM U DEPARTMENT OF TRANSPORTATION | CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation \$61,082,000

The appropriation in this section is subject to the following conditions and limitations:

Payments in this section represent charges from other state agencies to the department of transportation.

(1) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES \$989,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR \$823,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL \$2,252,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION \$50,799,000

(6) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION

CAPITAL PROJECTS SURCHARGE \$1,846,000

(7) FOR ARCHIVES AND RECORDS MANAGEMENT \$523,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC TRANSPORTATION-- PROGRAM V DEPARTMENT OF TRANSPORTATION | PUBLIC TRANSPORTATION--PROGRAM V

Multimodal Transportation Account--State Appropriation \$23,548,000

Multimodal Transportation Account--Federal Appropriation \$2,574,000

Multimodal Transportation Account--Private/Local

Appropriation \$155,000

TOTAL APPROPRIATION \$26,277,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. \$5,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for transit agencies to transport persons with special transportation needs. Moneys shall be to provide additional service only and may not be used to supplant current funding. Grants shall only be used by nonprofit providers and transit agencies for capital purposes and the operating costs directly associated with those capital purposes. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions. The amount over thirty percent will be prorated to the remaining transit agencies based on the above demand response service and route deviated service expenditures. The department of transportation shall notify the state treasurer of the amounts to be distributed.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228. In administering grants, the department shall give priority to programs providing the greatest reduction in trips and commute miles and to the level of contribution of the public agency, nonprofit organization, developer, and property manager to achieving those reductions. The department shall act to insure, to the extent possible, that grants are distributed equitably among each eligible type of recipient.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served by transit agencies through a competitive grant process.

(4) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for public transit agencies. The grant program will cover capital costs only; no operating costs are eligible for funding under this grant program. Only grants that add vanpools are eligible, no supplanting of transit funds currently funding vanpools is allowed. Additional criteria for selecting grants will include leveraging funds other than state funds.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE--PROGRAM X DEPARTMENT OF TRANSPORTATION | MARINE--PROGRAM X Puget Sound Ferry Operations Account--State

Appropriation \$308,521,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$34,038,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed \$203,583,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$495.30 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$567.67 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar

amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(4) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

(5) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long-term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--
OPERATING DEPARTMENT OF TRANSPORTATION | RAIL--PROGRAM Y--OPERATING Multimodal Transportation Account--
State

Appropriation \$35,075,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$30,831,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--
PROGRAM Z--OPERATING DEPARTMENT OF TRANSPORTATION | LOCAL PROGRAMS--PROGRAM Z--
OPERATING Motor Vehicle Account--State Appropriation \$6,555,000
Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION \$9,124,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL WASHINGTON STATE PATROL
State
Patrol Highway Account--State Appropriation \$2,775,000

The appropriation in this section is subject to the following conditions and limitations: \$626,000 of the state patrol highway account appropriation is provided solely for the patrol's share of the Shelton area water and sewer regional plan. However, this amount is contingent on general fund--state funding of the Washington corrections center's portion of the Shelton area water and sewer regional plan. If general fund--state funding is not provided, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 302. FOR THE LOCAL BOARDS COORDINATED PROGRAM LOCAL BOARDS
COORDINATED PROGRAM Rural Arterial Trust Account--State Appropriation \$61,660,000
Motor Vehicle Account--State Appropriation \$362,000
Urban Arterial Trust Account--State Appropriation \$99,241,000
Transportation Improvement Account--State

Appropriation \$98,455,000

County Arterial Preservation Account--State

Appropriation \$28,747,000

TOTAL APPROPRIATION \$288,465,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$362,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.724(4).

(2) The transportation improvement account--state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 303. FOR THE COUNTY ROAD ADMINISTRATION BOARD COUNTY ROAD
ADMINISTRATION BOARD Rural Arterial Trust Account--State Appropriation \$61,660,000
Motor Vehicle Account--State Appropriation \$362,000
County Arterial Preservation Account--State

Appropriation \$28,747,000

TOTAL APPROPRIATION \$90,769,000

The appropriations in this section are subject to the following conditions and limitations: \$362,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.724(4).

NEW SECTION. Sec. 304. FOR THE TRANSPORTATION IMPROVEMENT BOARD TRANSPORTATION
IMPROVEMENT BOARD Urban Arterial Trust Account--State Appropriation \$99,241,000
Transportation Improvement Account--State Appropriation \$98,455,000

TOTAL APPROPRIATION \$197,696,000

The appropriations in this section are subject to the following conditions and limitations: The transportation improvement account--state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL DEPARTMENT OF TRANSPORTATION| | PROGRAM D--CAPITAL Motor Vehicle Account--State Appropriation \$17,651,000

The appropriation in this section is subject to the following conditions and limitations: \$14,933,000 of the motor vehicle account-- state appropriation is provided solely to implement the activities and projects included in the Senate 2003 Transportation Project List - Current Law Facilities Projects report as transmitted to LEAP on April 17, 2003.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY CONSTRUCTION DEPARTMENT OF TRANSPORTATION| | HIGHWAY CONSTRUCTION Motor Vehicle Account--State Appropriation \$332,049,000

Motor Vehicle Account--Federal Appropriation \$649,506,000
Motor Vehicle Account--Local Appropriation \$26,001,000
Multimodal Transportation Account--State Appropriation \$6,000,000
Multimodal Transportation Account--Federal Appropriation \$4,247,000
Special Category C Account--State Appropriation \$50,279,000
Tacoma Narrows Toll Bridge Account Appropriation \$613,300,000
Transportation 2003 Account (Nickel Account)--
State Appropriation \$563,386,000
Transportation 2003 Account (nickel account)--
Local Appropriation \$3,584,000
TOTAL APPROPRIATION \$2,248,352,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Of the amounts appropriated in this section, \$411,643,000 is provided solely for program I to implement the activities and projects included in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(2) Of the amounts appropriated in this section, \$656,439,000 is provided for program P to implement the activities and projects included in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(3) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Senate 2003 Transportation Project List - New Law Highway Projects report transmitted to LEAP on April 17, 2003.

(a)(i) The legislature intends that this appropriation completes the project-level environmental impact statement to a record of decision for the corridor between Spokane Street and the Battery Street Tunnel. The environmental impact statement is to include alternatives that maintain or expand auto and truck carrying capacity in the project corridor. Alternatives that do not meet or increase existing capacity will not be eligible for future project funding from the state. Alternatives that reduce traffic capacity must examine alternative improvements to provide increased north-south capacity, including I-5 and I-405. The environmental impact statement is to include an alternative for rebuilding and/or retrofitting the existing Alaskan Way Viaduct. The legislative transportation committee shall be consulted and shall approve the preferred alternative for this project prior to any additional funding being expended on this project.

(ii) The legislature intends this appropriation to allow for the purchase of property adjacent to the existing Alaskan Way Viaduct. This property will be used in the interim as a remote ferry holding area, and later for construction staging of the viaduct project.

(b) The legislature intends that this appropriation completes the project-level environmental impact statement to a record of decision for the corridor between Seattle and Redmond. The environmental impact statement is to include an analysis of an eight-lane alternative. The legislative transportation committee shall be consulted and shall approve the preferred alternative for this project prior to future project expenditures.

(c) The transportation permit efficiency and accountability committee (TPEAC) shall select from the project list under this subsection ten projects that have not yet secured state permits. TPEAC shall select projects from both urban and rural areas representing a wide variety of locations within the state. These projects shall be designated "Department of Transportation Permit Drafting Pilot Projects" and shall become a part of the work plan of TPEAC required under section 2(1)(b), chapter 8 (ESB 5279), Laws of 2003.

(4) The entire Tacoma Narrows toll bridge account appropriation is provided solely for the projects and activities as indicated in the Senate 2003 Transportation Project List - Current Law Tacoma Narrows Bridge report transmitted to LEAP on April 17, 2003.

(5)(a) \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:

(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:

- (A) Ability to carry long-haul freight;
- (B) Ability to provide for passenger auto travel;
- (C) Freight rail;
- (D) Passenger rail;
- (E) Public utilities; and
- (F) Other ancillary facilities as may be desired to maximize use of the corridor;

(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums; and

(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction.

(b) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.

(6) Of the amounts appropriated in this section, \$342,956,000 is provided solely for the projects expected to be completed before June 30, 2005, as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(7) Of the amounts appropriated in this section, \$203,074,000 is provided for the projects expected to be completed before June 30, 2007, as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(8) Of the amounts appropriated in this section, \$408,230,000 is provided for the projects expected to be completed after June 30, 2007, as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(9) Of the amounts appropriated in this section, \$80,897,000 is provided for the direct project support and other administration as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(10) Of the amounts appropriated in this section, \$32,425,000 is provided for the emerging needs, projects without construction, and future unidentified needs as indicated in the Senate 2003 Transportation Project List - Current Law Highway Projects report transmitted to LEAP on April 17, 2003.

(11) The motor vehicle account--state appropriation includes \$155,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(12) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(13) The transportation account (nickel account) appropriation includes \$280,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(14) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes \$46,300,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(15) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.

(16) The department of transportation is authorized to maximize the use of federal and state funds to implement the provisions of this section.

(17) To manage some projects more efficiently, federal funds may be transferred from program Z to program I or P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(18) Amounts appropriated in this section include the reappropriations for the cost underruns indicated by the department on March 1, 2003. Should the actual underruns on June 30, 2003, be higher, the department shall request additional appropriation authority in the 2004 legislative session. Should the actual underruns on June 30, 2003, be lower, the appropriations in this section shall be lowered by the difference between the amounts indicated on March 1, 2003, and the actual amounts on June 30, 2003.

(19) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(20) Of the amounts appropriated in this section, \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

(21) If federal earmarks are received by the department, the funding must not be used to expand the scope of any project.

(22) The department of transportation may not operate any existing high-occupancy vehicle lanes and may not open or operate any new high-occupancy vehicle lane projects in counties with a population of 300,000 or more that border the state of Oregon unless: (a) Vehicle spaces at park and ride lots within the county are three times the capacity in existence on the effective date of this act; (b) the Interstate 5 bridge over the Columbia River is retrofitted to include four southbound general purpose lanes; and (c) the department of transportation determines that high-occupancy vehicle lanes will improve travel time by at least eight minutes over the length of the high-occupancy vehicle lanes.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--

PROGRAM Q--CAPITAL DEPARTMENT OF TRANSPORTATION| TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation \$11,688,000

Motor Vehicle Account--Federal Appropriation \$14,510,000

Multimodal Transportation Account--State Appropriation \$3,000,000

TOTAL APPROPRIATION \$29,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The motor vehicle account--state appropriation includes \$9,408,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

(2) \$3,000,000 of the multimodal transportation account--state appropriation and \$2,180,000 of the motor vehicle account--state appropriation are provided solely to complete weigh in motion and commercial vehicle information systems and network projects at the following sites: SeaTac I-5 north bound; Everett I-5 south bound; SeaTac I-5 south bound; Kelso I-5 south bound; and Plymouth Port of Entry.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE

FERRIES CONSTRUCTION--PROGRAM W DEPARTMENT OF TRANSPORTATION| WASHINGTON STATE FERRIES

CONSTRUCTION--PROGRAM W Puget Sound Capital Construction Account--

State Appropriation \$129,066,000

Puget Sound Capital Construction Account--

Federal Appropriation \$34,400,000

Transportation 2003 Account (nickel account)

Appropriation \$17,521,000

TOTAL APPROPRIATION \$180,987,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,066,000 of the Puget Sound capital construction account-- state appropriation and \$34,400,000 of the Puget Sound capital construction account--federal appropriation are provided solely for capital projects as listed in the Senate 2003 Transportation Project List - Current Law Ferries Capital as transmitted to the LEAP on April 17, 2003.

(2) \$17,521,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for capital projects as listed in the Senate 2003 Transportation Project List - New Law Ferries Capital as transmitted to the LEAP on April 17, 2003.

(3) The Puget Sound capital construction account--state appropriation includes \$45,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL DEPARTMENT OF TRANSPORTATION| RAIL--PROGRAM Y--CAPITAL Essential Rail Assistance Account--State
Appropriation \$770,000

Multimodal Transportation Account--State Appropriation \$35,530,000

Multimodal Transportation Account--Federal Appropriation \$9,499,000

Washington Fruit Express Account--State Appropriation \$500,000

TOTAL APPROPRIATION \$46,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account-- federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Senate 2003 Transportation Project List - Current Law Rail Capital as transmitted to the LEAP on April 17, 2003.

(2) \$2,000,000 of the multimodal transportation account--state appropriation must be placed in reserve status by the office of financial management. The department shall submit a report to the legislative transportation committee identifying the location for a new transload facility which must be at either Wenatchee or Quincy. The funds must be released upon legislative transportation committee approval of the report submitted by the department.

(3) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Senate 2003 Transportation Project List - New Law Rail Capital as transmitted to the LEAP on April 17, 2003.

(4) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(5) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS-- PROGRAM Z--CAPITAL DEPARTMENT OF TRANSPORTATION| LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation \$207,000

Highway Infrastructure Account--Federal Appropriation \$1,602,000

Motor Vehicle Account--State Appropriation \$28,425,000

Multimodal Transportation Account--State Appropriation \$13,726,000

TOTAL APPROPRIATION \$43,960,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for the projects and activities as indicated in the Senate 2003 Transportation Project List - New Law Local Projects report transmitted to LEAP on April 17, 2003.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) \$1,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) \$4,010,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE STATE TREASURER| BOND RETIREMENT AND INTEREST Highway Bond Retirement Account Appropriation \$258,971,000

Ferry Bond Retirement Account Appropriation \$43,340,000

Transportation Improvement Board Bond Retirement

Account--State Appropriation \$36,721,000

Motor Vehicle Account--State Appropriation \$3,876,000

Special Category C Account--State Appropriation \$331,000

Transportation Improvement Account--State

Appropriation \$240,000

Transportation 2003 Account (nickel account)

Appropriation \$2,100,000

TOTAL APPROPRIATION \$345,579,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES STATE TREASURER| BOND RETIREMENT AND INTEREST Motor Vehicle Account--State

Appropriation \$1,293,000
Special Category C Account Appropriation \$111,000
Transportation Improvement Account--State
Appropriation \$5,000
Transportation 2003 Account (nickel account)--State
Appropriation \$700,000

TOTAL APPROPRIATION \$2,109,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS STATE TREASURER| BOND RETIREMENT AND INTEREST (1) Motor Vehicle Account--State Reappropriation:

For transfer to the Tacoma Narrows toll bridge account \$567,000,000

The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound capital construction account \$45,000,000

The department of transportation is authorized to sell up to \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties \$441,359,000

Motor Vehicle Account--State Appropriation:
For license permit and fee distributions to cities and counties \$51,652,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS STATE TREASURER| TRANSFERS (1)

State Patrol Highway Account--State
Appropriation: For transfer to the Motor Vehicle Account \$15,000,000

(2) Motor Vehicle Account--State
Appropriation: For motor vehicle fuel tax refunds and transfers \$465,152,000

(3) Highway Safety Account--State
Appropriation: For transfer to the motor vehicle account--state \$12,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSFERS DEPARTMENT OF TRANSPORTATION| TRANSFERS (1) Motor Vehicle Account--State Appropriation:

For transfer to Puget Sound Ferry Operations Account \$21,757,000

(2) RV Account--State Appropriation:
For transfer to the Motor Vehicle Account--State \$1,954,000

(3) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Capital Construction Account \$64,287,000

(4) Puget Sound Ferry Operations Account--State Appropriation:
For transfer to Puget Sound Capital Construction Account \$22,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsections (2) and (3) of this section up to the level provided, on an as-needed basis.

(b) The department of transportation shall transfer funds in subsection (4) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.

(c) The amount identified in subsection (4) of this section may not include any revenues collected as passenger fares.

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- TRANSFERS DEPARTMENT OF RETIREMENT SYSTEMS| TRANSFERS State Patrol Highway Account: For transfer to the department of retirement systems expense account:

For the administrative expenses of the judicial retirement system \$223,304

NEW SECTION. Sec. 408. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS AND EMPLOYEE HEALTH BENEFITS OFFICE OF FINANCIAL MANAGEMENT| CONTRIBUTIONS TO RETIREMENT SYSTEMS AND EMPLOYEE HEALTH BENEFITS Pilotage Account--State Appropriation \$2,000

Aeronautics Account--State Appropriation \$12,000
State Patrol Highway Account--State Appropriation \$2,044,000
State Patrol Highway Account--Federal Appropriation \$34,000
State Patrol Highway Account--Local Appropriation \$10,000
Motorcycle Safety Education Account--State
Appropriation \$2,000
Rural Arterial Trust Account--State Appropriation \$4,000
Highway Safety Account--State Appropriation \$634,000
Highway Safety Account--Federal Appropriation \$19,000

Motor Vehicle Account--State Appropriation \$2,770,000
Puget Sound Ferry Operations Account--State
Appropriation \$1,556,000
Urban Arterial Trust Account--State Appropriation \$8,000
Transportation Improvement Account--State
Appropriation \$3,000
County Arterial Preservation Account--State
Appropriation \$5,000
Department of Licensing Services Account--State
Appropriation \$3,000
TOTAL APPROPRIATION \$7,106,000

NEW SECTION. Sec. 409. FOR THE STATE TREASURER--TRANSFERS STATE TREASURER| | TRANSFERS
License Plate Technology Account: For transfer to the motor vehicle account--state:
For the implementation of House Bill No. 2065 \$3,016,000

NEW SECTION. Sec. 410. STATUTORY APPROPRIATIONS.

STATUTORY APPROPRIATIONS In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 411. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

2001-03 BIENNIUM TRANSPORTATION AGENCIES

Sec. 1201. 2002 c 359 s 205 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE LEGISLATIVE TRANSPORTATION COMMITTEE Motor Vehicle Account--State Appropriation \$3,596,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,823,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.

(2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

(3) ~~To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.120(3).~~

(4) The house of representatives transportation committee shall conduct a study of the use of motorized scooters. The study shall, at a minimum, identify and analyze the safety issues associated with use of motorized scooters, including use by children, commuters, and the disabled. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The chair of the senate transportation committee may also appoint two members from the senate transportation committee, one from each caucus, to participate in the study. The study shall be staffed by house of representatives transportation committee staff. The study group shall report back to the house of representatives transportation committee by January 1, 2002.

~~((4))~~ (5) The house of representatives transportation committee shall conduct a study of the effect of the weight of fire-fighting apparatus on state roadways. The study shall determine, at a minimum, the various types of fire-fighting apparatus currently in use on state roadways; the size, weight and load effect of fire-fighting apparatus that are currently in use or that potentially could be in use on the state roadways, as well as on state bridges; and the effect on public safety. The study may examine state and federal laws that affect fire-fighting apparatuses. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The study shall be staffed by house of representatives transportation committee staff. The study group will report back to the house of representatives transportation committee by January 1, 2002.

~~((5))~~ (6) The legislative transportation committee shall conduct a feasibility study of potential for economic partnerships between the Washington state ferries and local government entities, including but not limited to port districts. The study is intended to improve ferry terminals. The study shall, at a minimum, identify the market, physical, and economic factors that should be examined in determining whether an economic or commercial development partnership project on or around Washington state ferry terminals is likely to produce revenue for the partners. The study shall apply those factors to an analysis of each terminal used by Washington state ferries and recommend whether further exploration of state and local partnerships would be of potential economic benefit to the partners. The entity selected to perform the study through the request for proposals process will report back to the transportation committees of the legislature by December 1, 2001.

~~((6))~~ (7) The legislative transportation committee, in cooperation with an areawide transportation system or systems, shall undertake an evaluation of providing locally sponsored transit services in a local community supplemental to those services provided by an areawide system. The evaluation shall address:

(a) The costs and benefits of providing such services;

(b) The impact of such service on ridership on the areawide system and on any regional systems;

(c) Funding options for supplemental services; and

(d) Institutional arrangements affecting the institution of supplemental services.

The committee shall work with the department of transportation, areawide transit providers, community officials, private businesses, labor organizations, and others as appropriate in conducting the evaluation, and in developing a pilot project if feasible. The committee shall also conduct a study of local transit systems with the purpose of making recommendations to make local transit services more seamless and efficient. The committee shall provide an interim progress report to the legislature by January 2002. The committee shall report its findings to the legislature not later than December 1, 2002.

~~((7))~~ (8) The legislative transportation committee shall undertake an evaluation of the statutory exemptions for transportation taxes, including but not limited to motor vehicle fuel taxes. The committee shall report its findings to the legislature by December 1, 2003.

~~((8))~~ (9) The legislative transportation committee will convene a working group to review the costs, processes, and other considerations relating to special vehicle license plates. The working group will also review special license plate tabs and emblems. The committee will report its findings to the legislature by December 1, 2002.

((9)) (10) The legislative transportation committee shall form a working group to evaluate the feasibility of developing an alternative corridor to Interstate 5 and Interstate 405 to expedite the movement of commerce between the Canadian border, the central Puget Sound region, the south Puget Sound region, and more southerly areas. The corridor would run from approximately the Canadian border in the north to approximately Lewis county in the south. This alternative corridor analysis shall address truck, rail, pipeline, and other utility needs for the corridor, to determine the feasibility of financing and constructing such a corridor, taking into consideration: (a) Anticipated present and future freight demand as well as freight traffic relief for existing state highway and rail routes; (b) the potential for carrying general purpose traffic to provide relief for other state highway routes; (c) a cost-benefit analysis detailing various funding possibilities, including federal funds and the use of charges and tolls to fund construction and operation of the corridor as a utility corridor and a toll facility; (d) an analysis detailing possible right of way locations, including but not limited to property donations, trades, or credits between or among the public and private sector; and (e) possible private sector, local, or other partnerships that may be used to fund the project. The working group shall report its findings to the full committee by December 15, 2002.

Sec. 1202. 2002 c 359 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU WASHINGTON STATE PATROL | FIELD OPERATIONS BUREAU State Patrol Highway Account-- State Appropriation ((~~\$164,147,000~~))

	<u>\$163,915,000</u>
State Patrol Highway Account-- Federal Appropriation ((\$7,278,000))	<u>\$7,544,000</u>
State Patrol Highway Account-- Private/Local Appropriation ((\$169,000))	<u>\$282,000</u>
TOTAL APPROPRIATION ((\$171,594,000))	<u>\$171,741,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers- Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall fill existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

Sec. 1203. 2002 c 359 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU WASHINGTON STATE PATROL | SUPPORT SERVICES BUREAU Multimodal Transportation Account--State

Appropriation \$5,247,000	
State Patrol Highway Account-- State Appropriation ((\$71,736,000))	<u>\$71,731,000</u>
State Patrol Highway Account-- Private/Local Appropriation \$735,000	
TOTAL APPROPRIATION ((\$77,718,000))	<u>\$77,713,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau:

(1) \$67,000 of the state patrol highway account--state appropriation is provided solely for the patrol to work jointly with the department of transportation, the military department, and the department of natural resources, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system database to illustrate locations and specifications of statewide radio and microwave towers

(2) \$5,247,000 of the multimodal transportation account--state appropriation and \$2,299,000 of the state patrol highway account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

(3) The Washington state patrol shall review the policy of allowing commissioned uniformed officers to use personally assigned vehicles for commuting purposes. This provision applies to every Washington state patrol officer except the chief and any officer that requires use of a vehicle for work performed throughout the day. The agency shall submit to the house of representatives and senate transportation committees by December 1, 2002, a list of officers that use vehicles for commuting purposes and any revisions to the vehicle use policy resulting from the review required under this subsection.

Sec. 1204. 2002 c 359 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES DEPARTMENT OF LICENSING | MANAGEMENT AND SUPPORT SERVICES Marine Fuel Tax Refund Account--State

Appropriation \$3,000	
Motorcycle Safety Education Account-- State Appropriation \$88,000	
Wildlife Account--State Appropriation \$81,000	
Highway Safety Account--State Appropriation ((\$7,724,000))	<u>\$7,763,000</u>
Highway Safety Account--Federal Appropriation \$55,000	
Motor Vehicle Account--State Appropriation ((\$4,400,000))	<u>\$4,415,000</u>
Licensing Services Account--State Appropriation \$173,000	
TOTAL APPROPRIATION ((\$12,524,000))	<u>\$12,578,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$6,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$14,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(3) \$26,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$2,000 of the motor vehicle account--state appropriation and \$4,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$11,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 1205. 2002 c 359 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS DEPARTMENT OF LICENSING | INFORMATION SYSTEMS Marine Fuel Tax Refund Account--State

Appropriation \$2,000	
Motorcycle Safety Education Account--	
State Appropriation \$13,000	
Wildlife Account--State Appropriation \$34,000	
Highway Safety Account--State Appropriation ((\$5,735,000))	<u>\$5,763,000</u>
Highway Safety Account--Federal Appropriation \$31,000	
Motor Vehicle Account--State Appropriation ((\$3,695,000))	
	<u>\$3,707,000</u>
Licensing Services Account--State	
Appropriation ((\$213,000))	<u>\$214,000</u>
TOTAL APPROPRIATION ((\$9,723,000))	<u>\$9,764,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall report to the legislative transportation committees on the progress of the expanded internet service no later than December 15, 2002.

(2) \$4,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$4,000 of the motor vehicle account--state appropriation and \$2,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(4) \$19,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(5) \$1,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$8,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 1206. 2002 c 359 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES DEPARTMENT OF LICENSING | VEHICLE SERVICES Marine Fuel Tax Refund Account--

State Appropriation \$26,000	
Wildlife Account--State Appropriation \$578,000	
Motor Vehicle Account--State Appropriation ((\$58,191,000))	<u>\$58,479,000</u>
Licensing Services Account--State	
Appropriation \$4,240,000	
TOTAL APPROPRIATION ((\$63,035,000))	<u>\$63,323,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$82,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$376,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$77,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) The department shall work cooperatively with the national guard to develop and make available a national guard sticker which may be affixed to a license plate. The stickers shall be available upon application. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(5) The department shall work cooperatively with the Washington state council of fire fighters to develop and make available a fire fighter sticker which may be affixed to a license plate. The stickers shall be available upon application to members of the international association of fire fighters. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(6) \$22,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 1207. 2002 c 359 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES DEPARTMENT OF LICENSING| | DRIVER SERVICESMotorcycle Safety Education Account--

State Appropriation \$2,573,000

Highway Safety Account--State Appropriation (~~(\$82,175,000)~~)

\$82,667,000

Highway Safety Account--Federal Appropriation (~~(\$788,000)~~)

\$824,000

TOTAL APPROPRIATION (~~(\$85,536,000)~~)

\$86,064,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall prepare a capital project plan adopting a process for using certificates of participation to purchase licensing services offices if the combined principle and interest payments are the same or less than existing or future leases on comparable facilities.

(2) \$21,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$36,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$162,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$56,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 1208. 2002 c 359 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F DEPARTMENT OF TRANSPORTATION| | AVIATION--PROGRAM F Aeronautics Account--State Appropriation (~~(\$5,349,000)~~)

\$4,967,000

Aircraft Search and Rescue Safety and

Education Account--State Appropriation \$160,000

TOTAL APPROPRIATION (~~(\$5,509,000)~~)

\$5,127,000

Sec. 1209. 2002 c 359 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES-- PROGRAM U DEPARTMENT OF TRANSPORTATION| | CHARGES FROM OTHER AGENCIES--PROGRAM U Payments in this section represent charges from other state agencies to the department of transportation.

(1) FOR PAYMENT OF WASHINGTON STATE FERRIES TORT LIABILITY AND SETTLEMENTS

Motor Vehicle Account--State Appropriation \$5,626,000

~~((4))~~ **(2) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT FEES**

Motor Vehicle Account--State Appropriation \$464,000

Puget Sound Ferry Operations--State

Appropriation \$154,000

~~((2))~~ **(3) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR**

Motor Vehicle Account--State Appropriation \$713,000

~~((3))~~ **(4) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES**

Motor Vehicle Account--State Appropriation \$4,047,000

~~((4))~~ **(5) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL**

Motor Vehicle Account--State Appropriation \$2,237,000

~~((5))~~ **(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION**

Motor Vehicle Account--State Appropriation \$28,755,000

Motor Vehicle Fund--Puget Sound Ferry Operations Account--

State Appropriation \$4,204,000

The office of risk management shall evaluate the risk pool premium assessments to ensure that proper tracking, measuring, and reporting methods have been utilized to ensure funding equity has been maintained. "Funding equity" includes but is not limited to demonstrating that premiums assessed to the department of transportation will, over time, not exceed claims paid in order to ensure that premiums paid by the department of transportation are not unconstitutionally expended for nonhighway purposes. The office of risk management shall make a full report of its findings to the legislature no later than January 15, 2002.

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation \$251,000

(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation \$1,547,000

(8) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation \$457,000

TOTAL APPROPRIATION (~~(\$42,829,000)~~)

\$48,455,000

Sec. 1210. 2002 c 359 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X DEPARTMENT OF TRANSPORTATION| | MARINE--PROGRAM X Puget Sound Ferry Operations Account--State

Appropriation (~~(\$311,312,000)~~)

\$313,250,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of (~~(\$35,159,000)~~) **\$35,797,000** for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed \$207,065,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) The department shall issue a request for information from entities interested in purchasing advertising on board Washington state ferry vessels. The department shall evaluate the proposals and report back to the legislature's transportation committees in January 2002 regarding the potential for revenue from different types of advertising.

(4) The department may enter into contracts with private vendors to sell ferry tickets and medium at locations other than Washington state ferry terminals or facilities.

(a) The department may enter into the contracts only (i) with private vendors that are already established businesses offering goods for sale to the general public; and (ii) if it determines that the vendor's established location has the potential to serve a significant percentage of the customers using a particular ferry route.

(b) The department may adopt necessary rules and procedures to allow the use of credit and debit cards to purchase ferry tickets or medium from a private vendor who has contracted with the department to sell ferry tickets or medium. The department may establish a convenience fee to be paid by all persons purchasing ferry tickets and medium at locations other than Washington state ferry terminals or facilities. The convenience fee must be sufficient to offset the charges imposed on the department by the credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

(5) The legislature recognizes the value of a regional fare collection system to promote intermodal travel throughout Washington state ferries' Puget Sound service area and therefore encourages the department to resume participation in the regional fare coordination project (smart card). The department shall develop a request for funding of the on-going operating costs associated with the regional fare coordination project and shall present this request to the 2003 legislature. The request for funding shall be sufficient to support a system that prevents the disclosure of personally identifying information of persons who use a smart card to facilitate payment of ferry fares. The requested system may facilitate the disclosure of aggregate information on fare collection to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. The requested system shall not prevent the release of personally identifying information to law enforcement agencies when required by a subpoena.

TRANSPORTATION AGENCIES CAPITAL FACILITIES

Sec. 1301. 2001 2nd sp. s. c 14 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL DEPARTMENT OF TRANSPORTATION| PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL Motor Vehicle Account--State Appropriation (~~(\$13,046,000)~~)

\$12,371,000

TRANSFERS AND DISTRIBUTIONS

Sec. 1401. 2002 c 359 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE STATE TREASURER| BOND RETIREMENT AND INTEREST Highway Bond Retirement Account Appropriation (~~(\$208,206,000)~~)

\$196,524,000

Ferry Bond Retirement Account Appropriation (~~(\$52,473,000)~~)

\$52,474,000

Transportation Improvement Board Bond Retirement Account--State Appropriation (~~(\$40,856,000)~~)

\$38,088,000

Motor Vehicle Account--State Appropriation (~~(\$4,588,000)~~)

\$3,136,000

Special Category C Account--State Appropriation (~~(\$631,000)~~)

\$114,000

Transportation Improvement Account--State Appropriation (~~(\$340,000)~~)

\$76,000

TOTAL APPROPRIATION (~~(\$307,094,000)~~)

\$290,412,000

Sec. 1402. 2002 c 359 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES STATE TREASURER| BOND RETIREMENT AND INTEREST Motor Vehicle Account--State Appropriation (~~(\$459,000)~~)

\$334,000

Special Category C Account Appropriation (~~(\$41,000)~~)

\$18,000

Transportation Improvement Account--State
Appropriation \$34,000
TOTAL APPROPRIATION ((534,000))

\$386,000

Sec. 1403. 2002 c 359 s 403 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION STATE TREASURER | STATE REVENUES FOR DISTRIBUTION Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ((428,981,000))

\$425,501,000

Motor Vehicle Account Appropriation for motor vehicle license, permit, and fee distributions to cities and counties \$56,304,000

Sec. 1404. 2002 c 359 s 404 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS STATE TREASURER | TRANSFERS (1) RV Account--State Appropriation: For transfer to the Motor Vehicle Fund--State ((1,344,000))

\$542,000

The department of transportation shall only transfer funds provided under this subsection ((4) of this section) on an as-needed basis.

~~(2) ((Public Transportation Systems Account--State Appropriation: For transfer to the Multimodal Transportation Account--State \$1,911,000~~

~~(3)) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$48,657,000~~

~~((4)) (3) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ((453,279,000))~~

\$448,264,000

~~((6)) (4) Urban Arterial Trust Account--State Appropriation: For transfer of excess City Hardship Assistance Program revenues to cities \$1,500,000~~

~~((7)) (5) Highway Safety Account--State Appropriation: For transfer to the multimodal transportation account \$20,000,000~~

~~((8)) (6) Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account ((839,000,000))~~

\$39,000,000

~~((9)) (7) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$5,000,000~~

~~((4)) If Senate Bill No. 6814 is enacted in the form passed by the legislature, \$16,191,000 of the transfer from the Washington state patrol account--state to the motor vehicle account--state shall lapse. The state treasurer shall perform the transfers from the state patrol highway account to the motor vehicle account on a quarterly basis.~~

~~((2) The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.)~~

NEW SECTION. Sec. 1405. A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS STATE TREASURER | MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account \$800,000,000

The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. Sec. 1501. A new section is added to chapter 43.79 RCW to read as follows:

The state patrol nonappropriated airplane revolving account is created in the custody of the state treasurer. All receipts from aircraft user fees paid by other agencies and private users as reimbursement for the use of the patrol's aircraft that are primarily for purposes other than highway patrol must be deposited into the account. Expenditures from the account may be used only for expenses related to these aircraft. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 1502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1503. Sections 1201 through 1405 of this act take effect immediately, and the remainder of this act takes effect July 1, 2003. However, sections 202 and 302 of this act only take effect if Substitute Senate Bill No. 5527 is enacted by June 30, 2003, and sections 203, 204, 303, and 304 of this act only take effect if Substitute Senate Bill No. 5527 is not enacted by June 30, 2003.

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

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2002 c 359 ss 205, 207, 208, 210, 211, 212, 213, 215, 223, 226, 401, 402, 403, and 404 (uncodified); amending 2001 2nd sp.s. c 14 s 303 (uncodified); adding a new section to chapter 43.79 RCW; adding a new section to 2001 2nd sp.s. c 14 (uncodified); creating new

sections; making appropriations and authorizing expenditures for capital improvements; providing an effective date; and providing a contingent effective date."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 1163, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1163, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1163, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Reardon, Roach, Rossi, Schmidt, Sheahan, Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Kline, Kohl-Welles, Poulsen, Rasmussen, Regala, Sheldon, B., Sheldon, T. and Thibaudeau - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, by House Committee on Transportation (originally sponsored by Representatives Murray, Wallace, Cooper, Clibborn, Rockefeller, Simpson, Hudgins and Hankins)

Authorizing transportation financing alternatives.

The bill was read the second time.

MOTION

Senator Horn moved that the striking amendment by Senators Horn and Haugen be adopted: Strike everything after the enacting clause and insert the following:

"PART I - LICENSE FEES

Sec. 101. RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, motor home, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof pursuant to the provisions of))~~ under chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	37.00	37.00
	\$	\$
6,000 lbs.	44.00	44.00
	\$	\$
8,000 lbs.	55.00	55.00
	\$	\$
10,000 lbs.	62.00	62.00
	\$	\$

((12,000 lbs.	\$	72.00	\$	72.00
14,000 lbs.	\$	82.00	\$	82.00
16,000 lbs.	\$	92.00	\$	92.00
18,000 lbs.	\$	137.00	\$	137.00
20,000 lbs.	\$	152.00	\$	152.00
22,000 lbs.	\$	164.00	\$	164.00
24,000 lbs.	\$	177.00	\$	177.00
26,000 lbs.	\$	187.00	\$	187.00
28,000 lbs.	\$	220.00	\$	220.00
30,000 lbs.	\$	253.00	\$	253.00
32,000 lbs.	\$	304.00	\$	304.00
34,000 lbs.	\$	323.00	\$	323.00
36,000 lbs.	\$	350.00	\$	350.00
38,000 lbs.	\$	384.00	\$	384.00
40,000 lbs.	\$	439.00	\$	439.00
42,000 lbs.	\$	456.00	\$	546.00
44,000 lbs.	\$	466.00	\$	556.00

46,000 lbs.	\$	501.00	\$	591.00
48,000 lbs.	\$	522.00	\$	612.00
50,000 lbs.	\$	566.00	\$	656.00
52,000 lbs.	\$	595.00	\$	685.00
54,000 lbs.	\$	642.00	\$	732.00
56,000 lbs.	\$	677.00	\$	767.00
58,000 lbs.	\$	704.00	\$	794.00
60,000 lbs.	\$	750.00	\$	840.00
62,000 lbs.	\$	804.00	\$	894.00
64,000 lbs.	\$	822.00	\$	912.00
66,000 lbs.	\$	915.00	\$	1,005.00
68,000 lbs.	\$	954.00	\$	1,044.00
70,000 lbs.	\$	1,027.00	\$	1,117.00
72,000 lbs.	\$	1,098.00	\$	1,188.00
74,000 lbs.	\$	1,193.00	\$	1,283.00
76,000 lbs.	\$	1,289.00	\$	1,379.00
78,000 lbs.	\$	1,407.00	\$	1,497.00

80,000 lbs.	\$	1,518.00	\$	1,608.00
82,000 lbs.	\$	1,623.00	\$	1,713.00
84,000 lbs.	\$	1,728.00	\$	1,818.00
86,000 lbs.	\$	1,833.00	\$	1,923.00
88,000 lbs.	\$	1,938.00	\$	2,028.00
90,000 lbs.	\$	2,043.00	\$	2,133.00
92,000 lbs.	\$	2,148.00	\$	2,238.00
94,000 lbs.	\$	2,253.00	\$	2,343.00
96,000 lbs.	\$	2,358.00	\$	2,448.00
98,000 lbs.	\$	2,463.00	\$	2,553.00
100,000 lbs.	\$	2,568.00	\$	2,658.00
102,000 lbs.	\$	2,673.00	\$	2,763.00
104,000 lbs.	\$	2,778.00	\$	2,868.00
105,500 lbs.	\$	2,883.00	\$	2,973.00))
<u>12,000 lbs.</u>	\$	<u>79.00</u>	\$	<u>79.00</u>
<u>14,000 lbs.</u>	\$	<u>90.00</u>	\$	<u>90.00</u>
<u>16,000 lbs.</u>	\$	<u>102.00</u>	\$	<u>102.00</u>

<u>18,000 lbs.</u>	\$	<u>154.00</u>	\$	<u>154.00</u>
<u>20,000 lbs.</u>	\$	<u>171.00</u>	\$	<u>171.00</u>
<u>22,000 lbs.</u>	\$	<u>185.00</u>	\$	<u>185.00</u>
<u>24,000 lbs.</u>	\$	<u>200.00</u>	\$	<u>200.00</u>
<u>26,000 lbs.</u>	\$	<u>211.00</u>	\$	<u>211.00</u>
<u>28,000 lbs.</u>	\$	<u>249.00</u>	\$	<u>249.00</u>
<u>30,000 lbs.</u>	\$	<u>287.00</u>	\$	<u>287.00</u>
<u>32,000 lbs.</u>	\$	<u>346.00</u>	\$	<u>346.00</u>
<u>34,000 lbs.</u>	\$	<u>368.00</u>	\$	<u>368.00</u>
<u>36,000 lbs.</u>	\$	<u>399.00</u>	\$	<u>399.00</u>
<u>38,000 lbs.</u>	\$	<u>438.00</u>	\$	<u>438.00</u>
<u>40,000 lbs.</u>	\$	<u>501.00</u>	\$	<u>501.00</u>
<u>42,000 lbs.</u>	\$	<u>521.00</u>	\$	<u>611.00</u>
<u>44,000 lbs.</u>	\$	<u>532.00</u>	\$	<u>622.00</u>
<u>46,000 lbs.</u>	\$	<u>572.00</u>	\$	<u>662.00</u>
<u>48,000 lbs.</u>	\$	<u>596.00</u>	\$	<u>686.00</u>
<u>50,000 lbs.</u>	\$	<u>647.00</u>	\$	<u>737.00</u>

<u>52,000 lbs.</u>	\$	<u>680.00</u>	\$	<u>770.00</u>
<u>54,000 lbs.</u>	\$	<u>734.00</u>	\$	<u>824.00</u>
<u>56,000 lbs.</u>	\$	<u>775.00</u>	\$	<u>865.00</u>
<u>58,000 lbs.</u>	\$	<u>806.00</u>	\$	<u>896.00</u>
<u>60,000 lbs.</u>	\$	<u>859.00</u>	\$	<u>949.00</u>
<u>62,000 lbs.</u>	\$	<u>921.00</u>	\$	<u>1,011.00</u>
<u>64,000 lbs.</u>	\$	<u>941.00</u>	\$	<u>1,031.00</u>
<u>66,000 lbs.</u>	\$	<u>1,048.00</u>	\$	<u>1,138.00</u>
<u>68,000 lbs.</u>	\$	<u>1,093.00</u>	\$	<u>1,183.00</u>
<u>70,000 lbs.</u>	\$	<u>1,177.00</u>	\$	<u>1,267.00</u>
<u>72,000 lbs.</u>	\$	<u>1,259.00</u>	\$	<u>1,349.00</u>
<u>74,000 lbs.</u>	\$	<u>1,368.00</u>	\$	<u>1,458.00</u>
<u>76,000 lbs.</u>	\$	<u>1,478.00</u>	\$	<u>1,568.00</u>
<u>78,000 lbs.</u>	\$	<u>1,614.00</u>	\$	<u>1,704.00</u>
<u>80,000 lbs.</u>	\$	<u>1,742.00</u>	\$	<u>1,832.00</u>
<u>82,000 lbs.</u>	\$	<u>1,863.00</u>	\$	<u>1,953.00</u>
<u>84,000 lbs.</u>	\$	<u>1,983.00</u>	\$	<u>2,073.00</u>

<u>86,000 lbs.</u>		<u>2,104.00</u>		<u>2,194.00</u>
	\$		\$	
<u>88,000 lbs.</u>		<u>2,225.00</u>		<u>2,315.00</u>
	\$		\$	
<u>90,000 lbs.</u>		<u>2,346.00</u>		<u>2,436.00</u>
	\$		\$	
<u>92,000 lbs.</u>		<u>2,466.00</u>		<u>2,556.00</u>
	\$		\$	
<u>94,000 lbs.</u>		<u>2,587.00</u>		<u>2,677.00</u>
	\$		\$	
<u>96,000 lbs.</u>		<u>2,708.00</u>		<u>2,798.00</u>
	\$		\$	
<u>98,000 lbs.</u>		<u>2,829.00</u>		<u>2,919.00</u>
	\$		\$	
<u>100,000 lbs.</u>		<u>2,949.00</u>		<u>3,039.00</u>
	\$		\$	
<u>102,000 lbs.</u>		<u>3,070.00</u>		<u>3,160.00</u>
	\$		\$	
<u>104,000 lbs.</u>		<u>3,191.00</u>		<u>3,281.00</u>
	\$		\$	
<u>105,500 lbs.</u>		<u>3,312.00</u>		<u>3,402.00</u>
	\$		\$	

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 102. RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) ~~((23.677))~~ 21.434 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) ~~((4.524))~~ 1.368 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

((and))

(c) 11.771 percent shall be deposited into the transportation 2003 account; and

(d) The remaining proceeds shall be deposited into the motor vehicle fund.

PART II - SALES AND USE TAX

Sec. 201. RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((4))~~ (6) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 202. RCW 82.12.020 and 2003 c 5 (EHB 1977) s 2 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property or service taxable under RCW 82.04.050(2)(a) or (3)(a) purchased at retail or acquired by lease, gift, or bailment if the sale to, or the use by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his bailor or donor.

(4) Except as provided in this section, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters. If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor; or in respect to the use of property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961, the tax imposed by this chapter does not apply.

(5) The tax shall be levied and collected in an amount equal to the value of the article used or value of the service used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

Sec. 203. RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;

(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~((him))~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~((his))~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~((his))~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) shall be deposited in the multimodal transportation account under RCW 47.66.070.

Sec. 204. RCW 82.08.064 and 2000 c 104 s 3 are each amended to read as follows:

(1) A sales and use tax rate change under this chapter or chapter 82.12 RCW shall be imposed ~~((+))~~ (a) no sooner than seventy-five days after its enactment into law and ~~((2))~~ (b) only on the first day of January, April, July, or October.

(2) Subsection (1) of this section does not apply to the tax rate change in section 201 of this act.

PART III - MOTOR AND SPECIAL FUEL TAXES

Sec. 301. RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((shall apply))~~ applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning July 1, 2003, an additional and cumulative motor fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

Sec. 302. RCW 82.38.030 and 2002 c 183 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate ~~((computed in the manner provided in RCW 82.36.025 on each))~~ of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) ~~((The tax))~~ Taxes are imposed ~~((by subsection (1) of this section is imposed))~~ when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer- terminal system.

~~((3))~~ (4) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

Sec. 303. RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (e) through (h)))~~ accordance with subsections (2), (3), and (4) of this ~~((subsection))~~ section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

~~((e))~~ (2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this section.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((+))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

~~((j))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((l))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

~~((m))~~ (3) One hundred percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed to the transportation 2003 account.

(4) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

Sec. 304. RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090~~((+))~~ (2)~~(g)~~ shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090(2)(g) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090~~((+))~~ (2)~~(g)~~ shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 305. RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030~~((2)(a))~~ (3)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030~~((2)(b))~~ (3)(b).

(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030~~((2)(c))~~ (3)(c).

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030~~((2)(e))~~ (3)(e).

(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030~~((2)(f))~~ (3)(f).

Sec. 306. RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((+))~~ if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

Sec. 307. RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on ~~((the))~~ a tax rate ~~((in effect January 1, 1990))~~ of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

~~((a))~~ (i) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

~~((+))~~ (A) Not more than five percent may be expended for information programs under this chapter;

~~((+))~~ (B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

~~((iii))~~ (C) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;
~~((iv))~~ (D) Not more than fifty percent may be expended for nonhighway road recreation facilities;
~~((v))~~ (E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under ~~((d)(i))~~ (e)(iv)(A) of this subsection;
~~((b))~~ (ii) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;
~~((e))~~ (iii) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and
~~((d))~~ (iv) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:
~~((i))~~ (A) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;
~~((ii))~~ (B) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;
~~((iii))~~ (C) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 308. RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and ~~((the))~~ a fuel tax rate ~~(in effect January 1, 1990)~~ of: (1) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter.

Sec. 309. RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing ~~((the))~~ a motor vehicle fuel tax rate ~~(under RCW 82.36.025 in effect on January 1, 1990)~~ of: (1) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, to the recreation resource account and the remainder to the motor vehicle fund.

PART IV - ACCOUNT CREATION

NEW SECTION. Sec. 401. A new section is added to chapter 46.68 RCW to read as follows:

(1) The transportation 2003 account is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) The "nickel account" means the transportation 2003 account.

Sec. 402. RCW 43.84.092 and 2002 c 242 s 2, 2002 c 114 s 24, and 2002 c 56 s 402 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the

drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

PART V - MISCELLANEOUS

NEW SECTION. Sec. 501. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and sections 201 through 402 of this act take effect July 1, 2003, and sections 101 and 102 of this act take effect August 1, 2003.

NEW SECTION. Sec. 504. Section 101 of this act is effective with registrations that are due or will become due August 1, 2003, and thereafter."

MOTION

Senator Kohl-Welles moved that the following amendment to the striking amendment by Senators Horn and Haugen be adopted: On page 5, after line 11 of the amendment, insert the following:

"NEW SECTION. Sec. 103. A new section is added to chapter 46.16 RCW to read as follows:

(1) An additional fee of one hundred dollars shall be paid and collected upon vehicle tab renewal on each passenger vehicle that exceeds six thousand pounds gross vehicle weight if the passenger vehicle is also subject to the registration fee under RCW 46.16.0621.

(2) The department of licensing shall administer and collect the fee at the same time and in the same manner as registration fees under RCW 46.16.0621.

(3) Revenue from the fee shall be deposited into the multimodal transportation account in RCW 47.66.070.

(4) The following vehicles are not subject to the fee under this section:

(a) Trucks subject to the gross weight fee under RCW 46.16.070 in lieu of the registration fee under RCW 46.16.0621; and

(b) Motor homes."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Kohl-Welles on page 5, line 11, to the striking amendment by Senators Horn and Haugen to Engrossed Substitute House Bill No. 2231.

The motion by Senator Kohl-Welles failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Horn and Haugen to Engrossed Substitute House Bill No. 2231.

The motion by Senator Horn carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 46.16.070, 46.68.035, 82.08.020, 82.12.020, 82.12.045, 82.08.064, 82.38.030, 82.38.035, 82.38.047, 46.09.170, 46.10.170, and 79A.25.070;

reenacting and amending RCW 82.36.025, 46.68.090, 46.68.110, and 43.84.092; adding a new section to chapter 46.68 RCW; creating new sections; providing effective dates; and declaring an emergency."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 2231, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, Morton, Oke, Parlette, Prentice, Reardon, Rossi, Schmidt, Sheahan, Shin, Spanel, Swecker, West and Winsley - 29.

Voting nay: Senators Benton, Brandland, Deccio, Doumit, Esser, Hargrove, Honeyford, Kline, Kohl-Welles, McCaslin, Mulliken, Poulsen, Rasmussen, Regala, Roach, Sheldon, B., Sheldon, T., Stevens, Thibaudeau and Zarelli - 20.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Horn: "A point of personal privilege, Mr. President. I want to thank the other members of the Highways and Transportation Committee for their fine work and cooperation on this budget process. I want to give special recognition, particularly, to Senator Finkbeiner and Senator Swecker on my side of the aisle and want to compliment Senator Haugen and her fine leadership that she has done on the opposite side of the aisle, as well as Senator Jacobsen and Senator Spanel. I think this is a budget that we have worked very closely together and I think it should solve the votes--split on both sides. It was worked as close to the center between the two bodies as you could possibly get. Thank you for all the cooperation on this budget. I look forward to trying to finish this for the rest of the session. I, particularly, want to give a compliment to our outstanding staff that we have. They have turned around things and just over night. I think both sides of the aisle appreciate the staff work without exception. They are the finest that I have worked with down here. Thank you very much."

PERSONAL PRIVILEGE

Senator Haugen: "A point of personal privilege, Mr. President. I, too, want to take the opportunity to thank our staff. I think we have the best staff in Olympia. Certainly, they have had a challenge this year with an engineer who did everything very straight and a sort of neurotic person on this side of the aisle, who wants to read everything. So, between the two of us, I think we drove them crazy. But, we really did have a good team. It was truly a bipartisan team working together to put together this revenue package and, also, this package that is really going to make a difference in the state of Washington. I think we can be proud of what the Senate has done. We have done something in a bipartisan manner both last year and this year and I hope we have set the stage for the future for transportation. Truly, it is a bipartisan issue. I really do hope that we are able to be successful this time, because if we don't I really do

think that the quality of life, which all of us really care about, will be gone. Again, thank you, Senator Horn, for your allowing us to be a part of the process. Even with the taxes, we were glad to be there. Thank you."

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1826, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Voloria, McMahan, O'Brien, Kenney, Boldt, Mielke, Santos, Hudgins, Upthegrove, Simpson and Conway)

Including trafficking in persons in the criminal profiteering law.

The bill was read the second time.

MOTION

Senator Stevens moved that the following Committee on Children and Family Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.220.010 and 2002 c 115 s 2 are each amended to read as follows:

(1) Each international matchmaking organization doing business in Washington state shall disseminate to a recruit, upon request, state background check information and ~~((marital))~~ personal history information relating to any Washington state resident about whom any information is provided to the recruit, in the recruit's native language. The organization shall notify all recruits that background check and ~~((marital))~~ personal history information is available upon request. The notice that background check and ~~((marital))~~ personal history information is available upon request shall be in the recruit's native language and shall be displayed in a manner that separates it from other information, is highly noticeable, and in lettering not less than one-quarter of an inch high.

(2) If an international matchmaking organization receives a request for information from a recruit pursuant to subsection (1) of this section, the organization shall notify the Washington state resident of the request. Upon receiving notification, the Washington state resident shall obtain from the state patrol and provide to the organization the complete transcript of any background check information provided pursuant to RCW 43.43.760 based on a submission of fingerprint impressions and provided pursuant to RCW 43.43.838 and shall provide to the organization his or her ~~((marital))~~ personal history information. The organization shall require the resident to affirm that ~~((marital))~~ personal history information is complete and accurate ~~((and includes any information regarding marriages, annulments, and dissolutions which occurred in other states or countries))~~. The organization shall refrain from knowingly providing any further services to the recruit or the Washington state resident in regards to facilitating future interaction between the recruit and the Washington state resident until the organization has obtained the requested information and provided it to the recruit.

(3) This section does not apply to a traditional matchmaking organization of a religious nature that otherwise operates in compliance with the laws of the countries of the recruits of such organization and the laws of the United States nor to any organization that does not charge a fee to any party for the service provided.

(4) As used in this section:

(a) "International matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and for profit offers to Washington state residents, including aliens lawfully admitted for permanent residence and residing in Washington state, dating, matrimonial, or social referral services involving citizens of a foreign country or countries who are not residing in the United States, by: (i) An exchange of names, telephone numbers, addresses, or statistics; (ii) selection of photographs; or (iii) a social environment provided by the organization in a country other than the United States.

(b) "~~((Marital))~~ Personal history information" means a declaration of the person's current marital status, the number of ~~((times))~~ previous marriages, annulments, and dissolutions for the person ~~((has previously been married))~~, and whether any previous marriages occurred as a result of receiving services from an international matchmaking organization; founded allegations of child abuse or neglect; and any existing no contact or antiharassment protection orders. Personal history information shall include information from the state of Washington and any information from other states or countries.

(c) "Recruit" means a noncitizen, nonresident person, recruited by an international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services."

MOTION

On motion of Senator Kohl-Welles, the following amendment by Senators Kohl-Wells, Hargrove and Stevens to the Committee on Children and Family Services and Corrections striking amendment was adopted:

On page 2, line 28 of the amendment, after "existing" strike all material through "orders" and insert "orders under chapter 10.14, 10.99, or 26.50 RCW"

The President declared the question before the Senate to be the adoption of the Committee on Children and Family Services and Corrections striking amendment, as amended, to Substitute House Bill No. 1826.

The motion by Senator Stevens carried and the committee striking amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "and amending RCW 19.220.010."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1826, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1826, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1826, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Honeyford and Mulliken - 2.

Excused - Fairley - 1.

SUBSTITUTE HOUSE BILL NO. 1826, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1061, by House Committee on Higher Education (originally sponsored by Representatives Veloria, Kenney, Conway, Cox, Hunt, Clements, Morrell, Campbell, Kessler, Simpson, Wood and Berkey)

Authorizing associate degree pathways for persons in apprenticeship programs at community and technical colleges.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the following Committee on Higher Education striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Apprenticeships are very rigorous and highly structured programs with specific academic and work training requirements;

(2) There is a misperception that apprenticeships are only for noncollege bound students; and

(3) The state should expand opportunities for individuals to progress from an apprenticeship to college by creating pathways that build on the apprenticeship experience and permit apprentices to earn an associate degree.

NEW SECTION. Sec. 2. A new section is added to chapter 49.04 RCW to read as follows:

(1) An apprenticeship committee may recommend to its community or technical college partner or partners that an associate degree pathway be developed for the committee's program.

(2) In consultation with the state board for community and technical colleges, the apprenticeship committee and the college or colleges involved with the program shall consider the extent apprentices in the program are likely to pursue an associate degree and the extent a pathway could reduce redundancy of course requirements between the apprenticeship and a degree.

(3) If the apprenticeship committee and the college or colleges involved with the program determine that a pathway would be beneficial for apprentices and assist them in obtaining an associate degree, the apprenticeship committee may request that a pathway be established as provided in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) At the request of an apprenticeship committee pursuant to section 2 of this act, the community or technical college or colleges providing apprentice-related and supplemental instruction for an apprenticeship program shall develop an associate degree pathway for the apprentices in that program, if the necessary resources are available.

(2) In developing a degree program, the community or technical college or colleges shall ensure, to the extent possible, that related and supplemental instruction is credited toward the associate degree and that related and supplemental instruction and other degree requirements are not redundant.

(3) If multiple community or technical colleges provide related and supplemental instruction for a single apprenticeship committee, the colleges shall work together to the maximum extent possible to create consistent requirements for the pathway.

NEW SECTION. Sec. 4. (1) The state board for community and technical colleges shall convene a work group to examine current laws, administrative rules, and practices regarding related and supplemental instruction for apprentices that is provided by community and technical colleges.

(2) The objectives of the work group shall be to improve coordination of related and supplemental instruction by apprenticeship committees and community and technical colleges and remove or reduce barriers for apprentices to earn associate degrees. The work group shall develop common standards for when it is appropriate to make related and supplemental instruction courses graded rather than ungraded courses and clarify the standards for tuition waivers for related and supplemental instruction courses.

(3) The work group shall include, but not be limited to, representatives from the state board for community and technical colleges, the higher education coordinating board, the state apprenticeship council, the department of labor and industries, local apprenticeship committees, and community and technical colleges.

(4) The work group shall report its findings and recommendations to the legislature, including recommendations for legislative action if necessary, by December 15, 2003."

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

On page 1, line 2 of the title, after "apprentices;" strike the remainder of the title and insert "adding a new section to chapter 49.04 RCW; adding a new section to chapter 28B.50 RCW; and creating new sections."

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 1061, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1061, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1061, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused - Fairley - 1.

SUBSTITUTE HOUSE BILL NO. 1061, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009, by House Committee on Juvenile Justice and Family Law (originally sponsored by Representatives Dickerson, Delvin, Skinner, Kagi, Chase, Wood, Sommers, Miloscia, Conway, Cody, O'Brien, Kenney, Schual-Berke, McDermott and Lovick)

Prohibiting sale of violent computer and video games to minors.

The bill was read the second time.

MOTION

Senator Esser moved that the following amendment be adopted:

On page 2, beginning on line 7, after "(2)" strike all material through "82.04.250." on line 11 and insert "'Minor" means a person under seventeen years of age. A person as defined in subsection (3) of this section may lawfully presume that an individual using a valid credit or debit card issued in his or her name is not a minor.

(3) "Person" means a retailer engaged in the business of selling or renting video or computer games."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Esser on page 2, line 7, to Engrossed Substitute House Bill No. 1009.

The motion by Senator Esser failed and the amendment was not adopted on a rising vote.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Reardon be adopted:

On page 2, after line 16, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 9.91 RCW to read as follows:

(1) A minor who purchases or attempts to purchase, possesses, or obtains or attempts to obtain violent video or computer games commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community restitution, or both.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section."

Remember the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Reardon on page 2, after line 16, to Engrossed Substitute House Bill No. 1009.

The motion by Senator Honeyford failed and the amendment was not adopted on a rising vote.

MOTION

Senator Honeyford moved that the following amendment by Senators Honeyford and Reardon be adopted:

On page 2, after line 16, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 9.91 RCW to read as follows:

(1) Where there may be a question of a person's right to purchase or obtain violent video or computer games by reason of age, the retailer, or agent thereof, shall require the purchaser to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: Liquor control authority card of identification of a state or province of Canada; driver's license, instruction permit, or identification card of a state or province of Canada; "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; United States military identification; passport; or merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The court shall waive the suspension or revocation of a license if the retailer, or agent thereof, clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the retailer's or agent's exercise of due diligence."

Remember the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Honeyford and Reardon on page 2, after line 16, to Engrossed Substitute House Bill No. 1009.

The motion by Senator Honeyford failed and the amendment was not adopted.

MOTION

Senator Reardon moved that the following amendment be adopted:
On page 2, line 16, after "officer" insert ", fire personnel, military personnel, postal carrier, bus driver, or other municipal or federal employee"
Debate ensued.
The President declared the question before the Senate to be the adoption of the amendment by Senator Reardon on page 2, after line 16, to Engrossed Substitute House Bill No. 1009.
The motion by Senator Reardon failed and the amendment was not adopted.

POINT OF INQUIRY

Senator Finkbeiner: "Senator Brandland, my understanding of this amendment is that it essentially places and says that the mature rating is a new requirement as far as not being able to be sold to minors, as opposed to simply crime or violence against police officers. Is that correct, Senator Brandland?"
Senator Brandland: "That is the correct intent of the amendment."
Senator Finkbeiner: "I have one more question of Senator Brandland. Do you have another amendment that does what the original intent of this amendment was supposed to do?"
Senator Brandland: "No."
Further debate ensued.

MOTION

Senator Finkbeiner moved that the following amendment by Senator Brandland be adopted:
On page 2, line 12 after "Violent video or computer game" strike all material through "officer." on line 16 and insert the following:
"means a video or computer game that:
(a) Contains realistic or photographic-like depictions of aggressive conflict in which the player kills, injures, or otherwise causes violence to a human form in the game who is depicted, by dress or other recognizable symbols, as a public law enforcement officer; and
(b) Has been given a rating of "Mature," "For Adults Only," or an equivalent rating by the video or computer game manufacturer or any entertainment rating board commonly used by the video and computer game industry."
Renumber the sections consecutively and correct any internal references accordingly.
Debate ensued.

MOTION

Senator Swecker moved that an oral amendment on line 7 be adopted:
Senator Carlson objected to the oral amendment.

REPLY BY THE PRESIDENT

President Owen: "Senator Swecker, your amendment must be in writing."
Further debate ensued.

WITHDRAWAL OF AMENDMENT

The being not objection, Senator Finkbeiner withdrew the amendment by Senator Brandland on page 2, line 12, to Engrossed Substitute House Bill No. 1009.

MOTION

Senator Finkbeiner moved that the following amendment be adopted:
On page 2, line 12 after "Violent video or computer game" strike all material through "officer." on line 16 and insert the following:
"means a video or computer game that:
(a) Contains realistic or photographic-like depictions of aggressive conflict in which the player kills, injures, or otherwise causes violence to a human form in the game who is depicted, by dress or other recognizable symbols, as a public law enforcement officer; or
(b) Has been given a rating of "Mature," "For Adults Only," or an equivalent rating by the video or computer game manufacturer or any entertainment rating board commonly used by the video and computer game industry."
Renumber the sections consecutively and correct any internal references accordingly.
Senators Carlson, Benton and Hewitt demanded the previous question and the demand was sustained.
The President declared the question before the Senate to be shall the main question be now put.
The demand for the previous question failed.
Further debate ensued.
Senators Sheahan, McCaslin and Hale demanded the previous question and the demand was sustained.
The President declared the question before the Senate to be shall the main question be now put.
The demand for the previous question carried.
The President declared the question before the Senate to be the adoption of the amendment by Senator Finkbeiner on page 2, line 12, to Engrossed Substitute House Bill No. 1009.

The motion by Senator Finkbeiner failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Stevens, the rules were suspended, Engrossed Substitute House Bill No. 1009, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1009.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1009, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 42.

Voting nay: Senators Esser, Finkbeiner, Honeyford, Kohl-Welles, Parlette, Regala and Thibaudeau - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed the following bills:

**ENGROSSED SENATE BILL NO. 5210,
SUBSTITUTE SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5641,
SENATE BILL NO. 5654,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,
SUBSTITUTE SENATE BILL NO. 5824,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

**ENGROSSED SENATE BILL NO. 5210,
SUBSTITUTE SENATE BILL NO. 5274,
SUBSTITUTE SENATE BILL NO. 5641,
SENATE BILL NO. 5654,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,
SUBSTITUTE SENATE BILL NO. 5824.**

MOTION

At 12:20 p.m., on motion of Senator Sheahan, the Senate adjourned until 2:00 p.m.

The Senate was called to order at 1:50 p.m. by President Owen.

MOTION

On motion of Senator Schmidt, Senators Hewitt and Winsley were excused.

MOTION

On motion of Senator Jacobsen, Senators Eide, Haugen, Kohl-Welles, Regala and Thibaudeau were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9121, Larry E. Swift, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

Senators Spanel and Carlson spoke to the confirmation of Larry Swift as a member of the Board of Trustees for the State School for the Deaf.

APPOINTMENT OF LARRY E. SWIFT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 3; Excused, 7.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Franklin, Fraser, Hale, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West and Zarelli - 39.

Absent: Senators Finkbeiner, Hargrove and Parlette - 3.

Excused: Senators Eide, Haugen, Hewitt, Kohl-Welles, Regala, Thibaudeau and Winsley - 7.

MOTION

On motion of Senator Schmidt, Senators Brandland, Finkbeiner and Parlette were excused.

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9136, Frederick Whang, as a member of the Board of Trustees for Tacoma Community College District No. 22, was confirmed.

APPOINTMENT OF FREDERICK WHANG

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 1; Excused, 10.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West and Zarelli - 38.

Absent: Senator Roach - 1.

Excused: Senators Brandland, Eide, Finkbeiner, Haugen, Hewitt, Kohl-Welles, Parlette, Regala, Thibaudeau and Winsley - 10.

MOTION

On motion of Senator Keiser, Senators Brown, Kline and Betti Sheldon were excused.

MOTION

On motion of Senator Johnson, Gubernatorial Appointment No. 9116, Jim Spady, as a member of the Academic Achievement and Accountability Commission, was confirmed.

APPOINTMENT OF JIM SPADY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 30; Nays, 6; Absent, 0; Excused, 13.

Voting yea: Senators Benton, Carlson, Deccio, Esser, Franklin, Fraser, Hale, Hargrove, Honeyford, Horn, Jacobsen, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 30.

Voting nay: Senators Doumit, Eide, Fairley, Keiser, Prentice and Spanel - 6.

Excused: Senators Brandland, Brown, Finkbeiner, Haugen, Hewitt, Kline, Kohl-Welles, McAuliffe, Parlette, Regala, Sheldon, B., Thibaudeau and Winsley - 13.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1849, by House Committee on Health Care (originally sponsored by Representatives Bailey, Cody, Pflug, Morris, Skinner, McDonald, Ruderman, Pearson, Ahern, Schindler, Kagi, Kristiansen, Morrell, Orcutt, Darneille, Benson, Wood, Pettigrew, Newhouse, Clements, O'Brien, Linville, Moeller, Chase, Tom, Alexander, Talcott, Rockefeller, Woods and Anderson)

Creating a list of health care providers willing to serve as volunteer resources during an emergency or disaster.

The bill was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Substitute House Bill No. 1849 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1849.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1849 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West and Zarelli - 41.

Excused: Senators Brandland, Finkbeiner, Haugen, Hewitt, Kohl-Welles, Parlette, Thibaudeau and Winsley - 8.

SUBSTITUTE HOUSE BILL NO. 1849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2073, by Representatives Schoesler, Romero and Cox

Disposing of local government records.

The bill was read the second time.

MOTION

On motion of Senator Roach, the following Committee on Government Operations and Elections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 40.14.070 and 1999 c 326 s 2 are each amended to read as follows:

(1)(a) County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management lists of such records on forms prepared by the division. The archivist, a representative appointed by the state auditor, and a representative appointed by the attorney general shall constitute a committee, known as the local records committee, which shall review such lists and which may veto the destruction of any or all items contained therein.

(b) A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

(2)(a) Except as otherwise provided by law, no public records shall be destroyed until approved for destruction by the local records committee. Official public records shall not be destroyed unless:

(i) The records are six or more years old;

(ii) The department of origin of the records has made a satisfactory showing to the state records committee that the retention of the records for a minimum of six years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs have been established; or

(iii) The originals of official public records less than six years old have been copied or reproduced by any photographic, photostatic, microfilm, miniature photographic, or other process approved by the state archivist which accurately reproduces or forms a durable medium for so reproducing the original.

An automatic reduction of retention periods from seven to six years for official public records on record retention schedules existing on June 10, 1982, shall not be made, but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of six years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency.

(b) Records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenders contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020 that are not required in the current operation of the law enforcement agency or for pending judicial proceedings shall, following the expiration of the applicable schedule of the law enforcement agency's retention of the records, be transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval. Upon electronic retention of any document, the association shall be permitted to destroy the paper copy of the document.

(c) Any record transferred to the Washington association of sheriffs and police chiefs pursuant to (b) of this subsection shall be deemed to no longer constitute a public record pursuant to RCW 42.17.020 and shall be exempt from public disclosure. Such records shall be disseminated only to criminal justice agencies as defined in RCW 10.97.030 for the purpose of determining if a sex offender met the criteria of a sexually violent predator as defined in chapter 71.09 RCW.

(3) Except as otherwise provided by law, county, municipal, and other local government agencies may, as an alternative to destroying noncurrent public records having no further administrative or legal value, donate the public records to the state library, local library, historical society, genealogical society, or similar society or organization.

Public records may not be donated under this subsection unless:

(a) The records are seventy years old or more;

(b) The local records committee has approved the destruction of the public records; and

(c) The state archivist has determined that the public records have no historic interest."

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

On page 1, line 1 of the title, after "records;" strike the remainder of the title and insert "and amending RCW 40.14.070."

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 2073, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2073, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2073, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West and Zarelli - 43.

Excused: Senators Finkbeiner, Haugen, Hewitt, Parlette, Thibaudeau and Winsley - 6.

HOUSE BILL NO. 2073, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2094, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Holmquist, O'Brien, Hinkle, Darneille, Lovick and Ahern)

Allowing detention of persons at outdoor music venues for investigation of drug and alcohol violations.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the following Committee on Judiciary striking amendment was adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.16 RCW to read as follows:

(1) In a criminal action brought against the detainer by reason of a person having been detained on or in the immediate vicinity of the premises of an outdoor music festival or related campground for the purpose of pursuing an investigation or questioning by a law enforcement officer as to the lawfulness of the consumption or possession of alcohol or illegal drugs, it is a defense that the detained person was detained in a reasonable manner and for not more than a reasonable time to permit the investigation or questioning by a law enforcement officer, and that a peace officer, owner, operator, employee, or agent of the outdoor music festival had reasonable grounds to believe that the person so detained was unlawfully consuming or attempting to unlawfully consume or possess, alcohol or illegal drugs on the premises.

(2) For the purposes of this section:

(a) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the person detained does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the person does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.

(b) "Outdoor music festival" has the same meaning as in RCW 70.108.020, except that no minimum time limit is required.

(c) "Reasonable grounds" include, but are not limited to:

(i) Exhibiting the effects of having consumed liquor, which means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:

(A) Is in possession of or in close proximity to a container that has or recently had liquor in it; or

(B) Is shown by other evidence to have recently consumed liquor; or

(ii) Exhibiting the effects of having consumed an illegal drug, which means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug, and either:

(A) Is in possession of an illegal drug; or

(B) Is shown by other evidence to have recently consumed an illegal drug.

(d) "Reasonable time" means the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to allow a law enforcement officer to determine the lawfulness of the consumption or possession of alcohol or illegal drugs. "Reasonable time" may not exceed one hour.

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:

(1) In a civil action brought against the detainer by reason of a person having been detained on or in the immediate vicinity of the premises of an outdoor music festival or related campground for the purpose of investigation or questioning as to the lawfulness of the consumption or possession of alcohol or illegal drugs, it is a defense that the detained person was detained in a reasonable manner and for not more than a reasonable time to permit the investigation or questioning by a law enforcement officer, and that a peace officer, owner, operator, employee, or agent of the outdoor music festival had reasonable grounds to believe that the person so detained was unlawfully consuming or attempting to unlawfully consume or possess, alcohol or illegal drugs on the premises.

(2) For the purposes of this section:

(a) "Illegal drug" means a controlled substance under chapter 69.50 RCW for which the person detained does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings, or a legend drug under chapter 69.41 RCW for which the person does not have a valid prescription or that is not being consumed in accordance with the prescription directions and warnings.

(b) "Outdoor music festival" has the same meaning as in RCW 70.108.020, except that no minimum time limit is required.

(c) "Reasonable grounds" include, but are not limited to:

(i) Exhibiting the effects of having consumed liquor, which means that a person has the odor of liquor on his or her breath, or that by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed liquor, and either:

(A) Is in possession of or in close proximity to a container that has or recently had liquor in it; or

(B) Is shown by other evidence to have recently consumed liquor; or

(ii) Exhibiting the effects of having consumed an illegal drug, which means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that he or she has consumed an illegal drug, and either:

(A) Is in possession of an illegal drug; or

(B) Is shown by other evidence to have recently consumed an illegal drug.

(d) "Reasonable time" means the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to allow a law enforcement officer to determine the lawfulness of the consumption or possession of alcohol or illegal drugs. "Reasonable time" may not exceed one hour."

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

On page 1, line 2 of the title, after "investigation;" strike the remainder of the title and insert "adding a new section to chapter 9A.16 RCW; and adding a new section to chapter 4.24 RCW."

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute House Bill No. 2094, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2094, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2094, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Hargrove, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Brown, Fairley, Kohl-Welles and Poulsen - 4.

Excused: Senators Finkbeiner, Haugen, Hewitt and Parlette - 4.

SUBSTITUTE HOUSE BILL NO. 2094, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1275, by House Committee on Health Care (originally sponsored by Representatives Darneille, Pflug, Moeller, Cody, Romero, Wood and Upthegrove) (by request of Department of Health)

Transferring the human immunodeficiency virus insurance program to the department of health.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1275 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1275.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1275 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Fairley and Parlette - 2.

SUBSTITUTE HOUSE BILL NO. 1275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

RESUME CONSIDERATION OF SUBSTITUTE HOUSE BILL NO. 2132

There being no objection, the Senate resumed consideration of Substitute House Bill No. 2132, deferred on second reading, April 16, after Senator Benton moved that the Committee on Financial Services, Insurance and Housing striking amendment be adopted.

The President declared the question before the Senate to be the adoption of the Committee on Financial Services, Insurance and Housing striking amendment to Substitute House Bill No. 2132.

The motion by Senator Benton carried and the committee striking amendment was adopted.

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

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 48.30.270; reenacting and amending RCW 48.30.270; providing an effective date; and providing an expiration date."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 2132, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2132, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2132, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Deccio - 1.

Excused: Senator Fairley - 1.

SUBSTITUTE HOUSE BILL NO. 2132, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6073, by Senators Hargrove, Rossi and Doumit

Authorizing the increase of shellfish license fees.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 6073 was substituted for Senate Bill No. 6073 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 6073 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6073.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6073 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Sheldon, T. - 1.

SUBSTITUTE SENATE BILL NO. 6073, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5181, by Senators Benton, Mulliken, Eide, McCaslin, T. Sheldon and Esser

Extending the expiration date on the tax credit for software companies in rural counties.

MOTIONS

On motion of Senator Tim Sheldon, Substitute Senate Bill No. 5181 was substituted for Senate Bill No. 5181 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Tim Sheldon, the rules were suspended, Substitute Senate Bill No. 5181 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5181.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5181 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Franklin - 1.

SUBSTITUTE SENATE BILL NO. 5181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5423, by Senators Swecker, Kohl-Welles, Roach, Rasmussen, Mulliken, T. Sheldon and Oke

Modifying the taxation of physical fitness services.

MOTIONS

On motion of Senator Rossi, Substitute Senate Bill No. 5423 was substituted for Senate Bill No. 5423 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rossi, the rules were suspended, Substitute Senate Bill No. 5423 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5423.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5423 and the bill passed the Senate by the following vote: Yeas, 36; Nays, 11; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Honeyford, Johnson, Keiser, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 36.

Voting nay: Senators Brown, Fairley, Fraser, Jacobsen, Kastama, Kline, McAuliffe, Poulsen, Regala, Spanel, and Thibaudeau - 11.

Absent - Senators Hewitt and Horn - 2.

SUBSTITUTE SENATE BILL NO. 5423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5401, by Senators Zarelli, Poulsen, Rossi, Fairley and Winsley (by request of Governor Locke)

Making appropriations and authorizing expenditures for capital improvements.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5401 was substituted for Senate Bill No. 5401 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 5401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5401.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5402, by Senators Zarelli, Poulsen and Fairley (by request of Office of Financial Management)

Issuing general obligation bonds.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5402 was substituted for Senate Bill No. 5402 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 5402 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5402.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5402 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent2: Senator Brown - 1.

SUBSTITUTE SENATE BILL NO. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 5908, by Senators Zarelli, Rossi, Carlson, Kohl-Welles, Fairley, B. Sheldon, Keiser, McAuliffe, West and Winsley

Enacting the building Washington's future act.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 5908 was substituted for Senate Bill No. 5908 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 5908 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5908.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5908 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Mulliken - 1.

SUBSTITUTE SENATE BILL NO. 5908, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2223, by Representatives Hunt, Alexander, Romero and Santos

Allowing The Evergreen State College capital projects account to retain its interest income.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, House Bill No. 2223 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2223.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2223 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Hargrove - 1.

HOUSE BILL NO. 2223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SENATE BILL NO. 6049, by Senator Zarelli

Providing for stewardship and preservation of public college and university facilities.

MOTIONS

On motion of Senator Zarelli, Substitute Senate Bill No. 6049 was substituted for Senate Bill No. 6049 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Zarelli, the rules were suspended, Substitute Senate Bill No. 6049 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Thibaudeau: "Senator Zarelli, I am on JLARC and so pleased to be part of that study. My question to you is, is it possible to include monies when we appropriate the capital budget for preservation and maintenance?"

Senator Zarelli: "Yes, it is and we actually do that in this particular budget. We do take over the issue of maintenance dollars and we allocate them in the underlying capital budget. So, we are doing that and we are also paying to the extent that is necessary in this budget--JLARC--to do the creation and maintenance of this data base."

Senator Thibaudeau: "Thank you very much."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6049.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6049 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 6049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rossi: "Mr. President, a point of personal privilege. We've passed a number of bills today and we have been passing a number of bills all session long. I just thought--it is kind of at that point where I would like to say, 'thank you.' We have had bills that passed in a bipartisan fashion--fifty bills necessary to implement the budget, the average vote thirty votes. When we started this session, we said that this problem was too big for one party to solve. Many people understood exactly what we said. We have only seen maybe four or five bills to implement the budget from the other body so far, but we have pretty much everything we need to make all the budgets work over in the other body, as we speak. These are the lists of the bills that we passed. I would just like to say 'thank you,' not only to this side of the aisle, but on the other side of the aisle.

"Thank you to Senator Fairley. We didn't agree on everything, obviously. There are some things we didn't agree on, but you know, when you told me where you stood, when I got there, you were there--always. You are honest as the day is long and I appreciate that. The other part of this--what about the staff--the Transportation Committee, the Ways and Means Committee--tremendous job. I think we all owe them a debt of gratitude. I just want to bring that up of how this body is operated and I think we all have a right to be proud of. Thank you, Mr. President."

SECOND READING

HOUSE BILL NO. 2113, by Representatives Morrell, Cox, Kenney, Fromhold, Jarrett, Chase, Priest, McCoy and Buck

Regarding refunds of federal financial aid to students who withdraw from institutions of higher education.

The bill was read the second time.

MOTION

On motion of Senator Carlson, the rules were suspended, House Bill No. 2113 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2113.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2113 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 2113, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:02 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 5:58 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6074, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6074.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE Bill No. 5358 with the following amendment(s):
On page 2, after line 15, insert the following:
"NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."
Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5358.
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson to concur in the House amendment to Substitute Senate Bill No. 5358.

The motion by Senator Johnson carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5358.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5358, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5358, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 5358, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE Bill NO. 5409 with the following amendment(s):
On page 2, at the beginning of line 7, strike "property" and insert "acreage"
On page 10, line 14, after "of the" strike "property" and insert "acreage"

On page 11, line 19, strike "and is sufficient according to the rules set forth in RCW 35A.01.040", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Mulliken, the Senate concurred in the House amendments to Substitute Senate Bill No. 5409.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5409, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5409, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 5409, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SENATE Bill NO. 5662 with the following amendment(s):

On page 1, line 17, after "~~senate.~~" strike all material through "~~development.~~" on line 19

On page 3, line 2, after "~~and housing~~)" strike "committee of the" and insert "~~((committee of the))"~~

On page 3, line 2, after "representatives" strike "~~that deals with issues of economic development~~"

On page 3, line 10, after "~~senate~~" strike "committee" and insert "~~((committee))"~~

On page 3, line 10, after "~~((of the senate))"~~ strike "~~that deals with issues of economic development~~", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Tim Sheldon, the Senate concurred in the House amendments to Senate Bill No. 5662.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5662.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5662, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Deccio - 1.

SENATE BILL NO. 5662, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Jacobsen, Senator Eide was excused.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE Bill NO. 5051 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.24.244 and 1998 c 126 s 3 are each amended to read as follows:

(1) There shall be a license for microbreweries; fee to be one hundred dollars for production of less than sixty thousand barrels of malt liquor, including strong beer, per year.

(2) Any microbrewery license under this section may also act as a distributor and/or retailer for beer and strong beer of its own production. Strong beer may not be sold at a farmers market or under any endorsement which may authorize microbreweries to sell beer at farmers markets. Any microbrewery operating as a distributor and/or retailer under this subsection shall comply with the applicable laws and rules relating to distributors and/or retailers.

(3) The board may issue an endorsement to this license allowing for on-premises consumption of beer, including strong beer, wine, or both of other manufacture if purchased from a Washington state-licensed distributor. Each endorsement shall cost two hundred dollars per year, or four hundred dollars per year allowing the sale and service of both beer and wine.

(4) The microbrewer obtaining such endorsement must determine, at the time the endorsement is issued, whether the licensed premises will be operated either as a tavern with persons under twenty-one years of age not allowed as provided for in RCW 66.24.330, or as a beer and/or wine restaurant as described in RCW 66.24.320.

Sec. 2. RCW 66.24.250 and 1997 c 321 s 13 are each amended to read as follows:

There shall be a license for beer distributors to sell beer and strong beer, purchased from licensed Washington breweries, beer certificate of approval holders (B5), licensed beer importers, or suppliers of foreign beer located outside the state of Washington, to licensed beer retailers and other beer distributors and to export same from the state of Washington; fee six hundred sixty dollars per year for each distributing unit.

Sec. 3. RCW 66.24.261 and 1997 c 321 s 14 are each amended to read as follows:

There shall be a license for beer importers that authorizes the licensee to import beer and strong beer manufactured within the United States by certificate of approval holders (B5) into the state of Washington. The licensee may also import beer and strong beer manufactured outside the United States.

(1) Beer and strong beer so imported may be sold to licensed beer distributors or exported from the state.

(2) Every person, firm, or corporation licensed as a beer importer shall establish and maintain a principal office within the state at which shall be kept proper records of all beer and strong beer imported into the state under this license.

(3) No beer importer's license shall be granted to a nonresident of the state nor to a corporation whose principal place of business is outside the state until such applicant has established a principal office and agent within the state upon which service can be made.

(4) As a requirement for license approval, a beer importer shall enter into a written agreement with the board to furnish on or before the twentieth day of each month, a report under oath, detailing the quantity of beer and strong beer sold or delivered to each licensed beer distributor. Failure to file such reports may result in the suspension or cancellation of this license.

(5) Beer and strong beer imported under this license must conform to the provisions of RCW 66.28.120 and have received label approval from the board. The board shall not certify beer or strong beer labeled with names which may be confused with other nonalcoholic beverages whether manufactured or produced from a domestic brewery or imported nor shall it certify beer or strong beer which fails to meet quality standards established by the board.

(6) The license fee shall be one hundred sixty dollars per year.

Sec. 4. RCW 66.24.270 and 1997 c 321 s 15 are each amended to read as follows:

(1) Every person, firm or corporation, holding a license to manufacture malt liquors or strong beer within the state of Washington, shall, on or before the twentieth day of each month, furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors and strong beer sold for resale during the preceding calendar month to each beer distributor within the state of Washington.

(2) A United States brewery or manufacturer of beer or strong beer, located outside the state of Washington, must hold a certificate of approval (B5) to allow sales and shipment of the certificate of approval holder's beer or strong beer to licensed Washington beer distributors or importers. The certificate of approval shall not be granted unless and until such brewer or manufacturer of beer or strong beer shall have made a written agreement with the board to furnish to the board, on or before the twentieth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer and strong beer sold or delivered to each licensed beer distributor or importer during the preceding month, and shall further have agreed with the board, that such brewer or manufacturer of beer or strong beer and all general sales corporations or agencies maintained by them, and all of their trade representatives, corporations, and agencies, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. A violation of the terms of this agreement will cause the board to take action to suspend or revoke such certificate.

(3) The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be one hundred dollars per year, which sum shall accompany the application for such certificate.

Sec. 5. RCW 66.24.290 and 1999 c 281 s 14 are each amended to read as follows:

(1) Any microbrewer or domestic brewery or beer distributor licensed under this title may sell and deliver beer and strong beer to holders of authorized licenses direct, but to no other person, other than the board; and every such brewery or beer distributor shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer and strong beer within the state a tax of one dollar and thirty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer, including strong beer, shall pay a tax computed in gallons at the rate of one dollar and thirty cents per barrel of thirty-one gallons. Any brewery or beer distributor whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Beer and strong beer shall be sold by breweries and distributors in sealed barrels or packages. The moneys collected under this subsection shall be distributed as follows: (a) Three-tenths of a percent shall be distributed to border areas under RCW 66.08.195; and (b) of the remaining moneys: (i) Twenty percent shall be distributed to counties in the same manner as under RCW 66.08.200; and (ii) eighty percent shall be distributed to incorporated cities and towns in the same manner as under RCW 66.08.210.

(2) An additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(3)(a) An additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (3) shall be deposited in the health services account under RCW 43.72.900.

(4) An additional tax is imposed on all beer and strong beer that is subject to tax under subsection (1) of this section that is in the first sixty thousand barrels of beer and strong beer by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of the

exemption under subsection (3)(b) of this section. The additional tax is equal to one dollar and forty-eight and two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth day of the following month, three percent of the revenues collected from this additional tax shall be distributed to border areas under RCW 66.08.195 and the remaining moneys shall be transferred to the state general fund.

(5) The board may make refunds for all taxes paid on beer and strong beer exported from the state for use outside the state.

(6) The board may require filing with the board of a bond to be approved by it, in such amount as the board may fix, securing the payment of the tax. If any licensee fails to pay the tax when due, the board may forthwith suspend or cancel his or her license until all taxes are paid.

~~((7) The tax imposed under this section shall not apply to "strong beer" as defined in this title.))~~

Sec. 6. RCW 66.24.320 and 1998 c 126 s 4 are each amended to read as follows:

There shall be a beer and/or wine restaurant license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. A patron of the licensee may remove from the premises, recorked or recapped in its original container, any portion of wine that was purchased for consumption with a meal.

(1) The annual fee shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license.

(2) The board may issue a caterer's endorsement to this license to allow the licensee to remove from the liquor stocks at the licensed premises, only those types of liquor that are authorized under the on-premises license privileges for sale and service at special occasion locations at a specified date and place not currently licensed by the board. The privilege of selling and serving liquor under the endorsement is limited to members and guests of a society or organization as defined in RCW 66.24.375. Cost of the endorsement is three hundred fifty dollars.

(a) The holder of this license with catering endorsement shall, if requested by the board, notify the board or its designee of the date, time, place, and location of any catered event. Upon request, the licensee shall provide to the board all necessary or requested information concerning the society or organization that will be holding the function at which the endorsed license will be utilized.

(b) If attendance at the function will be limited to members and invited guests of the sponsoring society or organization, the requirement that the society or organization be within the definition of RCW 66.24.375 is waived.

Sec. 7. RCW 66.24.330 and 1997 c 321 s 19 are each amended to read as follows:

There shall be a beer and wine retailer's license to be designated as a tavern license to sell beer, including strong beer, or wine, or both, at retail, for consumption on the premises. Such licenses may be issued only to a person operating a tavern that may be frequented only by persons twenty-one years of age and older.

The annual fee for such license shall be two hundred dollars for the beer license, two hundred dollars for the wine license, or four hundred dollars for a combination beer and wine license. Licensees who have a fee increase of more than one hundred dollars as a result of this change shall have their fees increased fifty percent of the amount the first renewal year and the remaining amount beginning with the second renewal period. New licensees obtaining a license after July 1, 1998, shall pay the full amount of four hundred dollars.

Sec. 8. RCW 66.24.360 and 1997 c 321 s 22 are each amended to read as follows:

There shall be a beer and/or wine retailer's license to be designated as a grocery store license to sell beer, strong beer, and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold, at any store other than the state liquor stores.

(1) Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding less than five and one-half gallons of liquid.

(2) The annual fee for the grocery store license is one hundred fifty dollars for each store.

(3) The board shall issue a restricted grocery store license authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of strong beer or fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell strong beer or fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing strong beer or fortified wine at the establishment; and

(c) Whether the sale of strong beer or fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of strong beer or fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of strong beer or fortified wine by the licensee would be against the public interest is on those persons objecting.

(4) Licensees holding a grocery store license must maintain a minimum three thousand dollar inventory of food products for human consumption, not including pop, beer, strong beer, or wine.

(5) Upon approval by the board, the grocery store licensee may also receive an endorsement to permit the international export of beer, strong beer, and wine.

(a) Any beer, strong beer, or wine sold under this endorsement must have been purchased from a licensed beer or wine distributor licensed to do business within the state of Washington.

(b) Any beer, strong beer, and wine sold under this endorsement must be intended for consumption outside the state of Washington and the United States and appropriate records must be maintained by the licensee.

(c) A holder of this special endorsement to the grocery store license shall be considered not in violation of RCW 66.28.010.

(d) Any beer, strong beer, or wine sold under this license must be sold at a price no less than the acquisition price paid by the holder of the license.

(e) The annual cost of this endorsement is five hundred dollars and is in addition to the license fees paid by the licensee for a grocery store license.

Sec. 9. RCW 66.24.371 and 1997 c 321 s 23 are each amended to read as follows:

(1) There shall be a beer and/or wine retailer's license to be designated as a beer and/or wine specialty shop license to sell beer, strong beer, and/or wine at retail in bottles, cans, and original containers, not to be consumed upon the premises where sold, at any store other than the state liquor stores. Licensees obtaining a written endorsement from the board may also sell malt liquor in kegs or other containers capable of holding less than five and one-half gallons of liquid. The annual fee for the beer and/or wine specialty shop license is one hundred dollars for each store.

(2) Licensees under this section may provide, free or for a charge, single-serving samples of two ounces or less to customers for the purpose of sales promotion. Sampling activities of licensees under this section are subject to RCW 66.28.010 and 66.28.040 and the cost of sampling under this section may not be borne, directly or indirectly, by any manufacturer, importer, or distributor of liquor.

(3) The board shall issue a restricted beer and/or wine specialty shop license, authorizing the licensee to sell beer and only table wine, if the board finds upon issuance or renewal of the license that the sale of strong beer or fortified wine would be against the public interest. In determining the public interest, the board shall consider at least the following factors:

(a) The likelihood that the applicant will sell strong beer or fortified wine to persons who are intoxicated;

(b) Law enforcement problems in the vicinity of the applicant's establishment that may arise from persons purchasing strong beer or fortified wine at the establishment; and

(c) Whether the sale of strong beer or fortified wine would be detrimental to or inconsistent with a government-operated or funded alcohol treatment or detoxification program in the area.

If the board receives no evidence or objection that the sale of strong beer or fortified wine would be against the public interest, it shall issue or renew the license without restriction, as applicable. The burden of establishing that the sale of strong beer or fortified wine by the licensee would be against the public interest is on those persons objecting.

(4) Licensees holding a beer and/or wine specialty shop license must maintain a minimum three thousand dollar wholesale inventory of beer, strong beer, and/or wine.

Sec. 10. RCW 66.24.452 and 2001 c 199 s 2 are each amended to read as follows:

(1) There shall be a beer and wine license to be issued to a private club for sale of beer, strong beer, and wine for on-premises consumption.

(2) Beer, strong beer, and wine sold by the licensee may be on tap or by open bottles or cans.

(3) The fee for the private club beer and wine license is one hundred eighty dollars per year.

(4) The board may issue an endorsement to the private club beer and wine license that allows the holder of a private club beer and wine license to sell for off-premises consumption wine vinted and bottled in the state of Washington and carrying a label exclusive to the license holder selling the wine. Spirits, strong beer, and beer may not be sold for off-premises consumption under this section. The annual fee for the endorsement under this (~~chapter section~~) section is one hundred twenty dollars.

Sec. 11. RCW 82.08.150 and 1998 c 126 s 16 are each amended to read as follows:

(1) There shall be a tax levied and shall be collected a tax upon each retail sale of spirits (~~(or strong beer)~~) in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits (~~(or strong beer)~~) in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to spirits, beer, and wine restaurant licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees.

(4) An additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to spirits, beer, and wine restaurant licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(7) The tax imposed in RCW 82.08.020 shall not apply to sales of spirits (~~(or strong beer)~~) in the original package.

(8) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

(9) As used in this section, the terms, "spirits (~~(or strong beer)~~)" and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

NEW SECTION. Sec. 12. Sections 8 and 9 of this act apply to retailers who hold a restricted grocery store license or restricted beer and/or wine specialty shop license on or after the effective date of this section.

NEW SECTION. Sec. 13. The liquor control board shall report to the legislature by December 1, 2004, on the impacts of strong beer sales.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5051. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Honeyford to concur in the House amendment to Substitute Senate Bill No. 5051.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5051. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5051, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5051, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Hargrove - 1.

Excused: Senator Eide - 1.

SUBSTITUTE SENATE BILL NO. 5051, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SENATE Bill NO. 5507 with the following amendment(s):

On page 1, immediately after the enacting clause, insert the following:

"**Sec. 1.** This act is intended to codify the Washington State Court of Appeals holding in *Wells v. Western Washington Growth Management Hearings Board*, 100 Wn. App. 657 (2000), by mandating that to establish participation standing under the Growth Management Act, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the growth management hearings board."

On page 2, line 8, after "(4)" strike all material through "city." on line 11 and insert "To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board."

Correct the title and renumber the remaining sections accordingly., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Tim Sheldon moved that the Senate concur in the House amendments to Senate Bill No. 5507.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Tim Sheldon to concur in the House amendments to Senate Bill No. 5507.

The motion by Senator Tim Sheldon carried and the Senate concurred in the House amendments to Senate Bill No. 5507. The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5507.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5507, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Voting nay: Senators Fairley and Thibaudeau - 2.

SENATE BILL NO. 5507, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Fraser: "A parliamentary inquiry, Mr. President. I am wondering if there is somewhere in the Chamber where we could get actual copies of the bills that are on the concurrence calendar together with a copy of the House amendments, so we can look at them individually ourselves when we have questions?"

REPLY BY THE PRESIDENT

President Owen: "Senator Fraser, at this point, the President believes that the chairs of the committees have the copies and we have a copy up here. I have been told that there is one more concurrence that they are going to do today. We can look and see if there is a way that we can provide more substantial information before we do concurrences beyond today if that would be satisfactory to you. Thank you for your inquiry."

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE Bill NO. 5120 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.720 and 2001 c 247 s 1 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device.

(2) ~~((f-a))~~ (a) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device if the person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and it is:

~~((a))~~ (i) The person's first conviction or a deferred prosecution under chapter 10.05 RCW and his or her alcohol concentration was at least 0.15, or by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration; ~~((or (b)))~~

(ii) The person's second or subsequent conviction; or ~~((e))~~

~~((iii))~~ The person's first conviction and the person has a previous deferred prosecution under chapter 10.05 RCW or it is a deferred prosecution under chapter 10.05 RCW and the person has a previous conviction ~~((, the court shall order that after any applicable period of suspension, revocation, or denial of driving privileges, the person may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device. The requirement to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device may not be suspended)).~~

~~((b))~~ The ~~((court))~~ department may waive the requirement for the use of such a device if ~~((the court makes a specific finding in writing))~~ it concludes that such devices are not reasonably available in the local area. Nothing in this section may be interpreted as entitling a person to more than one deferred prosecution.

(3) In the case of a person under subsection (1) of this section, the court shall establish a specific calibration setting at which the ignition interlock or other biological or technical device will prevent the motor vehicle from being started and the period of time that the person shall be subject to the restriction. In the case of a person under subsection (2) of this section, the ignition interlock or other biological or technical device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more, and the period of time of the restriction will be as follows:

(a) For a person (i) who is subject to RCW 46.61.5055 (1)(b), (2), or (3), or who is subject to a deferred prosecution program under chapter 10.05 RCW ~~((,))~~; and (ii) who has not previously been restricted under this section, a period of ~~((not less than))~~ one year;

(b) For a person who has previously been restricted under (a) of this subsection, a period of ~~((not less than))~~ five years;

(c) For a person who has previously been restricted under (b) of this subsection, a period of ~~((not less than))~~ ten years.

For purposes of this section, "convicted" means being found guilty of an offense or being placed on a deferred prosecution program under chapter 10.05 RCW.

Sec. 2. RCW 46.20.311 and 2001 c 325 s 2 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law. Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned and/or operated by the person seeking reinstatement. Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(b)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of twenty dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of twenty dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned and/or operated by the person applying for a new license.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of twenty dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator McCaslin moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5120. Debate ensued.

The President declared the question before the Senate to be the motion by Senator McCaslin to concur in the House amendment to Substitute Senate Bill No. 5120.

The motion by Senator McCaslin carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5120. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5120.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5120, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5120, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator West, the rules were suspended and the Committee on Parks, Fish and Wildlife was relieved of further consideration of Engrossed Substitute House Bill No. 1002.

MOTION

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1002 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator West, the Senate will immediately consider Engrossed Substitute House Bill No. 1002.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002, by House Committee on Fisheries, Ecology and Parks (originally sponsored by Representatives Hunt, Berkey, Cooper, Romero, Linville, Chase, Kagi, Wood, Simpson, Morrell, Rockefeller, Ruderman, Fromhold, Dickerson, Conway, Kessler, Cody, Jarrett, Veloria, O'Brien, Campbell, McDermott, Clibborn, Sullivan, Nixon, McIntire, Lantz, Moeller and Hudgins)

Reducing the release of mercury into the environment.

The bill was read the second time.

MOTION

On motion of Senator West, the following striking amendment by Senators West, Brown, Fraser, Regala and Swecker was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the protection of the environment is of utmost importance to ensuring the health and safety of the citizens of the state of Washington. The legislature further finds that fish caught commercially and recreationally provide an important element in a healthy diet, and that the fish caught in Washington waters need to be protected from any sources that might impact the healthfulness of consuming such fish. The legislature further finds that species caught in our region are safe for citizens to eat.

Therefore, the legislature intends to take all measures necessary to ensure that fish caught within our state's waters continue to be safe from any degrading influences.

"NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Health care facility" includes a hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state or private health or mental institution, clinic, physician's office, or health maintenance organization.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a mercury-added product or an importer or domestic distributor of a mercury-added product produced in a

foreign country. In the case of a multicomponent product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multicomponent product or mercury-added product is produced in a foreign country, the manufacturer is the first importer or domestic distributor.

(6) "Mercury-added button-cell battery" means a button-cell battery to which the manufacturer intentionally introduces mercury for the operation of the battery.

(7) "Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. Mercury-added novelties include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel, and other similar products. Mercury-added novelty does not include games, toys, or products that require a button-cell or lithium battery, liquid crystal display screens, or a lamp that contains mercury.

(8) "Mercury-added product" means a product, commodity, or chemical, or a product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, or chemical in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. Mercury-added products include, but are not limited to, mercury thermometers, mercury thermostats, and mercury switches in motor vehicles.

(9) "Mercury manometer" means a mercury-added product that is used for measuring blood pressure.

(10) "Mercury thermometer" means a mercury-added product that is used for measuring temperature.

(11) "Retailer" means a retailer of a mercury-added product.

NEW SECTION. Sec. 3. (1) Effective January 1, 2004, a manufacturer, wholesaler, or retailer may not knowingly sell or retail a fluorescent lamp if the fluorescent lamp contains mercury and was manufactured after November 30, 2003, unless the fluorescent lamp is labeled in accordance with the guidelines listed under subsection (2) of this section. Primary responsibility for affixing labels required under this section is on the manufacturer, and not on the wholesaler or retailer.

(2) Except as provided in subsection (3) of this section, a lamp is considered labeled pursuant to subsection (1) of this section if the lamp has all of the following:

(a) A label affixed to the lamp that displays the internationally recognized symbol for the element mercury; and

(b) A label on the lamp's packaging that: (i) Clearly informs the purchaser that mercury is present in the item; (ii) explains that the fluorescent lamp should be disposed of according to applicable federal, state, and local laws; and (iii) provides a toll-free telephone number, and a uniform resource locator internet address to a web site, that contains information on applicable disposal laws.

(3) The manufacturer of a mercury-added lamp is in compliance with the requirements of this section if the manufacturer is in compliance with the labeling requirements of another state.

(4) The provisions of this section do not apply to products containing mercury-added lamps.

NEW SECTION. Sec. 4. The department of health must develop an educational plan for schools, local governments, businesses, and the public on the proper disposal methods for mercury and mercury-added products.

NEW SECTION. Sec. 5. A school may not purchase for use in a primary or secondary classroom bulk elemental mercury or chemical mercury compounds. By January 1, 2006, all primary and secondary schools in the state must remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers.

NEW SECTION. Sec. 6. (1) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.

(2)(a) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure or a thermometer that contains mercury. This subsection (2)(a) does not apply to:

(i) An electronic thermometer with a button cell battery containing mercury;

(ii) A thermometer that contains mercury and that is used for food research and development or food processing, including meat, dairy products, and pet food processing;

(iii) A thermometer that contains mercury and that is a component of an animal agriculture climate control system or industrial measurement system or for veterinary medicine until such a time as the system is replaced or a nonmercury component for the system or application is available;

(iv) A thermometer or manometer that contains mercury that is used for calibration of other thermometers, manometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the national institute of standards and technology;

(v) A thermometer that is provided by prescription. A manufacturer of a mercury thermometer shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur; or

(vi) A manometer or thermometer sold or distributed to a hospital, or a health care facility controlled by a hospital, if the hospital has adopted a plan for mercury reduction consistent with the goals of the mercury chemical action plan developed by the department under section 302, chapter 371, Laws of 2002.

(b) A manufacturer of thermometers that contain mercury must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining thermometer inventory.

(3) Effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.

(4) No person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.

(5) Nothing in this section restricts the ability of a manufacturer, importer, or domestic distributor from transporting products through the state, or storing products in the state for later distribution outside the state.

NEW SECTION. Sec. 7. (1) The department of general administration must, by January 1, 2005, revise its rules, policies, and guidelines to implement the purpose of this chapter.

(2) The department of general administration must give priority and preference to the purchase of equipment, supplies, and other products that contain no mercury-added compounds or components, unless: (a) There is no economically feasible nonmercury-added alternative that performs a similar function; or (b) the product containing mercury is designed to reduce electricity consumption by at least forty percent and there is no nonmercury or lower mercury alternative available that saves the same or a greater amount of electricity as the exempted product. In circumstances where a nonmercury-added product is not available, preference must be given to the purchase of products that contain the least amount of mercury added to the product necessary for the required performance.

NEW SECTION. Sec. 8. The department is authorized to participate in a regional or multistate clearinghouse to assist in carrying out any of the requirements of this chapter. A clearinghouse may also be used for examining notification and label requirements, developing education and outreach activities, and maintaining a list of all mercury-added products.

NEW SECTION. Sec. 9. A violation of this chapter is punishable by a civil penalty not to exceed one thousand dollars for each violation in the case of a first violation. Repeat violators are liable for a civil penalty not to exceed five thousand dollars for each

repeat violation. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. **Sec. 10.** Nothing in this chapter applies to crematories as that term is defined in RCW 68.04.070.

NEW SECTION. **Sec. 11.** Any fiscal impact on the department or the department of health that results from the implementation of this chapter must be paid for out of funds that are appropriated by the legislature from the state toxics control account for the implementation of the department's persistent bioaccumulative toxic chemical strategy.

NEW SECTION. **Sec. 12.** Nothing in this chapter applies to prescription drugs regulated by the food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.), to biological products regulated by the food and drug administration under the public health service act (42 U.S.C. Sec. 262 et seq.), or to any substance that may be lawfully sold over-the-counter without a prescription under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

NEW SECTION. **Sec. 13.** Nothing in section 3, 6 (1), (3), or (4), or 7 of this act applies to medical equipment or reagents used in medical or research tests regulated by the food and drug administration under the federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.).

NEW SECTION. **Sec. 14.** The department of ecology shall petition the United States environmental protection agency requesting development of a national mercury repository site.

NEW SECTION. **Sec. 15.** Sections 1 through 13 of this act constitute a new chapter in Title 70 RCW."

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

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute House Bill No. 1002, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF INQUIRY

Senator Swecker: "Senator Fraser, I understand that Engrossed Substitute House Bill No. 1002 does not include any reference to granting rulemaking authority to any of the state agencies addressed in the bill. Is this the case?"

Senator Fraser: "This measure only grants one agency rulemaking authority. In Section 6, the Department of General Administration is directed to update its rules related to purchase priorities and preferences. The other agencies addressed in Sections 3, 7, and 13, only have specific duties to perform, no rulemaking authority is granted to them by this bill."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1002, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1002, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Morton - 1.

Absent: Senator Honeyford - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

WITHDRAWAL OF POINT OF ORDER

On motion of Senator Betti Sheldon, the point of order objecting to the consideration of Engrossed Substitute House Bill No. 1001 on April 15, 2003, was withdrawn.

MOTIONS

On motion of Senator West, the rules were suspended and the Committee on Judiciary was relieved of further consideration of Engrossed Substitute House Bill No. 1001.

On motion of Senator West, the rules were suspended, Engrossed Substitute House Bill No. 1001 was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator West, the Senate will immediately consider Engrossed Substitute House Bill No. 1001.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Chase, Ruderman, Fromhold, Dickerson, Conway, Schindler, Veloria, O'Brien, Kenney, Campbell, Nixon and Darneille)

Revising voyeurism laws.

The bill was read the second time

MOTION

On motion of Senator Roach, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.115 and 1998 c 221 s 1 are each amended to read as follows:

(1) As used in this section:

(a) "Intimate areas" means any portion of a person's body or undergarments that is covered by clothing and intended to be protected from public view;

(b) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording or transmission of the image of a person;

~~((b))~~ (c) "Place where he or she would have a reasonable expectation of privacy" means:

(i) A place where a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her undressing was being photographed or filmed by another; or

(ii) A place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance;

~~((c))~~ (d) "Surveillance" means secret observation of the activities of another person for the purpose of spying upon and invading the privacy of the person;

~~((d))~~ (e) "Views" means the intentional looking upon of another person for more than a brief period of time, in other than a casual or cursory manner, with the unaided eye or with a device designed or intended to improve visual acuity.

(2) A person commits the crime of voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, or films:

(a) Another person(-) without that person's knowledge and consent(-) while the person being viewed, photographed, or filmed is in a place where he or she would have a reasonable expectation of privacy; or

(b) The intimate areas of another person without that person's knowledge and consent and under circumstances where the person has a reasonable expectation of privacy, whether in a public or private place.

(3) Voyeurism is a class C felony.

(4) This section does not apply to viewing, photographing, or filming by personnel of the department of corrections or of a local jail or correctional facility for security purposes or during investigation of alleged misconduct by a person in the custody of the department of corrections or the local jail or correctional facility.

(5) If a person is convicted of a violation of this section, the court may order the destruction of any photograph, motion picture film, digital image, videotape, or any other recording of an image that was made by the person in violation of this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

On page 1, line 1 of the title, after "voyeurism;" strike the remainder of the title and insert "amending RCW 9A.44.115; and declaring an emergency."

MOTION

On motion of Senator Roach, Engrossed Substitute House Bill No. 1001, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1001, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1001, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Rossi - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Rossi was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1694, by House Committee on Health Care (originally sponsored by Representatives Morrell, Campbell, Cody, Skinner, Clibborn and Dickerson) (by request of Department of Social and Health Services)

Requiring the department of social and health services to inspect boarding homes at least every eighteen months.

The bill was read the second time.

MOTION

Senator Winsley moved that the following Committee on Health and Long-Term Care striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.20.110 and 2000 c 47 s 4 are each amended to read as follows:

The department shall make or cause to be made, at least (~~(a-yearly)~~) every twenty-four months, an inspection and investigation of all boarding homes. Every inspection shall focus primarily on actual or potential resident outcomes, and may include an inspection of every part of the premises and an examination of all records (other than financial records), methods of administration, the general and special dietary, and the stores and methods of supply. Following such an inspection or inspections, written notice of any violation of this law or the rules adopted hereunder shall be given to the applicant or licensee and the department. The department may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agencies responsible for plan reviews for preliminary inspection and approval or recommendations with respect to compliance with the rules and standards herein authorized."

MOTION

On motion of Senator Brandland, the following amendments by Senators Brandland, Thibaudeau, Parlette and Franklin to the Committee on Health and Long-Term Care striking amendment were considered simultaneously and were adopted:

On page 1, line 6 of the amendment, after "every" strike "twenty- four" and insert "eighteen months with an annual average of fifteen"

On page 1, line 7 of the amendment, after "homes." insert "However, the department may delay an inspection to twenty-four months if the boarding home has had three consecutive inspections with no written notice of violations and has received no written notice of violations resulting from complaint investigation during that same time period. The department may at anytime make an unannounced inspection of a licensed home to assure that the licensee is in compliance with this chapter and the rules adopted under this chapter."

The President declared the question before the Senate to be the adoption of the Committee on Health and Long-Term Care striking amendment to Substitute House Bill No. 1694, as amended, be adopted.

The motion by Senator Winsley carried and the committee striking amendment, as amended, was adopted.

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

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "and amending RCW 18.20.110."

MOTION

On motion of Senator Winsley, the rules were suspended, Substitute House Bill No. 1694, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1694, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1694, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Rossi - 1.

SUBSTITUTE HOUSE BILL NO. 1694, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640, by House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Linville, Hinkle, Grant, Chandler, Eickmeyer and Hankins)

Authorizing water banking within the trust water program.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the following striking amendment by Senators Honeyford, Morton and Fraser was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.42.005 and 1991 c 347 s 1 are each amended to read as follows:

(1) It is the policy of the state of Washington to recognize and preserve water rights in accordance with RCW 90.03.010.

(2) The legislature finds that:

(a) The state of Washington is faced with a shortage of water with which to meet existing and future needs, particularly during the summer and fall months and in dry years when the demand is greatest;

(b) Consistent with RCW 90.54.180, issuance of new water rights, voluntary water transfers, and conservation and water use efficiency programs, including storage, ((should be the preferred)) all are acceptable methods of addressing water uses because they can relieve current critical water situations, provide for presently unmet needs, and assist in meeting future water needs. Presently unmet needs or current needs includes the water required to increase the frequency of occurrence of base or minimum flow levels in streams of the state, the water necessary to satisfy existing water rights, or the water necessary to provide full supplies to existing water systems with current supply deficiencies; ~~((and))~~

(c) The interests of the state and its citizens will be served by developing programs and regional water resource plans, in cooperation with local governments, federally recognized tribal governments, appropriate federal agencies, private citizens, and the various water users and water interests in the state, that increase the overall ability to manage the state's waters in order to resolve conflicts and to better satisfy both present and future needs for water; and

(d) Water banking as a function of the trust water program and as authorized by this chapter can provide an effective means to facilitate the voluntary transfer of water rights established through conservation, purchase, lease, or donation, to preserve water rights and provide water for presently unmet and future needs; and to achieve a variety of water resource management objectives throughout the state, including drought response, improving streamflows on a voluntary basis, providing water mitigation, or reserving water supply for future uses.

NEW SECTION. Sec. 2. A new section is added to chapter 90.42 RCW to read as follows:

(1) The department is hereby authorized to use the trust water rights program in the Yakima river basin for water banking purposes.

(2) Water banking may be used for one or more of the following purposes:

(a) To authorize the use of trust water rights to mitigate for water resource impacts, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor, except that return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users;

(b) To document transfers of water rights to and from the trust water rights program; and

(c) To provide a source of water rights the department can make available to third parties on a temporary or permanent basis for any beneficial use under chapter 90.03, 90.44, or 90.54 RCW.

(3) The department shall not use water banking to:

(a) Cause detriment or injury to existing rights;

(b) Issue temporary water rights or portions thereof for new potable uses requiring an adequate and reliable water supply under RCW 19.27.097;

(c) Administer federal project water rights, including federal storage rights; or

(d) Allow carryover of stored water from one water year to another water year.

(4) For purposes of this section and section 6 of this act, "total water supply available" shall be defined as provided in the 1945 consent decree between the United States and water users in the Yakima river basin, and consistent with later interpretation by state and federal courts.

NEW SECTION. Sec. 3. A new section is added to chapter 90.42 RCW to read as follows:

(1) The department, with the consent of the water right holder, may identify trust water rights for administration for water banking purposes, including trust water rights established before the effective date of this section.

(2) An application to transfer a water right to the trust water program shall be reviewed under RCW 90.03.380 at the time the water right is transferred to the trust water program for administration for water banking purposes, and notice of the application shall be published by the applicant as provided under RCW 90.03.280. The application must indicate the reach or reaches of the stream where the trust water right will be established before the transfer of the water right or portion thereof from the trust water program, and identify reasonably foreseeable future temporary or permanent beneficial uses for which the water right or portion thereof may be used by a third party upon transfer from the trust water right program. In the event the future place of use, period of use, or other elements of the water right are not specifically identified at the time of the transfer into the trust water program, another review under RCW 90.03.380 will be necessary at the time of a proposed transfer from the trust water program.

NEW SECTION. Sec. 4. A new section is added to chapter 90.42 RCW to read as follows:

(1) The department shall transfer a water right or portion thereof being administered for water banking purposes from the trust water program to a third party upon occurrence of all of the following:

(a) The department receives a request for transfer of a water right or portion thereof currently administered by the department for water banking purposes;

(b) The request is consistent with any previous review under RCW 90.03.380 of the water right and future temporary or permanent beneficial uses;

(c) The request is consistent with any condition, limitation, or agreement affecting the water right, including but not limited to any trust water right transfer agreement executed at the time the water right was transferred to the trust water rights program; and

(d) The request is accompanied by and is consistent with an assignment of interest or portion thereof from a person or entity retaining an interest in the trust water right or portion thereof to the party requesting transfer of the water right or portion thereof.

(2) The priority date of the water right or portion thereof transferred by the department from the trust water program for water banking purposes shall be the priority date of the underlying water right.

(3) The department shall issue documentation for that water right or portion thereof to the new water right holder based on the requirements applicable to the transfer of other water rights from the trust water rights program. Such documentation shall include a description of the property to which the water right will be appurtenant after the water right or portion thereof is transferred from the trust water program to a third party.

(4) The department's decision on the transfer of a water right or portion thereof from the trust water program for water banking purposes may be appealed to the pollution control hearings board under RCW 43.21B.230, or to a superior court conducting a general adjudication under RCW 90.03.210.

NEW SECTION. Sec. 5. A new section is added to chapter 90.42 RCW to read as follows:

(1) The department shall seek input from agricultural organizations, federal agencies, tribal governments, local governments, watershed groups, conservation groups, and developers on water banking, including water banking procedures and identification of areas in Washington state where water banking could assist in providing water supplies for instream and out-of-stream uses. The department shall summarize any comments received on water banking and submit a report, including any recommendations, to the appropriate committees of the legislature for their consideration in the subsequent legislative session.

(2) By December 31st of every even-numbered year, the department shall submit a report to the appropriate committees of the legislature on water banking activities authorized under section 2 of this act. The report shall:

- (a) Evaluate the effectiveness of water banking in meeting the policies and objectives of this chapter;
- (b) Describe any statutory, regulatory, or other impediments to water banking in other areas of the state; and
- (c) Identify other basins or regions that may benefit from authorization for the department to use the trust water program for water banking purposes.

NEW SECTION. Sec. 6. A new section is added to chapter 90.42 RCW to read as follows:

Nothing in this act shall:

(1) Cause detriment or injury to existing rights or to the operation of the federal Yakima project to provide water for irrigation purposes, existing water supply contracts, or existing water rights;

(2) Diminish in any way existing rights or the total water supply available for irrigation and other purposes in the Yakima basin;

(3) Affect or modify the authority of a court conducting a general adjudication pursuant to RCW 90.03.210; or

(4) Affect or modify the rights of any person or entity under a water rights adjudication or under any order of the court conducting a water rights adjudication.

NEW SECTION. Sec. 7. Nothing in this act may be construed to:

(1) Affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under state or federal law;

(2) Affect or modify the rights or jurisdictions of the United States, the state of Washington, the Yakama Nation, or other person or entity over waters of any river or stream or over any ground water resource;

(3) Alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the states;

(4) Alter, establish, or impair the respective rights of states, the United States, the Yakama Nation, or any other person or entity with respect to any water or water-related right;

(5) Alter, diminish, or abridge the rights and obligations of any federal, state, or local agency, the Yakama Nation, or other person or entity;

(6) Affect or modify the rights of the Yakama Indian Nation or its successors in interest to, and management and regulation of, those water resources arising or used, within the external boundaries of the Yakama Indian Reservation;

(7) Affect or modify the settlement agreement between the United States and the state of Washington filed in Yakima county superior court with regard to federal reserved water rights other than those rights reserved by the United States for the benefit of the Yakama Indian Nation and its members; or

(8) Affect or modify the rights of any federal, state, or local agency, the Yakama Nation, or any other person or entity, public or private, with respect to any unresolved and unsettled claims in any water right adjudications, or court decisions, including *State v. Acquavella*, or constitute evidence in any such proceeding in which any water or water-related right is adjudicated.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 90.42.005; adding new sections to chapter 90.42 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Honeyford, the rules were suspended, Engrossed Substitute House Bill No. 1640, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1640, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1640, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator Rossi - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1376, by Representatives Romero, Dickerson, Schoesler, Hunt, Linville, Eickmeyer, Lantz, Wallace and Kenney

Exempting the use of certain water storage facilities from the water code permitting requirements.

The bill was read the second time.

MOTION

Senator Morton moved that the following Committee on Natural Resources, Energy and Water striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.03.250 and 1987 c 109 s 83 are each amended to read as follows:

(1) Any person, municipal corporation, firm, irrigation district, association, corporation, or water users' association hereafter desiring to appropriate water for a beneficial use shall make an application to the department for a permit to make such appropriation, and shall not use or divert such waters until he or she has received a permit from the department as in this chapter provided. The construction of any ditch, canal, or works, or performing any work in connection with said construction or appropriation, or the use of any waters, shall not be an appropriation of such water nor an act for the purpose of appropriating water unless a permit to make said appropriation has first been granted by the department(~~(= PROVIDED, That)~~).

(2) A temporary permit may be granted upon a proper showing made to the department to be valid only during the pendency of such application for a permit unless sooner revoked by the department(~~(= PROVIDED, FURTHER, That)~~).

(3) Nothing in this chapter (~~(contained)~~) shall be deemed to affect RCW 90.40.010 through 90.40.080 except that the notice and certificate (~~(herein)~~) provided for in RCW 90.40.030 shall be addressed to the department, and the department shall exercise the powers and perform the duties prescribed by RCW 90.40.030.

(4) No permit is required to capture or use water in rain barrels, cisterns, ponds, or other storm water facilities for capturing runoff from residential, commercial, or industrial properties, or from public facilities, regardless of whether the captured water is put to beneficial use. The captured water may not be transferred to or used in a water resource inventory area (WRIA), as defined in RCW 90.82.020, other than the water resource inventory area in which the water is captured. The exemption specified in this subsection only applies within counties that are not under the jurisdiction of growth management hearings boards established in RCW 36.70A.250.

Sec. 2. RCW 90.03.370 and 2002 c 329 s 10 are each amended to read as follows:

(1)(a) All applications for reservoir permits are subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit. The department may accept for processing a single application form covering both a proposed reservoir and a proposed secondary permit or permits for use of water from that reservoir.

(b) The department shall expedite processing applications for the following types of storage proposals:

(i) Development of storage facilities that will not require a new water right for diversion or withdrawal of the water to be stored;

(ii) Adding or changing one or more purposes of use of stored water;

(iii) Adding to the storage capacity of an existing storage facility; and

(iv) Applications for secondary permits to secure use from existing storage facilities.

(c) A secondary permit for the beneficial use of water shall not be required for use of water stored in a reservoir where the water right for the source of the stored water authorizes the beneficial use.

(2)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project. To qualify for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

(i) Aquifer vulnerability and hydraulic continuity;

(ii) Potential impairment of existing water rights;

(iii) Geotechnical impacts and aquifer boundaries and characteristics;

(iv) Chemical compatibility of surface waters and ground water;

(v) Recharge and recovery treatment requirements;

(vi) System operation;

(vii) Water rights and ownership of water stored for recovery; and

(viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

(3) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

(4) Nothing in chapter 98, Laws of 2000 changes the requirements of existing law governing issuance of permits to appropriate or withdraw the waters of the state.

(5) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection (3) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date.

(6) Where needed to ensure that existing storage capacity is effectively and efficiently used to meet multiple purposes, the department may authorize reservoirs to be filled more than once per year or more than once per season of use.

(7) No permit is required to capture or use water in rain barrels, cisterns, ponds, or other storm water facilities for capturing runoff from residential, commercial, or industrial properties, or from public facilities, regardless of whether the captured water is put to beneficial use. The captured water may not be transferred to or used in a water resource inventory area (WRIA), as defined in RCW

90.82.020, other than the water resource inventory area in which the water is captured. The exemption specified in this subsection only applies within counties that are not under the jurisdiction of growth management hearings boards established in RCW 36.70A.250.

(8) This section does not apply to facilities to recapture and reuse return flow from irrigation operations serving a single farm under an existing water right as long as the acreage irrigated is not increased beyond the acreage allowed to be irrigated under the water right that applies to the property.

(9) In addition to the facilities exempted under subsection (8) of this section, this section does not apply to small irrigation impoundments. For purposes of this subsection, "small irrigation impoundments" means surface storage ponds less than ten acre feet in volume used to impound irrigation water under an existing water right where use of the impoundment: (a)(i) Facilitates efficient use of water; or (ii) promotes compliance with an approved recovery plan for endangered or threatened species; and (b) does not expand the number of acres irrigated or the annual consumptive quantity of water used. Water remaining in a small irrigation impoundment at the end of an irrigation season may be carried over for use in the next season; however, the limitations of this subsection (9) apply to such a carry over."

MOTION

On motion of Senator Morton, the following amendments to the Committee on Natural Resources, Energy and Water striking amendment were considered simultaneously and were adopted:

On page 1, line 27 after "cisterns," insert "constructed"

On page 2, beginning on line 3, after "captured" strike ". The exemption specified in this subsection only applies within counties that are not under the jurisdiction of growth management hearings boards established in RCW 36.70A.250" and insert ", and may not be stored in a manner that creates a public nuisance as specified in RCW 17.28.170"

On page 4, line 20 after "cisterns," insert "constructed"

On page 4, beginning on line 26, after "captured" strike ". The exemption specified in this subsection only applies within counties that are not under the jurisdiction of growth management hearings boards established in RCW 36.70A.250" and insert ", and may not be stored in a manner that creates a public nuisance as specified in RCW 17.28.170"

MOTION

Senator Fraser moved that the following amendments to the Committee on Natural Resources, Energy and Water striking amendment be considered simultaneously and be adopted:

On page 1, beginning on line 27 strike everything from "storm water" through "RCW 36.70A.250" on page 2, line 5 and insert "similar facilities for capturing runoff from residential, commercial, or industrial properties, or from public facilities, where the total amount of water storage does not exceed ten thousand gallons, regardless of whether the captured water is put to beneficial use"

On page 4, beginning on line 20 strike everything from "storm water" through "RCW 36.70A.250" on page 4 line 28 and insert "similar facilities for capturing runoff from residential, commercial, or industrial properties, or from public facilities, where the total amount of water storage does not exceed ten thousand gallons, regardless of whether the captured water is put to beneficial use"

On page 5, after line 9, insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW to read as follows:

The legislature intends by subsection (4) of section 1 of this act and subsection (7) of section 2 of this act to allow the capture of rain water runoff from residential, commercial, industrial, or public facilities in rain barrels, cisterns, ponds or other similar facilities where the total amount of storage does not exceed ten thousand gallons, without requiring that a permit for the storage or use of the water be obtained under the surface water code, chapter 90.03 RCW, or the ground water code, chapter 90.44 RCW. Nothing in subsection (4) of section 1 of this act and nothing in subsection (7) of this act shall be construed as expressing a legislative intent regarding whether circumstances not expressly added or revised by this act concerning the capture or storage of rain water runoff or the beneficial use of such captured or stored rain water runoff either does or does not require a permit under either chapter 90.03 or chapter 90.44 RCW."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Fraser on page 1, line 27; page 4, line 20; and page 5, line 9; to the Committee on Natural Resource, Energy and Water striking amendment to Engrossed House Bill No. 1376.

The motion by Senator Fraser failed and the amendments to the committee striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Natural Resources, Energy and Water striking amendment, as amended, to Engrossed House Bill No. 1376.

The motion by Senator Morton carried and the striking amendment, as amended, was adopted.

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

On page 1, line 2 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 90.03.250 and 90.03.370."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed House Bill No. 1376, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 1376, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1376, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Eide, Fairley, Keiser and Thibaudeau - 4.

Excused: Senator Rossi - 1.

ENGROSSED HOUSE BILL NO. 1376, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business to consider House Bill No. 2065, as amended by the Senate, which was deferred on third reading April 16, 2003, after the Committee on Highways and Transportation striking amendment had been adopted and the bill was advanced to third reading.

THIRD READING

HOUSE BILL NO. 2065, by Representatives Simpson and Edwards

Facilitating license plate technology advances.

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 2065, as amended by the Senate, was returned to second reading and read the second time.

MOTION TO RECONSIDER

Having voted on the prevailing side, Senator Horn moved to reconsider the vote by which the Committee on Highways and Transportation striking amendment to House Bill No. 2065 was adopted.

The President declared the question before the Senate to be the motion by Senator Horn to reconsider the vote by which the Committee on Highways and Transportation striking amendment to House Bill No. 2065 was adopted.

The motion by Senator Horn carried and the committee amendment will be reconsidered.

MOTION

On motion of Senator Haugen, the following amendments by Senators Haugen, Horn and Oke to the Committee on Highways and Transportation striking amendment, on reconsideration, were considered simultaneously and were adopted:

On page 1, line 17, after "plates" strike "may" and insert "~~((may))~~ shall"

On page 1, line 19, after "facility" strike everything through "procedures" on line 20 and insert "~~((or from any source in accordance with existing state of Washington purchasing procedures))~~"

Renumber the sections consecutively, correct any internal references accordingly, and correct the title.

The President declared the question before the Senate to be adoption of the Committee on Highways and Transportation striking amendments, as amended on reconsider, to House Bill No. 2065.

The amendments to the committee amendment, on reconsideration, were adopted.

MOTION

On motion of Senator Horn, the rules were suspended, House Bill No. 2056, as amended by the Senate on reconsideration, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2065, as amended by the Senate on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2065, as amended by the Senate on reconsideration, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Fairley, Franklin, Hargrove, Jacobsen, Regala, Sheldon, B. and Spanel - 7.

Excused: Senator Rossi - 1.

HOUSE BILL NO. 2065, as amended by the Senate on reconsideration, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6056, by Senators Haugen and Horn

Adjusting fees, taxes, and penalties for pilots and aircraft.

The bill was read the second time.

MOTION

On motion of Senator Horn, the rules were suspended, Senate Bill No. 6056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6056.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6056 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 35.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Roach, Sheldon, T. and Stevens - 13.

Excused: Senator Rossi - 1.

SENATE BILL NO. 6056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2038, by House Committee on Finance (originally sponsored by Representatives Gombosky and McIntire) (by request of Attorney General Gregoire)

Modifying tobacco escrow refund provisions.

The bill was read the second time.

MOTION

Senator Zarelli, moved the rules be suspended and Substitute House Bill No. 2038 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

POINT OF ORDER

Senator Benton: " A point of order. I believe that Substitute House Bill No. 2038 is not properly before the body. It was not passed out of committee before the cutoff on March 5, the last day to read in bills from the House of origin. It did not come out of committee before March 10, which was the last day to read in bills from Ways and Means. It did not come out of committee before March 19, which was the last day to consider our own bills and it did not come out of committee before April 4, which was the last day to consider opposite house committee bills. Mr. President, because this bill is not necessary to implement the budget and did not come out of committee before the cutoff designated in our concurrent resolution and current rules, I believe the bill is not properly before the body."

MOTION

On motion of Senator Sheahan, further consideration off Substitute House Bill No. 2038 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1755, by House Committee on Local Government (originally sponsored by Representatives Kirby, Romero, Conway, Jarrett, Rockefeller and Morrell)

Creating alternative means for annexation of unincorporated islands of territory.

The bill was read the second time.

MOTION

On motion of Senator Mulliken, the following Committee on Land Use and Planning striking amendment was not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.13 RCW to read as follows:

(1) The legislative body of any county, city, or town planning under chapter 36.70A RCW may initiate an annexation process for unincorporated territory by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between a county and any city or town within the county. The territory proposed for annexation must meet the following criteria: (a) Be within the city or town urban growth area designated under RCW 36.70A.110, and (b) at least sixty percent of the boundaries of the territory proposed for annexation must be contiguous to the annexing city or town and at least one other city or town.

(2) If the territory proposed for annexation has been designated in an adopted county comprehensive plan as part of an urban growth area, urban service area, or potential annexation area for a specific city or town, or if the urban growth area territory proposed for annexation has been designated in a written agreement between a city or town and a county for annexation to a specific city or town, the designation or designations shall receive full consideration before a city or county may initiate the annexation process provided for in section 2 of this act.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation of the territory described in the agreement. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any territory to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be fewer than forty-five days after adoption of the ordinance.

NEW SECTION. Sec. 2. A new section is added to chapter 35.13 RCW to read as follows:

(1) The legislative body of any county planning under chapter 36.70A RCW may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in section 1 of this act if:

(a) The county legislative body initiated an annexation process as provided in section 1 of this act; and

(b) The affected city or town legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or

(c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in section 1 of this act and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city or town may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension.

(2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to two or more cities or towns.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance.

(5) The annexation ordinances provided for in section 1(4) of this act and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the referendum petition. Notice of the election shall be given as provided in RCW 35.13.080 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

(6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the provisions of RCW 35.13.070 and 35.13.080, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

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

NEW SECTION. Sec. 3. A new section is added to chapter 35A.14 RCW to read as follows:

(1) The legislative body of any county or code city planning under chapter 36.70A RCW may initiate an annexation process for unincorporated territory by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34

RCW between a county and any code city within the county. The territory proposed for annexation must meet the following criteria: (a) Be within the code city urban growth area designated under RCW 36.70A.110, and (b) at least sixty percent of the boundaries of the territory proposed for annexation must be contiguous to the annexing code city and at least one other city or town.

(2) If the territory proposed for annexation has been designated in an adopted county comprehensive plan as part of an urban growth area, urban service area, or potential annexation area for a specific city, or if the urban growth area territory proposed for annexation has been designated in a written agreement between a city and a county for annexation to a specific city or town, the designation or designations shall receive full consideration before a city or county may initiate the annexation process provided for in section 4 of this act.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city legislative body shall adopt an ordinance providing for the annexation of the territory described in the agreement. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any territory to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city upon the date fixed in the ordinance of annexation, which date may not be fewer than forty-five days after adoption of the ordinance.

NEW SECTION. Sec. 4. A new section is added to chapter 35A.14 RCW to read as follows:

(1) The legislative body of any county planning under chapter 36.70A RCW may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in section 3 of this act if:

(a) The county legislative body initiated an annexation process as provided in section 3 of this act; and

(b) The affected city legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or

(c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in section 3 of this act and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension.

(2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to two or more cities or towns.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance.

(5) The annexation ordinances provided for in section 3(4) of this act and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the referendum petition. Notice of the election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

(6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35A.14.070. In addition to the provisions of RCW 35A.14.070, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

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

Sec. 5. RCW 36.70A.110 and 1997 c 429 s 24 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban

growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county."

MOTION

On motion of Senator Mulliken, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 35.13 RCW to read as follows:

(1) The legislative body of a county, city, or town planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process for unincorporated territory by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between a county and any city or town within the county. The territory proposed for annexation must meet the following criteria: (a) Be within the city or town urban growth area designated under RCW 36.70A.110, and (b) at least sixty percent of the boundaries of the territory proposed for annexation must be contiguous to the annexing city or town or one or more cities or towns.

(2) If the territory proposed for annexation has been designated in an adopted county comprehensive plan as part of an urban growth area, urban service area, or potential annexation area for a specific city or town, or if the urban growth area territory proposed for annexation has been designated in a written agreement between a city or town and a county for annexation to a specific city or town, the designation or designations shall receive full consideration before a city or county may initiate the annexation process provided for in section 2 of this act.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation of the territory described in the agreement. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any territory to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be fewer than forty-five days after adoption of the ordinance.

NEW SECTION. Sec. 2. A new section is added to chapter 35.13 RCW to read as follows:

(1) The legislative body of any county planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in section 1 of this act if:

(a) The county legislative body initiated an annexation process as provided in section 1 of this act; and

(b) The affected city or town legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or

(c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in section 1 of this act and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city or town may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension.

(2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to one or more cities or towns.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent

to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance.

(5) The annexation ordinances provided for in section 1(4) of this act and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the referendum petition. Notice of the election shall be given as provided in RCW 35.13.080 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

(6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the provisions of RCW 35.13.070 and 35.13.080, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

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

NEW SECTION. Sec. 3. A new section is added to chapter 35A.14 RCW to read as follows:

(1) The legislative body of a county or code city planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process for unincorporated territory by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between a county and any code city within the county. The territory proposed for annexation must meet the following criteria: (a) Be within the code city urban growth area designated under RCW 36.70A.110, and (b) at least sixty percent of the boundaries of the territory proposed for annexation must be contiguous to the annexing code city or one or more cities or towns.

(2) If the territory proposed for annexation has been designated in an adopted county comprehensive plan as part of an urban growth area, urban service area, or potential annexation area for a specific city, or if the urban growth area territory proposed for annexation has been designated in a written agreement between a city and a county for annexation to a specific city or town, the designation or designations shall receive full consideration before a city or county may initiate the annexation process provided for in section 4 of this act.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city legislative body shall adopt an ordinance providing for the annexation of the territory described in the agreement. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any territory to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city upon the date fixed in the ordinance of annexation, which date may not be fewer than forty-five days after adoption of the ordinance.

NEW SECTION. Sec. 4. A new section is added to chapter 35A.14 RCW to read as follows:

(1) The legislative body of any county planning under chapter 36.70A RCW and subject to the requirements of RCW 36.70A.215 may initiate an annexation process with the legislative body of any other cities or towns that are contiguous to the territory proposed for annexation in section 3 of this act if:

(a) The county legislative body initiated an annexation process as provided in section 3 of this act; and

(b) The affected city legislative body adopted a responsive resolution rejecting the proposed annexation or declined to create the requested interlocal agreement with the county; or

(c) More than one hundred eighty days have passed since adoption of a county resolution as provided for in section 3 of this act and the parties have not adopted or executed an interlocal agreement providing for the annexation of unincorporated territory. The legislative body for either the county or an affected city may, however, pass a resolution extending the negotiation period for one or more six-month periods if a public hearing is held and findings of fact are made prior to each extension.

(2) Any county initiating the process provided for in subsection (1) of this section must do so by adopting a resolution commencing negotiations for an interlocal agreement as provided in chapter 39.34 RCW between the county and any city or town within the county. The annexation area must be within an urban growth area designated under RCW 36.70A.110 and at least sixty percent of the boundaries of the territory to be annexed must be contiguous to one or more cities or towns.

(3) The agreement shall describe the boundaries of the territory to be annexed. A public hearing shall be held by each legislative body, separately or jointly, before the agreement is executed. Each legislative body holding a public hearing shall, separately or jointly, publish the agreement at least once a week for two weeks before the date of the hearing in one or more newspapers of general circulation within the territory proposed for annexation.

(4) Following adoption and execution of the agreement by both legislative bodies, the city or town legislative body shall adopt an ordinance providing for the annexation. The legislative body shall cause notice of the proposed effective date of the annexation, together with a description of the property to be annexed, to be published at least once each week for two weeks subsequent to passage of the ordinance, in one or more newspapers of general circulation within the city and in one or more newspapers of general circulation within the territory to be annexed. If the annexation ordinance provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice shall include a statement of the requirements. Any area to be annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance of annexation, which date may not be less than forty-five days after adoption of the ordinance.

(5) The annexation ordinances provided for in section 3(4) of this act and subsection (4) of this section are subject to referendum for forty-five days after passage. Upon the filing of a timely and sufficient referendum petition with the legislative body, signed by registered voters in number equal to not less than fifteen percent of the votes cast in the last general state election in the area to be annexed, the question of annexation shall be submitted to the voters of the area in a general election if one is to be held within ninety days or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the referendum petition. Notice of the election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

(6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35A.14.070. In addition to the provisions of RCW 35A.14.070, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

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

Sec. 5. RCW 36.70A.110 and 1997 c 429 s 24 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and RCW 36.70A.110. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county."

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

On page 1, line 2 of the title, after "territory;" strike the remainder of the title and insert "amending RCW 36.70A.110; adding new sections to chapter 35.13 RCW; and adding new sections to chapter 35A.14 RCW."

MOTION

On motion of Senator Mulliken, the rules were suspended, Substitute House Bill No. 1755, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 1755, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1755, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Rossi - 1.

SUBSTITUTE HOUSE BILL NO. 1755, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Esser: "A point of personal privilege, Mr. President I know it is a very busy day, but I did want to note the sad passing this morning of a man who has had a very positive influence on my life and the life of many millions of people around the world, Dr. Robert Atkins. He slipped and fell on an ivy sidewalk in New York City last week and unfortunately died this morning after being in a comma, at the age of seventy-two. He is the namesake of the Atkins Diet, which has become a very popular regimen for many individuals. There are a lot of us who owe a great deal of gratitude to him. I, myself, have lost about eighty pounds over the past two plus years, thanks to the Atkins Diet. I felt I needed to take this opportunity to say a little bit about him this morning. He first came in to prominence with the publication of a book in 1972, called *DR. ATKINS DIET REVOLUTION*. It really was a revolution in the good sense and the bad sense. It was not very popular with the medical establishment. It was about as well received as during its time of Copernicus and Galileo's theories of about the earth not being the center of the universe.

"The American Medical Association described his theories as potentially dangerous, naive, mild chemically incorrect and bizarre concepts of nutrition and dieting. Fortunately, before he died, some studies came out earlier this year that largely vindicated his belief that a high protein, low carbohydrate the key for many individuals to avoid obesity and diabetics in middle age and later life. In February, some half dozen studies showed that people on the Atkins diet could lose weight without compromising their health. In fact, the studies shows that their cardio risk factor and overall cloistral profiles actually changed for the better. I just wish that he had lived a little bit longer to say, 'I told you so' to a lot more of the medical establishment. I wish I had had the opportunity to thank him in person for all the good he has done to me. I didn't want this day to go by without having the chance to thank him and offer my condolences to his family."

MOTION

On motion of Senator Eide, Senators Jacobsen and Thibaudeau were excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)

Regarding state assessment standards.

The bill was read the second time.

MOTION

On motion of Senator Johnson, the following Committee on Education striking amendment was not adopted: Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on:

(a) The review, prioritization, and identification of the essential academic learning requirements and grade level content expectations in accordance with the following timelines:

(i) In the content areas of reading, writing, math, and science by November 1, 2004;

(ii) In the content area of social studies by November 1, 2005;

(iii) In the content area of the arts by November 1, 2006; and

(iv) In the content area of health and fitness by November 1, 2007; and

(b) Subject to available funding, the results of independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning for fourth and seventh grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments.

(2) By November 30, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered. Subject to available funding, beginning no later than 2006, the results of the math component of the spring administration of the high school Washington assessment of student learning shall be available to students, parents, and schools before June 1st of each year.

(3) By November 30, 2006, subject to available funding, the academic achievement and accountability commission shall report to the governor, the superintendent of public instruction, the state board of education, and the house of representatives and senate education committees on the results of its review of the student performance scores needed to meet all grade level content standards on the Washington assessment of student learning. In its report, the commission shall include a schedule for the regular review and adjustment of the student performance scores. If the commission makes any adjustment of the student performance standards, then the commission shall present the recommended changes to the education committees of the house of representatives and the senate by

January 31st of the school year in which the changes will take place in order to permit the legislature to take statutory action before the changes being implemented, if such action is deemed warranted by the legislature.

Sec. 2. RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((5))~~ (b) Assessments measuring the essential academic learning requirements in the content areas of reading, writing, mathematics, and science shall be available for voluntary use by school districts and shall be required to be administered by school districts according to the following schedule unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.

	<u>Assessments available for voluntary use (School years)</u>	<u>Assessments required to be administered (School years)</u>
<u>Reading, Writing, Mathematics</u>		
<u>- Elementary school</u>	<u>1996-97</u>	<u>1997-98</u>
<u>- Middle school</u>	<u>1997-98</u>	<u>2000-01</u>
<u>- High school</u>	<u>1998-99</u>	<u>2000-01</u>
<u>Science</u>		
<u>- High school</u>	<u>2002-03</u>	<u>2003-04</u>
<u>- Middle school</u>	<u>2002-03</u>	<u>2003-04</u>
<u>- Elementary school</u>	<u>2003-04</u>	<u>2004-05</u>

(c) School districts may design, develop, administer, score, and report classroom-based elementary, middle, and/or high school assessments in the content areas of communication, social studies, arts, and health and fitness. Such assessments shall be based on the student learning goals and measure the essential academic learning requirements.

(6) By September 2006, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) In order to assist parents and teachers in their efforts to provide educational support to individual students, including students seeking a scholar's certificate or a certificate of achievement, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts information on classroom-based and other assessments that may provide additional achievement information for individual students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

~~((6))~~ (9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

~~((7))~~ (10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

~~((8))~~ (11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

~~((9))~~ (12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

NEW SECTION. Sec. 3. RCW 28A.655.060 (Essential academic learning requirements--Statewide academic assessment system--Certificate of mastery--Educational pathways--Accountability--Reports and recommendations--Washington commission on student learning, creation and expiration) and 2001 2nd sp.s. c 20 s 1, 1999 c 373 s 501, 1998 c 225 s 1, & 1997 c 268 s 1 are each repealed."

MOTION

Senator Johnson moved that the following striking amendment by Senators Johnson and McAuliffe be adopted:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on:

(a) The review, prioritization, and identification of the essential academic learning requirements and grade level content expectations in accordance with the following timelines:

(i) In the content areas of reading, writing, math, and science by November 1, 2004;

(ii) In the content area of social studies by November 1, 2005;

(iii) In the content area of the arts by November 1, 2006; and

(iv) In the content area of health and fitness by November 1, 2007; and

(b) Subject to available funding, the results of independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning for fourth and seventh grades and for high school. The review shall be comparable to the research conducted on the mathematics assessments.

(2) By November 30, 2004, the superintendent of public instruction shall report to the governor, the state board of education, and the house of representatives and senate education committees on the feasibility of returning the results of the Washington assessment of student learning, including individual student performance information, to schools, teachers, and parents in the same school year in which the assessment is administered. Subject to available funding, beginning no later than 2006, the results of the math component of the spring administration of the high school Washington assessment of student learning shall be available to students, parents, and schools before June 1st of each year.

(3) By November 30, 2006, subject to available funding, the academic achievement and accountability commission shall report to the governor, the superintendent of public instruction, the state board of education, and the house of representatives and senate education committees on the results of its review of the student performance scores needed to meet all grade level content standards on the Washington assessment of student learning. In its report, the commission shall include a schedule for the regular review and adjustment of the student performance scores. If the commission makes any change or adjustment to the student performance standards, then the changes shall not be implemented until after the conclusion of the subsequent legislative session, providing an opportunity for the legislature to take action if any action is deemed warranted by the legislature.

Sec. 2. RCW 28A.655.070 and 1999 c 388 s 501 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the academic achievement and accountability commission.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline.

(3) In consultation with the academic achievement and accountability commission, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

~~((5))~~ (b) Assessments measuring the essential academic learning requirements in the content areas of reading, writing, mathematics, and science shall be available for voluntary use by school districts and shall be required to be administered by school districts according to the following schedule unless the legislature takes action to delay or prevent implementation of the assessment system and essential academic learning requirements.

Assessments
available for
voluntary use

Assessments
required to be
administered
(School years)

(School years)

**Reading, Writing,
Mathematics**

- Elementary school	<u>1996-97</u>	<u>1997-98</u>
- Middle school	<u>1997-98</u>	<u>2000-01</u>
- High school	<u>1998-99</u>	<u>2000-01</u>

Science

- High school	<u>2002-03</u>	<u>2003-04</u>
- Middle school	<u>2002-03</u>	<u>2003-04</u>
- Elementary school	<u>2003-04</u>	<u>2004-05</u>

(c) By the 2005-06 scho year, the superintendent of public instruction shall develop high school level assessments for the content area of social studies. The assessments shall be designed to be classroom or project-based so that they can be administered by school staff and scored at the school level. Once the assessments are developed school districts shall administer the social studies assessments and shall report the student scores to the superintendent of public instruction.

(d)The superintendent of public instruction shall post on the website of the office of the superintendent model classroom-based assessments for the content areas of arts, and health and fitness that may be used by school districts. If a school district uses any of the models on the website, the district shall report such use to the office of the superintendent of public instruction.

(6) By September 2006, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) In order to assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts information on classroom-based and other assessments that may provide additional achievement information for individual students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

((6)) (9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

((7)) (10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

((8)) (11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

((9)) (12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.655 RCW to read as follows:

Successful completion of the high school assessment developed under RCW 28A.655.070 and administered statewide shall lead to a certificate of mastery. The certificate of mastery shall be obtained by most students at about the age of sixteen, and is evidence that the student has successfully mastered the essential academic learning requirements during his or her educational career. The certificate of mastery shall be required for graduation but shall not be the only requirement for graduation.

NEW SECTION. Sec. 4. RCW 28A.655.060 (Essential academic learning requirements--Statewide academic assessment system--Certificate of mastery--Educational pathways--Accountability--Reports and recommendations--Washington commission on student learning, creation and expiration) and 2001 2nd sp.s. c 20 s 1, 1999 c 373 s 501, 1998 c 225 s 1, & 1997 c 268 s 1 are each repealed."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Johnson and McAuliffe to Engrossed Substitute House Bill No. 2195.

The motion by Senator Johnson carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 28A.655.070; adding a new section to chapter 28A.655 RCW; creating a new section; and repealing RCW 28A.655.060."

MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute House Bill No. 2195, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2195, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2195, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 40.

Voting nay: Senators Eide, Fraser, Keiser, Kohl-Welles, Regala, Spanel and Winsley - 7.

Excused: Senators Jacobsen and Thibaudeau - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

WITHDRAWAL OF POINT OF ORDER

There being no objection, Senator Benton withdrew his objection, made earlier today, of considering Substitute House Bill No. 2038 not properly before the Senate.

MOTION

On motion of Senator Zarelli, the rules were suspended, Substitute House Bill No. 2038 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2038.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2038 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 47.

Excused: Senators Jacobsen and Thibaudeau - 2.

SUBSTITUTE HOUSE BILL NO. 2038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Jacobsen and Thibaudeau were excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1175, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Veloria, Roach, O'Brien, Conway, Clements, Lantz, Linville, Moeller, Delvin, Benson, Darneille, Kenney, Kessler, Simpson, Chase, McMahan and Upthegrove)

Making it a crime to traffic in persons.

The bill was read the second time.

MOTION

Senator Stevens moved that the following Committee on Children and Family Services and Corrections striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 9A.40 RCW to read as follows:

(1)(a) A person is guilty of trafficking in the first degree when:

(I) Such person:

(A) Recruits, harbors, transports, provides, or obtains by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor or involuntary servitude; or

(B) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in

(a)(i)(A) of this subsection; and

(ii) The acts or venture set forth in (a)(I) of this subsection:

(A) Involve committing or attempting to commit kidnapping;

(B) Involve a finding of sexual motivation under RCW 9.94A.835; or

(C) Result in a death.

(b) Trafficking in the first degree is a class A felony.

(2)(a) A person is guilty of trafficking in the second degree when such person:
(I) Recruits, harbors, transports, provides, or obtains by any means another person knowing that force, fraud, or coercion as defined in RCW 9A.36.070 will be used to cause the person to engage in forced labor or involuntary servitude; or
(ii) Benefits financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in (a)(I) of this subsection.
(b) Trafficking in the second degree is a class A felony.
Sec. 2. RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 2, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)

XVI

Homicide by abuse (RCW 9A.32.055)

XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)

XIV

Trafficking 1 (section 1(1) of this act)

Malicious explosion 2 (RCW 70.74.280(2))

XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)

XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Trafficking 2 (section 1(2) of this act)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

*Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug
(RCW 79A.60.050)*

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

*Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except
flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3
years junior (RCW 69.50.406)*

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

*Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW
46.61.520)*

Arson 1 (RCW 9A.48.020)

VIII

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(I))

Possession of Ephedrine or any of its Salts or Isomers or Salts of Isomers, Pseudoephedrine or any of its Salts or Isomers or Salts of Isomers, Pressurized Ammonia Gas, or Pressurized Ammonia Gas Solution with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (except when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(I))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

*Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II
(except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(I))*

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 9.94A.515 and 2002 c 340 s 2, 2002 c 324 s 2, 2002 c 290 s 7, 2002 c 253 s 4, 2002 c 229 s 2, 2002 c 134 s 2, and 2002 c 133 s 4 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

Aggravated Murder 1 (RCW 10.95.020)
XVI

Homicide by abuse (RCW 9A.32.055)
XV

Malicious explosion 1 (RCW 70.74.280(1))

Murder 1 (RCW 9A.32.030)

Murder 2 (RCW 9A.32.050)
XIV

Trafficking 1 (section 1(1) of this act)

Malicious explosion 2 (RCW 70.74.280(2))
XIII

Malicious placement of an explosive 1 (RCW 70.74.270(1))

Assault 1 (RCW 9A.36.011)
XII

Assault of a Child 1 (RCW 9A.36.120)

Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))

Rape 1 (RCW 9A.44.040)

Rape of a Child 1 (RCW 9A.44.073)

Trafficking 2 (section 1(2) of this act)

Manslaughter 1 (RCW 9A.32.060)

XI

Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

Child Molestation 1 (RCW 9A.44.083)

X

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Sexually Violent Predator Escape (RCW 9A.76.115)

Assault of a Child 2 (RCW 9A.36.130)

IX

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

***Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug
(RCW 79A.60.050)***

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

Arson 1 (RCW 9A.48.020)

VIII

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Promoting Prostitution 1 (RCW 9A.88.070)

Theft of Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

Burglary 1 (RCW 9A.52.020)

VII

Child Molestation 2 (RCW 9A.44.086)

Civil Disorder Training (RCW 9A.48.120)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

VI

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Ammonia (RCW 69.55.020)

Abandonment of dependent person 1 (RCW 9A.42.060)

V

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)

Extortion 1 (RCW 9A.56.120)

Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)

Incest 2 (RCW 9A.64.020(2))

Kidnapping 2 (RCW 9A.40.030)

Perjury 1 (RCW 9A.72.020)

Persistent prison misbehavior (RCW 9.94.070)

Possession of a Stolen Firearm (RCW 9A.56.310)

Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)

Sexual Misconduct with a Minor 1 (RCW 9A.44.093)

Sexually Violating Human Remains (RCW 9A.44.105)

Stalking (RCW 9A.46.110)

Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

Arson 2 (RCW 9A.48.030)

IV

Assault 2 (RCW 9A.36.021)

Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)

Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)

Counterfeiting (RCW 9.16.035(4))

Endangerment with a Controlled Substance (RCW 9A.42.100)

Escape 1 (RCW 9A.76.110)

Hit and Run--Injury (RCW 46.52.020(4)(b))

Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))

Identity Theft 1 (RCW 9.35.020(2)(a))

Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)

Influencing Outcome of Sporting Event (RCW 9A.82.070)

Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))

Malicious Harassment (RCW 9A.36.080)

Residential Burglary (RCW 9A.52.025)

Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)

Threats to Bomb (RCW 9.61.160)

Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

Abandonment of dependent person 2 (RCW 9A.42.070)

III

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Malicious Injury to Railroad Property (RCW 81.60.070)

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

Computer Trespass 1 (RCW 9A.52.110)

II

Counterfeiting (RCW 9.16.035(3))

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

I

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))

Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 4. RCW 9.94A.535 and 2002 c 169 s 1 are each amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence unless it is imposed on an offender sentenced under RCW 9.94A.712. An exceptional sentence imposed on an offender sentenced under RCW 9.94A.712 shall be to a minimum term set by the court and a maximum term equal to the statutory maximum sentence for the offense of conviction under chapter 9A.20 RCW.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

- (1) Mitigating Circumstances
 - (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
 - (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
 - (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
 - (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
 - (e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.
 - (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
 - (g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
 - (h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.
- (2) Aggravating Circumstances
 - (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
 - (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.
 - (c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.
 - (d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:
 - (i) The current offense involved multiple victims or multiple incidents per victim;
 - (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
 - (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or
 - (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.
 - (e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:
 - (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;
 - (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;
 - (iii) The current offense involved the manufacture of controlled substances for use by other parties;
 - (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;
 - (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or
 - (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).
 - (f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.
 - (g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

- (I) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;
- (ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or
- (iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(I) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(j) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(k) The offense resulted in the pregnancy of a child victim of rape.

(l) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(m) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(n) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

NEW SECTION. **Sec. 5.** Section 2 of this act expires July 1, 2004.

NEW SECTION. **Sec. 6.** Section 3 of this act takes effect July 1, 2004."

MOTION

On motion of Senator Hargrove, the following amendment by Senators Hargrove and Stevens to the Committee on Children and Family Services and Corrections striking amendment was adopted:

On page 25, after line 16 of the amendment, insert the following:

"**Sec. 5.** RCW 9A.82.090 and 2001 c 222 s 13 are each amended to read as follows:

During the pendency of any criminal case charging a violation of RCW 9A.82.060 or ~~((a violation of RCW))~~ 9A.82.080, or an offense defined in section 1 of this act, the superior court may, in addition to its other powers, issue an order pursuant to RCW 9A.82.100 (2) or (3). Upon conviction of a person for a violation of RCW 9A.82.060 or ~~((a violation of RCW))~~ 9A.82.080, or an offense defined in section 1 of this act, the superior court may, in addition to its other powers of disposition, issue an order pursuant to RCW 9A.82.100.

Sec. 6. RCW 9A.82.100 and 2001 c 222 s 14 are each amended to read as follows:

(1)(a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity, or by an offense defined in section 1 of this act, or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (I) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in section 1 of this act, or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in section 1 of this act, or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering, or an offense defined in section 1 of this act, or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an offense defined in section 1 of this act, or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering, or an offense defined in section 1 of this act, activity or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering, or by an offense defined in section 1 of this act, then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(I) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in section 1 of this act, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in section 1 of this act, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered or, in the case of an offense that is defined in section 1 of this act, within three years after the final disposition of any criminal charges relating to the offense, whichever is later.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1)(a) and (b)(I) of this section, either party has the right to a jury trial.

Sec. 7. RCW 9A.82.120 and 2001 c 222 s 16 are each amended to read as follows:

(1) The state, upon filing a criminal action under RCW 9A.82.060 or 9A.82.080 or for an offense defined in section 1 of this act, or a civil action under RCW 9A.82.100, may file in accordance with this section a criminal profiteering lien. A filing fee or other charge is not required for filing a criminal profiteering lien.

(2) A criminal profiteering lien shall be signed by the attorney general or the county prosecuting attorney representing the state in the action and shall set forth the following information:

(a) The name of the defendant whose property or other interests are to be subject to the lien;

(b) In the discretion of the attorney general or county prosecuting attorney filing the lien, any aliases or fictitious names of the defendant named in the lien;

(c) If known to the attorney general or county prosecuting attorney filing the lien, the present residence or principal place of business of the person named in the lien;

(d) A reference to the proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number for the proceeding;

(e) The name and address of the attorney representing the state in the proceeding pursuant to which the lien is filed;

(f) A statement that the notice is being filed pursuant to this section;

(g) The amount that the state claims in the action or, with respect to property or other interests that the state has requested forfeiture to the state or county, a description of the property or interests sought to be paid or forfeited;

(h) If known to the attorney general or county prosecuting attorney filing the lien, a description of property that is subject to forfeiture to the state or property in which the defendant has an interest that is available to satisfy a judgment entered in favor of the state; and

(I) Such other information as the attorney general or county prosecuting attorney filing the lien deems appropriate.

(3) The attorney general or the county prosecuting attorney filing the lien may amend a lien filed under this section at any time by filing an amended criminal profiteering lien in accordance with this section that identifies the prior lien amended.

(4) The attorney general or the county prosecuting attorney filing the lien shall, as soon as practical after filing a criminal profiteering lien, furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection does not invalidate or otherwise affect a criminal profiteering lien filed in accordance with this section.

(5)(a) A criminal profiteering lien is perfected against interests in personal property in the same manner as a security interest in like property pursuant to RCW ((~~62A.9-302~~, ~~62A.9-303~~, ~~62A.9-304~~, ~~62A.9-305~~, and ~~62A.9-306~~) 62A.9A-301 through 62A.9A-316 or as otherwise required to perfect a security interest in like property under applicable law. In the case of perfection by filing, the state shall file, in lieu of a financing statement in the form prescribed by RCW ((~~62A.9-402~~) 62A.9A-502), a notice of lien in substantially the following form:

NOTICE OF LIEN

Pursuant to RCW 9A.82.120, the state of Washington claims a criminal profiteering lien on all real and personal property of:

Name:

Address:

State of Washington

By (authorized signature)

On receipt of such a notice from the state, a filing officer shall, without payment of filing fee, file and index the notice as if it were a financing statement naming the state as secured party and the defendant as debtor.

(b) A criminal profiteering lien is perfected against interests in real property by filing the lien in the office where a mortgage on the real estate would be filed or recorded. The filing officer shall file and index the criminal profiteering lien, without payment of a filing fee, in the same manner as a mortgage.

(6) The filing of a criminal profiteering lien in accordance with this section creates a lien in favor of the state in:

(a) Any interest of the defendant, in real property situated in the county in which the lien is filed, then maintained, or thereafter acquired in the name of the defendant identified in the lien;

(b) Any interest of the defendant, in personal property situated in this state, then maintained or thereafter acquired in the name of the defendant identified in the lien; and

(c) Any property identified in the lien to the extent of the defendant's interest therein.

(7) The lien created in favor of the state in accordance with this section, when filed or otherwise perfected as provided in subsection (5) of this section, has, with respect to any of the property described in subsection (6) of this section, the same priority determined pursuant to the laws of this state as a mortgage or security interest given for value (but not a purchase money security interest) and perfected in the same manner with respect to such property; except that any lien perfected pursuant to Title 60 RCW by any person who, in the ordinary course of his or her business, furnishes labor, services, or materials, or rents, leases, or otherwise supplies equipment, without knowledge of the criminal profiteering lien, is superior to the criminal profiteering lien.

(8) Upon entry of judgment in favor of the state, the state may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the state's lien priority as provided in this section the state shall, in addition to such other notice as is required by law, give at least thirty days' notice of the execution to any person possessing at the time the notice is given, an interest recorded subsequent to the date the state's lien was perfected.

(9) Upon the entry of a final judgment in favor of the state providing for forfeiture of property to the state, the title of the state to the property:

(a) In the case of real property or a beneficial interest in real property, relates back to the date of filing the criminal profiteering lien or, if no criminal profiteering lien is filed, then to the date of recording of the final judgment or the abstract thereof; or

(b) In the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the state, or the date of filing of a criminal profiteering lien in accordance with this section, whichever is earlier, but if the

property was not seized and no criminal profiteering lien was filed then to the date the final judgment was filed with the department of licensing and, if the personal property is an aircraft, with the federal aviation administration.

(10) This section does not limit the right of the state to obtain any order or injunction, receivership, writ, attachment, garnishment, or other remedy authorized under RCW 9A.82.100 or appropriate to protect the interests of the state or available under other applicable law.

(11) In a civil or criminal action under this chapter, the superior court shall provide for the protection of bona fide interests in property, including community property, subject to liens of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture pursuant to RCW 9A.82.100(4)(f)."

Renumber the remaining sections consecutively.

The President declared the question before the Senate to be the adoption of the Committee on Children and Family Services and Corrections striking amendment, as amended.

The motion by Senator Stevens carried and the striking committee amendment, as amended, was adopted.

There being no objection, the following title amendments were considered simultaneously and were adopted:

On page 1, line 1 of the title, after "persons;" strike the remainder of the title and insert "amending RCW 9.94A.535; reenacting and amending RCW 9.94A.515 and 9.94A.515; adding a new section to chapter 9A.40 RCW; prescribing penalties; providing an effective date; and providing an expiration date."

On page 25, line 21 of the title amendment, after "9.94A.535" insert ", 9A.82.090, 9A.82.100, and 9A.82.120"

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1175, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1175, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1175, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Absent: Senator Hewitt - 1.

Excused: Senators Jacobsen and Thibaudeau - 2.

SUBSTITUTE HOUSE BILL NO. 1175, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senator Hewitt was excused.

SECOND READING

HOUSE BILL NO. 1473, by Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove

Specifying when vacancies in certain public offices may be filled.

The bill was read the second time.

MOTION

On motion of Senator Roach, the following Committee on Government Operations and Elections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.16.110 and 1963 c 4 s 36.16.110 are each amended to read as follows:

The (~~board of~~) county (~~commissioners~~) legislative authority in each county shall, at its next regular or special meeting after being appraised of any vacancy in any county, township, precinct, or road district office of the county, fill the vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

If a vacancy occurs in a partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29.01.135 and shall continue through the term for which he or she was elected.

"**Sec. 2.** RCW 36.32.0558 and 1990 c 252 s 6 are each amended to read as follows:

Vacancies on a board of county commissioners consisting of five members shall be filled as provided in RCW 36.32.070, except that:

(1) Whenever there are three or more vacancies, the governor shall appoint one or more commissioners until there are a total of three commissioners;

(2) Whenever there are two vacancies, the three commissioners shall fill one of the vacancies; ~~((and))~~

(3) Whenever there is one vacancy, the four commissioners shall fill the single vacancy; ~~and~~

(4) Whenever there is a vacancy after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29.01.135 and shall continue through the term for which he or she was elected.

Sec. 3. RCW 36.32.070 and 1990 c 252 s 7 are each amended to read as follows:

Whenever there is a vacancy in the board of county commissioners, except as provided in RCW 36.32.0558, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. If they fail to agree upon a selection after the expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy. If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.

(4) Whenever there is a vacancy in the office of county commissioner after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29.01.135 and shall continue through the term for which he or she was elected.

Sec. 4. RCW 42.12.040 and 2002 c 108 s 2 are each amended to read as follows:

(1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the sixth Tuesday prior to the primary for the next general election following the occurrence of the vacancy, a successor shall be elected to that office at that general election. Except during the last year of the term of office, if such a vacancy occurs on or after the sixth Tuesday prior to the primary for that general election, the election of the successor shall occur at the next succeeding general election. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county which has charter provisions inconsistent with this section.

(2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29.01.135 and shall continue through the term for which he or she was elected.

NEW SECTION. Sec. 5. This act takes effect January 1, 2004, if the proposed amendment to Article II, section 15 of the state Constitution (HJR --) is validly submitted to and is approved and ratified by the voters at a general election held in November 2003. If the proposed amendment is not approved and ratified, this act is void in its entirety."

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

On page 1, line 1 of the title, after "office;" strike the remainder of the title and insert "amending RCW 36.16.110, 36.32.0558, 36.32.070, and 42.12.040; and providing a contingent effective date."

MOTION

On motion of Senator Roach, the rules were suspended, House Bill No. 1473, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1473, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1473, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Hewitt, Jacobsen and Thibaudeau - 3

HOUSE BILL NO. 1473, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

HOUSE JOINT RESOLUTION NO. 4206, by Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove

Amending the Constitution to provide for vacancies that occur after the general election.

The joint resolution was read the second time.

MOTION

On motion of Senator Roach, the following Committee on Government Operations and Elections striking amendment was adopted:

Beginning on page 1, line 8, strike all material through "state." on page 2, line 29, and insert the following:

"Article II, section 15. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the (~~board of~~) county (~~commissioners~~) legislative authority of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of (~~said~~) the members of the county (~~commissioners~~) legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county, or county commissioner or council district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his or her successor is elected at the next general election, and (~~shall have~~) has qualified: *Provided*, That in case of a vacancy occurring after the general election in a year that the office appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified and shall continue through the term for which he or she was elected: *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county (~~commissioners~~) legislative authorities of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of (~~said~~) the members of the county (~~commissioners~~) legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

MOTION

On motion of Senator Roach, the rules were suspended, House Joint Resolution No. 4206, as amended by the Senate, was advanced to third reading, the second reading considered the third and the joint resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Resolution No. 4206, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Resolution No. 4206, as amended by the Senate, and the joint resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Hewitt, Jacobsen and Thibaudeau - 3.

HOUSE JOINT RESOLUTION NO. 4206, as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1173, by House Committee on Trade and Economic Development (originally sponsored by Representatives Veloria, Conway and Chase)

Revising provisions for the office of the Washington state trade representative.

The bill was read the second time.

MOTION

On motion of Senator West, the following amendment was adopted:

On page 3, after line 34, insert the following:

NEW SECTION. Sec. 4. A new section is added to chapter 44.04 RCW to read as follows:

The legislative international trade account is created in the custody of the state treasurer. All moneys received by the president of the senate from gifts, grants, and endowments for international trade hosting and missions activities must be deposited in the account. Only private, nonpublic gifts, grants, and endowments may be deposited in the account. Expenditures from the account may be used only for the purposes of international trade hosting and international trade mission activities, excluding travel and lodging, in which the president and members of the senate and members of the house of representatives participate in an official capacity. Only the president of the senate may authorize expenditures from the account. An appropriation is not required for expenditures. All requests by individual legislators for use of funds from this account must be first approved by the secretary of the senate for members of the senate or the chief clerk of the house of representatives for members of the house of representatives prior to final approval by the president of the senate.

NEW SECTION. Sec. 5. A new section is added to chapter 42.52 RCW to read as follows:

(1) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in section 4 of this act, the president of the senate is presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(2) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in section 4 of this act, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

Sec. 6. RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as follows:

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;
(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
(d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
(f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in section 4 of this act;

(h) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

~~((H))~~ (I) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;
(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;
(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(g) Those items excluded from the definition of gift in RCW 42.52.010 except:

(i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;

(ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and

(iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW."

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

On page 1, line 2 of the title, after "representative;" strike the remainder of the title and insert "amending RCW 43.332.005, 43.332.010, and 42.52.150; adding a new section to chapter 43.332 RCW; adding a new section to chapter 44.04 RCW; and adding a new section to chapter 42.52 RCW."

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1173, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1173, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1173, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Excused: Senators Hewitt, Jacobsen, Poulsen, and Thibaudeau - 4.

SUBSTITUTE HOUSE BILL NO. 1173, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1442, by House Committee on Commerce and Labor (originally sponsored by Representatives Wood and Chandler)

Revising provisions for sale of timeshares.

The bill was read the second time.

MOTION

On motion of Senator Benton, the following Committee on Financial Services, Insurance and Housing striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 64.36 RCW to read as follows:

(1) An effective registration pursuant to this chapter is required for any party to offer to sell a timeshare interest. A promoter who offers to sell or sells revocable timeshare interests in incomplete projects or facilities is limited by and must comply with all of the requirements of RCW 64.36.025. If a promoter seeks to enter into irrevocable purchase agreements with purchasers for timeshare interests in incomplete projects or facilities, the promoter must meet the requirements in this section in addition to RCW 64.36.020 and the following limitations and conditions apply:

(a) The promoter is limited to offering or selling only fee simple deeded timeshare interests;

(b) Construction on the project must have begun by the time the irrevocable purchase agreement is signed and the purchaser must have the right to occupy the unit and use all contracted for amenities no later than within two years of the date that the irrevocable purchase agreement is signed;

(c) The promoter must establish an independent third-party escrow account for the purpose of protecting the funds or other property paid, pledged, or deposited by purchasers;

(d) The promoter's solicitations, advertisements, and promotional materials must clearly and conspicuously disclose that "THE PROJECT IS NOT YET COMPLETED; IT IS STILL UNDER CONSTRUCTION"; and

(e) The promoter's solicitations, advertisements, and promotional materials and the timeshare interest purchase agreement must clearly and conspicuously provide for and disclose the last possible estimated date for completion of construction of any building the promoter is contractually obligated to the purchaser to complete.

(2) The timeshare interest purchase agreement must contain the following language in fourteen-point bold face type: "If the building in which the timeshare interest is located and all contracted for amenities are not completed by [estimated date of completion], the purchaser has the right to void the purchase agreement and is entitled to a full, unqualified refund of all moneys paid."

(3) One hundred percent of all funds or other property that is received from or on behalf of purchasers of timeshare interests prior to the occurrence of events required in this section must be deposited pursuant to a third-party escrow agreement approved by the director. For purposes of this section, "purchasers" includes all persons solicited, offered, or who purchased a timeshare interest by a promoter within the state of Washington. An escrow agent shall maintain the account only in such a manner as to be under the direct supervision and control of the escrow agent. The escrow agent has a fiduciary duty to each purchaser to maintain the escrow accounts in accordance with good accounting practices and to release the purchaser's funds or other property from escrow only in accordance with this chapter. If the escrow agent receives conflicting demands for funds or property held in escrow, the escrow agent shall immediately notify the department of licensing of the dispute and the department shall determine if and how the funds should be distributed. If the purchaser, promoter, or escrow agent disagrees with the department's determination, the parties have the right to request an administrative hearing under chapter 34.05 RCW. Funds may be released from the escrow account to the purchaser if the purchaser cancels within the cancellation period, or to the promoter only when all three of the following conditions occur:

(a) The purchaser's cancellation period has expired;

(b) Closing has occurred; and

(c) Construction is complete and the building is ready to occupy.

(4) In lieu of depositing purchaser funds into an escrow account, the promoter may post with the department a bond in an amount equal to or greater than the amount that would otherwise be required to be placed into the escrow account.

(5) Any purchaser has the right to void the timeshare purchase agreement and request a full, unqualified refund if construction of the building in which the timeshare interest is located or all contracted for amenities are not completed within two years from the date that the irrevocable purchase agreement is signed or by the last estimated date of construction contained in the irrevocable purchase agreement, whichever is earlier.

(6) If the completed timeshare building or contracted for amenities are materially and adversely different from the building or amenities that were promised to purchasers at the time that the purchase agreements were signed, the director may declare any or all of the purchaser contracts void. Before declaring the contracts void, the director shall give the promoter the opportunity for a hearing in accordance with chapters 34.05 and 18.235 RCW.

(7) If the promoter intends to or does pledge or borrow against funds or properties, that are held in escrow or protected by a bond, to help finance in whole or in part the construction of the timeshare project or to help pay for operating costs, this must be fully, plainly, and conspicuously disclosed in all

written advertising, in all written solicitations for the sale of the timeshare interests, in the registration with the director, and in the purchase agreement or contract.

(8) A promoter who obtains an effective registration for a revocable timeshare interest reservation must meet the requirements of this section in order to complete an irrevocable purchase agreement."

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

On page 1, line 1 of the title, after "timeshares;" strike the remainder of the title and insert "and adding a new section to chapter 64.36 RCW."

MOTION

On motion of Senator Benton, the rules were suspended, Substitute House Bill No. 1442, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1442, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1442, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4;

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Excused: Senators Hewitt, Jacobsen, Poulsen, and Thibaudeau - 4.

SUBSTITUTE HOUSE BILL NO. 1442, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1494, by House Committee on Local Government (originally sponsored by Representatives Delvin, Cooper, Jarrett, Berkey, Upthegrove and Conway)

Allowing state and local governments to sell and lease personal property to foreign entities.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Substitute House Bill No. 1494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1494.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1494, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 43.

Voting nay: Honeyford, Mulliken - 2.

Excused: Senators Hewitt, Jacobsen, Poulsen and Thibaudeau - 4.

SUBSTITUTE HOUSE BILL NO. 1494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1655, by House Committee on Transportation (originally sponsored by Representatives Clibborn, Ericksen, Murray, Cooper, Morrell, Simpson, Armstrong, Rockefeller, Jarrett, Schindler, Mielke, Anderson, Wallace, Nixon, Shabro and Schual-Berke)

Providing for determination of disability for special parking privileges by advanced registered nurse practitioners.

The bill was read the second time.

MOTION

On motion of Senator Deccio, the rules were suspended, Substitute House Bill No. 1655 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1655.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1655, and the bill passed the Senate by the following vote: Yeas, 45; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Excused: Senators Hewitt, Jacobsen, Poulsen and Thibaudeau - 4.

SUBSTITUTE HOUSE BILL NO. 1655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Schmidt, Senator McCaslin was excused.

SECOND READING

HOUSE BILL NO. 1621, by Representatives Morrell, Pflug, Skinner, Cody, Clibborn and Schual-Berke (by request of Department of Social and Health Services)

Modifying medical assistance provisions.

The bill was read the second time.

MOTION

On motion of Senator Winsley, the rules were suspended, House Bill No. 1621 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1621.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1621, and the bill passed the Senate by the following vote: Yeas, 44; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 46.

Excused: Senators Hewitt, Jacobsen, McCaslin, Poulsen and Thibaudeau - 4.

HOUSE BILL NO. 1621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6074, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 17, 2003

MR. PRESIDENT:

The House has passed:

**SUBSTITUTE SENATE BILL NO. 5189,
SENATE BILL NO. 5893,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 17, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5515, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 17, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5284, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The Speaker has signed:

**SUBSTITUTE HOUSE BILL NO. 2197,
SUBSTITUTE HOUSE BILL NO. 2198,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

**SUBSTITUTE SENATE BILL NO. 5189,
SENATE BILL NO. 5893.**

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5515.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5284.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 2197,

SUBSTITUTE HOUSE BILL NO. 2198,

MOTION

At 8:53 p.m., on motion of Senator Sheahan, the Senate adjourned until 1:15 p.m., Friday, April 18, 2003.

MILTON H. DOUMIT, Jr., Secretary of the Senate

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

NINETY-FIFTH DAY, APRIL 17, 2003

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

NINETY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Friday, April 18, 2003

The Senate was called to order at 1:15 p.m. by President Owen. No roll call was taken.

MOTION

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

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5051,
SUBSTITUTE SENATE BILL NO. 5120,
SUBSTITUTE SENATE BILL NO. 5358,
SUBSTITUTE SENATE BILL NO. 5409,
SENATE BILL NO. 5507,
SENATE BILL NO. 5662.

INTRODUCTION AND FIRST READING

SB 6079 by Senators Kline, Franklin and Prentice

AN ACT Relating to rate filing requirements for casualty insurance; amending RCW 48.19.043; adding a new section to chapter 48.19 RCW; and creating a new section.
Referred to Committee on Financial Services, Insurance and Housing.

SJM 8024 by Senators Deccio, Thibaudeau, Parlette, Winsley, Prentice, Brandland, Keiser, Kohl-Welles and Mulliken

Requesting that Congress enact universal, efficient, and effective outpatient prescription drug coverage as part of the federal Medicare program.

Referred to Committee on Health and Long-Term Care.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8661

By Senators Carlson, Kohl-Welles, Stevens, Benton, Esser, Rossi, Brandland, Morton, Sheahan, Hewitt, McCaslin, Swecker, Winsley, Hale, Deccio, Johnson, Zarelli, Finkbeiner, Schmidt, Mulliken, Parlette, Honeyford, Roach, Horn, West, McAuliffe, Rasmussen, Shin, B. Sheldon, Jacobsen, T. Sheldon, Eide, Haugen, Kastama, Franklin, Fraser, Fairley, Thibaudeau, Spanel, Brown, Regala, Prentice, Poulsen, Keiser, Reardon, Hargrove, Doumit and Kline

WHEREAS, The students selected for special recognition as Washington Scholars in 2003 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their role as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's Forty-nine Legislative Districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to each of the Washington Scholars selected in 2003.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8663

By Senator McAuliffe

WHEREAS, The Western Hockey League (WHL) is an amateur league working collaboratively with the Canadian Hockey League and Canadian Hockey Association; and

WHEREAS, The WHL has teams in the provinces of Manitoba, Saskatchewan, Alberta, and British Columbia in Canada, and the states of Washington and Oregon in the United States; and

WHEREAS, The WHL offers young athletes ages sixteen through nineteen a positive experience without compromising their educational objectives; and

WHEREAS, Through the WHL's scholarship program, a player can receive one year of paid tuition and books for each year he plays with the WHL, and those scholarships can be used at any Canadian or American university, technical school, or other postsecondary institution; and

WHEREAS, Since 1993, the WHL has awarded more than 1,400 scholarships, and all teams under the WHL charter, including the Seattle Thunderbirds, participate in the scholarship program; and

WHEREAS, Seattle joined the Western Hockey League as the Seattle Breakers in 1977 and later became the Seattle Thunderbirds in the 1985-1986 season; and

WHEREAS, The "T-Birds" are members of the eighteen team Western Hockey League, playing seventy-two games between September and March; and

WHEREAS, The Seattle Thunderbirds have drawn more than 200,000 fans in ten of the past eleven seasons and share the sports market with the Seattle Mariners American League Baseball team, Seattle Seahawks National Football League team, and the Seattle Supersonics National Basketball Association team; and

WHEREAS, On February 22, 2003, the Seattle Thunderbirds clinched the United States Division title for the first time in their twenty-six year franchise history; and

WHEREAS, The "T-Birds" have advanced to the Western Conference Semi-Finals in the 2002-2003 season as one of the toughest and most successful teams in the WHL;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate congratulate the Seattle Thunderbirds hockey team for helping ensure high standards of education for all its players and their outstanding 2002-2003 season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Russ Farwell, Seattle Thunderbirds General Manager, and Head Coach Dean Chynoweth.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8665

By Senators Kohl-Welles, Winsley, Jacobsen, Haugen, Spanel and Johnson

WHEREAS, Living in Washington State are people of all ethnicities and backgrounds who share their traditions, histories, and cultures with our state; and

WHEREAS, Washington State recognizes the great cultural contributions made by the many generations and individuals of Norwegian descent residing in our state, specifically in Ballard, as well as the nation at large; and

WHEREAS, Since 1889, the greater Seattle area has joined in celebrating Norway's Constitution Day on the 17th of May by hosting a 17th of May, or "Syttende Mai," Festival and parade in Ballard to honor the day in 1814 when Norway declared its independence by signing its constitution; and

WHEREAS, The Ballard May 17th parade is one of the largest ethnic parades in the United States and the largest May 17th parade outside of Oslo, Norway; and

WHEREAS, Beginning at 3:00 p.m. in Ballard, family, friends, and community will join together to participate in a wide range of cultural festivities and events in celebration of all that is Norwegian;

NOW, THEREFORE, BE IT RESOLVED, That the State Senate recognize the 17th of May, 2003, to be Norway's National Day in Washington and encourage all citizens to join in celebrating the culture and heritage of Norway; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Norwegian 17th of May Committee and to the Nordic Heritage Museum.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8669

By Senators Zarelli and Carlson

WHEREAS, The first Monday through Sunday in May is recognized by the United States government and around the world as Public Service Recognition Week; and

WHEREAS, During this week, public employees teach citizens about the many ways in which government serves the people and how government services make life better for all of us; and

WHEREAS, This year, Despina Varkados will complete forty-six years as a dedicated employee of the Washington School for the Deaf; and

WHEREAS, Despina has been energetic, caring, professional, and inspirational since the day in 1957, when she began teaching at the School for the Deaf; and

WHEREAS, She stands as an example to all by not only earning a Bachelor's Degree in Deaf Education from Lewis and Clark College and a Master's in Education from the University of Portland, but also keeping abreast of the many changes in educational practices over the years; and

WHEREAS, She worked tirelessly as a preschool, middle school, and high school language arts teacher while selflessly raising three children; and

WHEREAS, She single-handedly opened and led the school's Outreach Program from 1980 to 2000; and

WHEREAS, She has been an invaluable asset to the Deaf School as the Public Relations and Community Service Coordinator; and

WHEREAS, Despina has been an outstanding leader as the President and Vice-President of the Teachers' Organization and contributing member of the Parent Staff Organization; and

WHEREAS, She has made a significant impact on at least three generations of deaf families, who have passed through the school during her tenure. and all remember her as a wonderful teacher and role model; and

WHEREAS, She has learned and shown through her actions the importance of staff mentoring and sharing her wisdom and experience with those around her; and

WHEREAS, More than anything, she loves her students and their families and has never slowed her pace when it comes to doing all she can to help them;

NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize Despina Varkados for her outstanding longevity and unwavering service to the Washington School for the Deaf and to the state of Washington; and

BE IT FURTHER RESOLVED, That all state employees look to Despina Varkados as a shining example of public service during the 2003 Public Service Recognition Day on May 7, 2003.

MOTION

At 1:21 p.m., on motion of Senator Sheahan, the Senate adjourned until 1:00 p.m., Monday, April 21, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

NINETY-SIXTH DAY, APRIL 18, 2003

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NINETY-NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, April 21, 2003

The Senate was called to order at 1:00 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown and West. On motion of Senator Eide, Senator Brown was excused. On motion of Senator Hewitt, Senator West was excused.

The Sergeant at Arms Color Guard, consisting of Pages Lauren Adler and Veronica Ballard, presented the Colors. Reverend Richard Hart, pastor of the First Baptist Church in Puyallup, and a guest of Senator Winsley, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR
VETO MESSAGE ON SUBSTITUTE SENATE BILL NO. 5240

April 17, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5240 entitled:

"AN ACT Relating to including a classified employee on the Washington professional educator standards board;"

This bill alters the composition of the Professional Educator Standards Board by eliminating the designated public member and substituting a classified school employee who assists in public school student instruction.

I strongly support the addition of the classified school employee to the Board. However, the bill would have the effect of removing the voice of a representative of the public. In our state efforts to strengthen teacher accountability, it is important to provide an avenue for direct public communication and participation. Rather than eliminating this position, my preference is to sign a bill that maintains the current membership of the Board and adds a classified school employee.

For these reasons I have vetoed Substitute Senate Bill No. 5240 in its entirety.

Respectfully submitted,
GARY LOCKE, Governor

MOTION

On motion of Senator Sheahan, the Governor's Veto Message on Substitute Senate Bill No. 5240 was held at the desk.

EDITOR'S NOTE: See action on override of Veto of Substitute Senate Bill No. 5240 on one hundred-third day, April 25.

MESSAGE FROM THE HOUSE

April 18, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2249, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 18, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5512, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5512.

INTRODUCTION AND FIRST READING

SB 6080 by Senators McAuliffe, Regala, Stevens, Hargrove, Eide, Carlson, Fairley, Winsley, Franklin, Parlette, Doumit, Keiser, Fraser, B. Sheldon, Rasmussen, Schmidt, T. Sheldon, Morton, Oke, Jacobsen, Mulliken and Spanel

AN ACT Relating to video and computer games depicting violence against public law enforcement officers; amending RCW 7.80.120; adding a new section to chapter 9.91 RCW; creating new sections; prescribing penalties; and providing an expiration date.
Referred to Committee on Children and Family Services and Corrections.

SB 6081 by Senator Honeyford

AN ACT Relating to the treatment of injured workers covered by industrial insurance and requirements for providers of treatment to injured workers covered by industrial insurance; amending RCW 51.04.030, 51.04.030, 51.04.050, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.28.055, 51.32.055, 51.32.095, 51.36.010, 51.36.060, 51.36.110, 51.36.110, 51.48.060, and 51.52.010; reenacting and amending RCW 51.32.090; adding a new section to chapter 51.28 RCW; adding a new section to chapter 51.36 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.
Referred to Committee on Commerce and Trade.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2249 by Representatives Kessler, Skinner, Rockefeller, Hatfield, Mielke, Carrell, Alexander, Nixon, Lovick, Darneille, O'Brien, Ahern, Orcutt, Berkey, Eickmeyer, Conway, McMahan, Talcott, Santos, Hunt, Moeller and Ruderman

Waiving penalties for late renewal of licenses by members of the armed forces assigned or deployed out-of-state.

HOLD.

MOTION

On motion of Senator Sheahan, House Bill No. 2249 was held on the desk.

MOTION

On motion of Senator Fraser, the following resolution was adopted:

SENATE RESOLUTION 8666

By Senators Fraser, Carlson, Benton, Morton, Prentice, Kohl-Welles, Esser, Jacobsen, Regala, Brandland, Fairley, Hale, Stevens, Mulliken, Hewitt, Finkbeiner, Kastama, Parlette, Winsley, Kline, Honeyford, Reardon, Keiser, Eide, Schmidt, Doumit, Franklin, Brown, Deccio, Johnson, Rossi, Shin, Poulsen, Rasmussen, McAuliffe, Haugen, B. Sheldon, Spanel, Thibaudeau, Horn and Roach

WHEREAS, Tuesday, April 22, 2003, is the 33rd anniversary of Earth Day, a day of recognition founded by residents of the state of Washington that is now celebrated throughout the nation and in many parts of the world; and

WHEREAS, Washington is blessed with quality, liveable communities that are surrounded by the beauty and richness of abundant and diverse natural resources; spectacular mountain ranges; marine waters and shorelines of the Pacific Ocean and Puget Sound; rich and diverse forests; the mighty Columbia and many other significant rivers; wide prairies and rich agricultural lands; innumerable and delightful lakes and streams; abundant ground water; safe drinking water; clean and healthy air; native fish and wildlife; migratory birds and whales; and a vast array of plant life; and

WHEREAS, Washington is equally blessed with thoughtful, caring citizens who appreciate these natural resources for their beauty, and depend on them for their intrinsic, economic, recreational, and inspirational values; and

WHEREAS, Washington has been a national leader in citizen involvement and business development in environmental quality, cooperative natural resource management, waste reduction and recycling, toxic and nuclear cleanup, and energy conservation; and

WHEREAS, In commemoration of Earth Day, tens of thousands of Washington residents will participate in events that will educate citizens concerning our state's natural resources and activities that enhance these resources;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that appreciation is expressed to those who are volunteering their time and talents to organize or participate in Earth Day activities; and

BE IT FURTHER RESOLVED, That all citizens are encouraged to use the occasion of Earth Day to renew their commitments to responsible stewardship of Washington's unique, wonderful, and rich natural resources and to participate in the many planned activities in communities throughout the state.

Senators Fraser and Carlson spoke to Senate Resolution 8666.

The Senate was entertained by the Procession of the Species as they marched around the Senate Chamber.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced The Octopus, played by Leaned Thorhild and accompanied by Jim Dawson; The Frog, played by Eli Sterling, founder of the Procession; and the Giraffe, played by Leslie Zen.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Virginia Halter, Chair of the Citizens for Cultural Arts from the Clark County Cultural Affairs Association in Vancouver, and Stephen H. Tai from the Taipei Economic and Cultural Office in Seattle, guests of Senator Benton, who were seated in the back of the Chamber.

MOTION

At 1:22 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 2:21 p.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5579 with the following amendment(s):

On page 8, after line 6, insert the following:

"(6) For the purposes of this section, "limited stop placement" means the ability to suspend admission of a specific category or categories of residents."

On page 8, beginning on line 33, strike all of subsection (2)

Renumber the remaining subsection accordingly

On page 9, after line 15, insert the following:

"NEW SECTION. Sec. 11. A new section is added to chapter 18.20 RCW to read as follows:

(1) When a boarding home contracts with the department to provide adult residential care services, enhanced adult residential care services, or assisted living services under chapter 74.39A RCW, the boarding home must hold a medicaid eligible resident's room or unit when short-term care is needed in a nursing home or hospital, the resident is likely to return to the boarding home, and payment is made under subsection (2) of this section.

(2) The medicaid resident's bed or unit shall be held for up to twenty days. The per day bed or unit hold compensation amount shall be seventy percent of the daily rate paid for the first seven days the bed or unit is held for the resident who needs short-term nursing home care or hospitalization. The rate for the eighth through the twentieth day a bed is held shall be established in rule, but shall be no lower than ten dollars per day the bed or unit is held.

(3) The boarding home may seek third-party payment to hold a bed or unit for twenty-one days or longer. The third-party payment shall not exceed eighty-five percent of the average daily rate paid to the facility. If third-party payment is not available, the medicaid resident may return to the first available and appropriate bed or unit, if the resident continues to meet the admission criteria under this chapter.

(4) The department shall monitor the use and impact of the policy established under this section and shall report its findings to the appropriate committees of the senate and house of representatives by December 31, 2005.

(5) This section shall expire on June 30, 2006."

Renumber the remaining section accordingly.

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Hewitt, Senators Rossi and Schmidt were excused.

MOTION

On motion of Senator Deccio, the Senate concurred in the House amendment to Substitute Senate Bill No. 5579. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5579, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5579, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Brown, Rossi, Schmidt and West - 4.

SUBSTITUTE SENATE BILL NO. 5579, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senators Keiser and Thibaudeau were excused.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5779 with the following amendment(s):
On page 9, line 10, after "believe the" strike "health, safety, or welfare" and insert "best interests", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5779.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5779, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5779, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 43.

Excused: Senators Brown, Keiser, Rossi, Schmidt Thibaudeau and West - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5779, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5133 with the following amendment(s):
On page 15, line 10, after "compact." insert "The governor shall designate the compact administrator from a list of six individuals, three of whom are recommended by the Washington association of juvenile court administrators and three of whom are recommended by the juvenile rehabilitation administration of the department of social and health services."

On page 15, beginning on line 11, after "governor" strike all material through "section" on line 13, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Carlson, the Senate concurred in the House amendments to Substitute Senate Bill No. 5133. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5133, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5133, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 43.

Excused: Senators Brown, Keiser, Rossi, Schmidt Thibaudeau and West - 6.

SUBSTITUTE SENATE BILL NO. 5133, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5811 with the following amendment(s):

On page 1, beginning on line 4, strike all of section 1 and insert:

"**NEW SECTION. Sec. 1.** The legislature finds that a large group of children spend a significant part of their lives in foster care. Each individual connected to a child in an out-of-home placement must have an abiding appreciation of the seriousness of the child's separation from his or her family and the past, whether that separation is short, long, or permanent in nature. It is the intent of the legislature to recognize and honor the history and the family connections that each child brings to an out-of-home placement.

The legislature finds that creating and sanctioning a connection between a child's birth parents and foster family, when appropriate, can result in better relationships among birth families, children, foster families, and social workers. Creating and sanctioning this connection can result in greater foster placement stability and fewer disruptions for children, as well as greater satisfaction for foster parents and social workers."

On page 2, line 25, strike "Mentor" and insert "Assist", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate concurred in the House amendments to Substitute Senate Bill No. 5811. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5811, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5811, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 43.

Excused: Senators Brown, Keiser, Rossi, Schmidt Thibaudeau and West - 6.

SUBSTITUTE SENATE BILL NO. 5811, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Hale was excused.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5190 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**NEW SECTION. Sec. 1.** A new section is added to chapter 82.36 RCW to read as follows:

SEIZURE AND FORFEITURE. (1) The following are subject to seizure and forfeiture:

(a) Motor vehicle fuel imported into this state by a person not licensed in this state in accordance with this chapter to import fuel;

(b) Motor vehicle fuel that is blended or manufactured by a person not licensed in this state in accordance with this chapter to blend or manufacture fuel;

(c) All conveyances that are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) and (b) of this subsection, except where the owner of the conveyance neither had knowledge of nor consented to the transportation of the fuel by an unlicensed importer, blender, or manufacturer of fuel.

(2) Before seizing a common carrier conveyance, contract carrier conveyance, or a conveyance secured by a bona fide security interest where the secured party neither had knowledge of or consented to the unlawful act or omission, the state patrol or the department of licensing shall give the common carrier, contract carrier, or secured party, or their representatives within twenty-four hours, a notice in writing served by mail or other means to cease transporting fuel for any person not licensed to import, blend, or manufacture fuel in this state.

(3) Property subject to forfeiture under this chapter may be seized by the state patrol upon process issued by a superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant; or

(b) The state patrol has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

NEW SECTION. Sec. 2. A new section is added to chapter 82.36 RCW to read as follows:

FORFEITURE PROCEDURE. In all cases of seizure of property made subject to forfeiture under this chapter, the state patrol shall proceed as follows:

(1) Forfeiture is deemed to have commenced by the seizure.

(2) The state patrol shall list and particularly describe in duplicate the conveyance seized. After the appropriate appeal period has expired, a seized conveyance must be sold at a public auction in accordance with chapter 43.19 RCW.

(3) The state patrol shall list and particularly describe in duplicate the fuel seized. The selling price of the fuel seized will be the average terminal rack price for similar fuel, at the closest terminal rack on the day of sale, unless circumstance warrants that a different selling price is appropriate. The method used to value the fuel must be documented. The fuel will be sold at the earliest point in time, and the total price must include all appropriate state and federal taxes. The state patrol or the department may enter into contracts for the transportation, handling, storage, and sale of fuel subject to forfeiture. The money received must be deposited in the motor vehicle account, after deduction for expenses provided for in sections 3 and 9 of this act.

(4) The state patrol shall, within five days after the seizure of a conveyance or fuel, cause notice to be served on the owner of the property seized, if known, on the person in charge of the property, and on any other person having any known right or interest in the property, of the seizure and intended forfeiture. The notice may be served by any method authorized by law or court rule including but not limited to service by mail. If service is by mail it must be by both certified mail with return receipt requested and regular mail. Service by mail is deemed complete upon mailing within the five-day period after the date of seizure.

(5) If no person notifies the state patrol in writing of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the items seized are considered forfeited.

(6) If any person notifies the state patrol, in writing, of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the person or persons must be given a reasonable opportunity to be heard as to the claim or right. The hearing must be before the director of licensing, or the director's designee. A hearing and any appeals must be in accordance with chapter 34.05 RCW. The burden of proof by a preponderance of the evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the items seized. The state patrol and the department shall promptly return the conveyance seized, and money from the sale of fuel seized, to the claimant upon a determination that the claimant is the present lawful owner and is lawfully entitled to possession of the items seized.

NEW SECTION. Sec. 3. A new section is added to chapter 82.36 RCW to read as follows:

FORFEITED PROPERTY--RETENTION, SALE, OR DESTRUCTION--USE OF SALE PROCEEDS. When property is forfeited under this chapter, the state patrol or the department may use the proceeds of the sale and all moneys forfeited for the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. Proper expenses of investigation include costs incurred by a law enforcement agency or a federal, state, or local agency. The balance of the proceeds must be deposited in the motor vehicle account.

NEW SECTION. Sec. 4. A new section is added to chapter 82.36 RCW to read as follows:

RETURN OF SEIZED PROPERTY--PENALTY, INTEREST. (1) The state patrol and the department shall return property seized and proceeds from the sale of fuel under this chapter when it is shown that there was no intention to violate this chapter.

(2) When property is returned under this section, the state patrol and the department shall return the goods to the parties from whom they were seized if and when the parties pay all applicable taxes and interest.

NEW SECTION. Sec. 5. A new section is added to chapter 82.36 RCW to read as follows:

SEARCH AND SEIZURE. When the state patrol has good reason to believe that motor vehicle fuel is being unlawfully imported, kept, sold, offered for sale, blended, or manufactured in violation of this chapter or rules adopted under it, the state patrol may make an affidavit of that fact, describing the place or thing to be searched, before a judge of any court in this state, and the judge shall issue a search warrant directed to the state patrol commanding the officer diligently to search any place or vehicle designated in the affidavit and search warrant, and to seize the fuel and conveyance so possessed and to hold them until disposed of by law, and to arrest the person in possession or control of them.

NEW SECTION. Sec. 6. A new section is added to chapter 82.36 RCW to read as follows:

RULES. The department and the state patrol shall adopt rules necessary to implement sections 1 through 5 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 82.38 RCW to read as follows:

SEIZURE AND FORFEITURE. (1) The following are subject to seizure and forfeiture:

(a) Special fuel imported into this state by a person not licensed in this state in accordance with this chapter to import fuel;

(b) Special fuel that is blended or manufactured by a person not licensed in this state in accordance with this chapter to blend or manufacture fuel;

(c) All conveyances that are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in (a) and (b) of this subsection, except where the owner of the conveyance neither had knowledge of nor consented to the transportation of the special fuel by an unlicensed importer, blender, or manufacturer of fuel.

(2) Before seizing a common carrier conveyance, contract carrier conveyance, or a conveyance secured by a bona fide security interest where the secured party neither had knowledge of or consented to the unlawful act or omission, the state patrol or the department of licensing shall give the common carrier, contract carrier, or secured party, or their representatives within twenty-four hours, a notice in writing served by mail or other means to cease transporting fuel for any person not licensed to import, blend, or manufacture fuel in this state.

(3) Property subject to forfeiture under this chapter may be seized by the state patrol upon process issued by a superior court or district court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an administrative inspection; or

(b) The state patrol has probable cause to believe that the property was used or is intended to be used in violation of this chapter and exigent circumstances exist making procurement of a search warrant impracticable.

NEW SECTION. Sec. 8. A new section is added to chapter 82.38 RCW to read as follows:

FORFEITURE PROCEDURE. In all cases of seizure of property made subject to forfeiture under this chapter, the state patrol shall proceed as follows:

(1) Forfeiture is deemed to have commenced by the seizure.

(2) The state patrol shall list and particularly describe in duplicate the conveyance seized. After the appropriate appeal period has expired, a seized conveyance must be sold at a public auction in accordance with chapter 43.19 RCW.

(3) The state patrol shall list and particularly describe in duplicate the special fuel seized. The selling price of the fuel seized will be the average terminal rack price for similar fuel, at the closest terminal rack on the day of sale, unless circumstance warrants that a different selling price is appropriate. The method used to value the fuel must be documented. The fuel will be sold at the earliest point in time, and the total price must include all appropriate state and federal taxes. The state patrol or the department may enter into contracts for the transportation, handling, storage, and sale of fuel subject to forfeiture. The money received must be deposited in the motor vehicle account, after deduction for expenses provided for in sections 3 and 9 of this act.

(4) The state patrol shall, within five days after the seizure of a conveyance or fuel, cause notice to be served on the owner of the property seized, if known, on the person in charge of the property, and on any other person having any known right or interest in the property, of the seizure and intended forfeiture. The notice may be served by any method authorized by law or court rule including but not limited to service by mail. If service is by mail it must be by both certified mail with return receipt requested and regular mail. Service by mail is deemed complete upon mailing within the five-day period after the date of seizure.

(5) If no person notifies the state patrol in writing of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the items seized are considered forfeited.

(6) If any person notifies the state patrol, in writing, of the person's claim of ownership or right to possession of the items seized within fifteen days of the date of the notice of seizure, the person or persons must be given a reasonable opportunity to be heard as to the claim or right. The hearing must be before the director of licensing, or the director's designee. A hearing and any appeals must be in accordance with chapter 34.05 RCW. The burden of proof by a preponderance of the evidence is upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the items seized. The state patrol and the department shall promptly return the conveyance seized, and money from the sale of fuel seized, to the claimant upon a determination that the claimant is the present lawful owner and is lawfully entitled to possession of the items seized.

NEW SECTION. Sec. 9. A new section is added to chapter 82.38 RCW to read as follows:

FORFEITED PROPERTY--RETENTION, SALE, OR DESTRUCTION--USE OF SALE PROCEEDS. When property is forfeited under this chapter, the state patrol or the department may use the proceeds of the sale and all moneys forfeited for the payment of all proper expenses of any investigation leading to the seizure and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs. Proper expenses of investigation include costs incurred by a law enforcement agency or a federal, state, or local agency. The balance of the proceeds must be deposited in the motor vehicle fund. Property forfeited and sold under this chapter is sold "as is, where is," and the state expresses no warranty or representation of quality or fitness as to the condition of the property. The state will be held harmless with no recourse against the state from any claims arising after the date of the sale of the property.

NEW SECTION. Sec. 10. A new section is added to chapter 82.38 RCW to read as follows:

RETURN OF SEIZED PROPERTY--PENALTY, INTEREST. (1) The state patrol and the department shall return property seized and proceeds from the sale of fuel under this chapter when it is shown that there was no intention to violate this chapter.

(2) When property is returned under this section, the state patrol and the department shall return the goods to the parties from whom they were seized if and when the parties pay all applicable taxes and interest.

NEW SECTION. Sec. 11. A new section is added to chapter 82.38 RCW to read as follows:

SEARCH AND SEIZURE. When the state patrol has good reason to believe that special fuel is being unlawfully imported, kept, sold, offered for sale, blended, or manufactured in violation of this chapter or rules adopted under it, the state patrol may make an affidavit of that fact, describing the place or thing to be searched, before a judge of any court in this state, and the judge shall issue a search warrant directed to the state patrol commanding the officer diligently to search any place or vehicle designated in the affidavit and search warrant, and to seize the fuel and conveyance so possessed and to hold them until disposed of by law, and to arrest the person in possession or control of them.

NEW SECTION. Sec. 12. A new section is added to chapter 82.38 RCW to read as follows:

RULES. The department and the state patrol shall adopt rules necessary to implement sections 7 through 11 of this act.

Sec. 13. RCW 82.36.380 and 2000 2nd space c 4 s 9 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Evade a tax or fee imposed under this chapter;

(b) File a false statement of a material fact on a motor fuel license application or motor fuel refund application;

(c) Act as a motor fuel importer, motor fuel blender, or motor fuel supplier unless the person holds an unconcealed motor fuel license issued by the department authorizing the person to engage in that business;

(d) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(e) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) (~~Evasion of taxes or fees under this chapter~~) A violation of subsection (1) of this section is a class C felony under chapter 9A.20 RCW. In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multi modal transportation account of the state.

Sec. 14. RCW 82.38.270 and 2000 2nd space c 4 s 10 are each amended to read as follows:

(1) It is unlawful for a person or corporation to:

(a) Have dyed diesel in the fuel supply tank of a vehicle that is licensed or required to be licensed for highway use or maintain dyed diesel in bulk storage for highway use, unless the person or corporation maintains an unconcealed dyed diesel user license or is otherwise exempted by this chapter;

(b) Evade a tax or fee imposed under this chapter;

(c) File a false statement of a material fact on a special fuel license application or special fuel refund application;

(d) Act as a special fuel importer, special fuel blender, or special fuel supplier unless the person holds an unconcealed special fuel license issued by the department authorizing the person to engage in that business;

(e) Knowingly assist another person to evade a tax or fee imposed by this chapter;

(f) Knowingly operate a conveyance for the purpose of hauling, transporting, or delivering special fuel in bulk and not possess an invoice, bill of sale, or other statement showing the name, address, and tax license number of the seller or consignor, the destination, the name, address, and tax license number of the purchaser or consignee, and the number of gallons.

(2) (~~Evasion of taxes or fees under this chapter is~~) (a) A single violation of subsection (1)(a) of this section is a gross misdemeanor under chapter 9A.20 RCW.

(b) Multiple violations of subsection (1)(a) of this section and violations of subsections (1)(b) through (f) of this section are a class C felony under chapter 9A.20 RCW.

(3) In addition to other penalties and remedies provided by law, the court shall order a person or corporation found guilty of violating subsection (1)(b) through (f) of this section to:

(a) Pay the tax or fee evaded plus interest, commencing at the date the tax or fee was first due, at the rate of twelve percent per year, compounded monthly; and

(b) Pay a penalty of one hundred percent of the tax evaded, to the multi modal transportation account of the state.

NEW SECTION. Sec. 15. RCW 82.36.306 (Remedies for violation of RCW 82.36.305--Rules--Coloring of fuel exclusively for marine use, samples may be taken) and 1973 c 96 s 4 and 1961 c 15 s 82.36.306 are each repealed.

NEW SECTION. Sec. 16. Captions used in this act are not part of the law.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Benton moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5190 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate refuse to concur in th House amendment to Substitute Senate Bill No. 5190 and asks the House to recede therefrom.

The motion by Senator Benton carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5190 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5310 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.29 RCW to read as follows:

(1) At the time of filing an application for a title insurance agent license, or any renewal or reinstatement of a title insurance agent license, the applicant shall provide satisfactory evidence to the commissioner of having obtained the following as evidence of financial responsibility:

(a) A fidelity bond or fidelity insurance providing coverage in the aggregate amount of two hundred thousand dollars with a deductible no greater than ten thousand dollars covering the applicant and each corporate officer, partner, escrow officer, and employee of the applicant conducting the business of an escrow agent as defined in RCW 18.44.011 and exempt from licensing under RCW 18.44.021(6); and

(b) A surety bond in the amount of ten thousand dollars executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, or some other security approved by the commissioner, unless the fidelity bond or fidelity insurance obtained by the licensee to satisfy the requirement in (a) of this subsection does not have a deductible. The bond shall run to the state of Washington as obligee, and shall run to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its employee's violation of this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the commissioner of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the commissioner. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond is not liable for any penalties imposed on the licensee, including but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090.

(2) For the purposes of this section, a "fidelity bond" means a primary commercial blanket bond or its equivalent satisfactory to the commissioner and written by an insurer authorized to transact this line of business in the state of Washington. The bond shall provide fidelity coverage for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners as defined in the bond, acting alone or in collusion with others. The bond shall be for the sole benefit of the title insurance agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party. The bond shall name the title insurance agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the commissioner and to the title insurance agent.

(3) For the purposes of this section, "fidelity insurance" means employee dishonesty insurance or its equivalent satisfactory to the commissioner and written by an insurer authorized to transact this line of business in the state of Washington. The insurance shall provide coverage for any fraudulent or dishonest acts committed by any one or more of the employees, officers, or owners as defined in the policy of insurance, acting alone or in collusion with others. The insurance shall be for the sole benefit of the title insurance agent and under no circumstances whatsoever shall the insurance company be liable under the insurance to any other party. The insurance shall name the title insurance agent as the named insured and shall protect the named insured against the loss of money or other real or personal property belonging to the named insured, or in which the named insured has a pecuniary interest, or for which the named insured is legally liable or held by the named insured in any capacity, whether the named insured is legally liable therefor or not. The insurance coverage may be canceled by the insurer upon delivery of thirty days' written notice to the commissioner and to the title insurance agent.

(4) The fidelity bond or fidelity insurance, and the surety bond or other form of security approved by the commissioner, shall be kept in full force and effect as a condition precedent to the title insurance agent's authority to transact business in this state, and the title insurance agent shall supply the commissioner with satisfactory evidence thereof upon request.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Benton, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5310 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 8, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5327 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.29.050 and 1997 c 37 s 1 are each amended to read as follows:

Any person licensed as a dental hygienist in this state may remove deposits and stains from the surfaces of the teeth, may apply topical preventive or prophylactic agents, may polish and smooth restorations, may perform root planing and soft-tissue curettage, and may perform other dental operations and services delegated to them by a licensed dentist: PROVIDED HOWEVER, That licensed dental hygienists shall in no event perform the following dental operations or services:

- (1) Any surgical removal of tissue of the oral cavity;
- (2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician, except that a hygienist may place antimicrobials pursuant to the order of a licensed dentist and under the dentist's required supervision;
- (3) Any diagnosis for treatment or treatment planning; or
- (4) The taking of any impression of the teeth or jaw, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliance, or prosthesis.

Such licensed dental hygienists may perform dental operations and services only under the supervision of a licensed dentist, and under such supervision may be employed by hospitals, boards of education of public or private schools, county boards, boards of health, or public or charitable institutions, or in dental offices.

Sec. 2. RCW 69.41.010 and 2000 c 8 s 2 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

- (1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
 - (a) A practitioner; or
 - (b) The patient or research subject at the direction of the practitioner.
- (2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.
- (3) "Department" means the department of health.
- (4) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.
- (5) "Dispenser" means a practitioner who dispenses.
- (6) "Distribute" means to deliver other than by administering or dispensing a legend drug.
- (7) "Distributor" means a person who distributes.
- (8) "Drug" means:
 - (a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;
 - (b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;
 - (c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and
 - (d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.
- (9) "Electronic communication of prescription information" means the communication of prescription information by computer, or the transmission of an exact visual image of a prescription by facsimile, or other electronic means for original prescription information or prescription refill information for a legend drug between an authorized practitioner and a pharmacy or the transfer of prescription information for a legend drug from one pharmacy to another pharmacy.
- (10) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.
- (11) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order.
- (12) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based setting specified in RCW 69.41.085 to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. The nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined, in consultation with the individual or the individual's representative, that such medication assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications.
- (13) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- (14) "Practitioner" means:
 - (a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, ((ø#)) a pharmacist under chapter 18.64 RCW, or, when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;
 - (b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and
 - (c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.
- (15) "Secretary" means the secretary of health or the secretary's designee. ", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Deccio moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5327. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Deccio that the Senate concur in the House amendment to Substitute Senate Bill No. 5327.

The motion by Senator Deccio carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5327.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5327, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5327, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 42.

Excused: Senators Brown, Hale, Keiser, Rossi, Schmidt, Thibaudeau and West - 7.

SUBSTITUTE SENATE BILL NO. 5327, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Parlette was excused.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5218 with the following amendment(s):

On page 2, line 11, after "mailed." strike all words through "candidates." on line 14., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5218.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach that the Senate concur in the House amendment to Substitute Senate Bill No. 5218.

The motion by Senator Roach carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5218.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5218, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5218, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 42.

Excused: Senators Brown, Keiser, Parlette, Rossi, Schmidt, Thibaudeau and West - 7.

SUBSTITUTE SENATE BILL NO. 5218, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5305 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that not all mineral resources of long-term commercial significance can be used as construction aggregates and not all regions of the state have sufficient supplies of construction aggregates. As a result, projects may not be completed timely, economically, and with the quality of aggregates necessary for long-term durability.

(2)(a) A committee is created to study the state's need for aggregate as recognized under subsection (1) of this section. The committee is comprised of the following:

- (i) The state geologist, representing the department of natural resources, who shall serve as chair;
- (ii) A representative of the association of general contractors;
- (iii) A representative of the governor;
- (iv) A representative of the Washington chapter of the American public works association;
- (v) An operating engineer representing the building and trades council;
- (vi) A representative of the aggregate and concrete association; and

(vii) Representatives from three counties, including a county from east of the crest of the Cascade mountains, a highly urbanized county with aggregate supplies and affiliated industries within its urban area, and a rural county with aggregate supplies and affiliated industries within its agricultural, forested, or other rural areas.

(b) The committee shall:

(i) Determine whether the goals and requirements under chapter 36.70A RCW are being met with regard to the identification, designation, and supply of aggregate necessary to meet the twenty-year comprehensive plans and whether sufficient quality and quantity of aggregate is available to meet the transportation elements of the department of transportation, county, city, or municipal projects, and private projects;

(ii) Determine whether environmental review procedures allow the efficient processing of permit applications without reducing environmental protection and without undermining the expectation that a successful project will receive a permit in a timely manner;

(iii) Ensure the state has competitive and efficient industries by evaluating and identifying areas of redundant, duplicative, and costly regulations and suggesting remedies to eliminate those inefficient impediments;

(iv) Consider how the aggregate and affiliated industries should be regulated; and

(v) No later than December 15, 2003, prepare and submit to the legislature its findings and any legislation necessary.

(3) The department of transportation and the department of community, trade, and economic development shall provide technical and staff support from existing staff.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Mulliken, the Senate concurred in the House amendment to Substitute Senate Bill No. 5305.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5305, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5305, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 41.

Voting nay: Senator Poulsen, - 1.

Excused: Senators Brown, Keiser, Parlette, Rossi, Schmidt, Thibaudeau and West - 7.

SUBSTITUTE SENATE BILL NO. 5305, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTION SENATE BILL NO. 5520 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 39.10.020 and 2001 c 328 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; (~~and~~) those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115; and the state ferry system.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

Sec. 2. RCW 39.10.051 and 2002 c 46 s 1 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design- build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the state ferry system; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and every port district with total revenues greater than fifteen million dollars per year. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(2) Public bodies authorized under this section may utilize the design-build procedure for public works projects valued over ten million dollars where:

(a) The construction activities or technologies to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or
(b) The project design is repetitive in nature and is an incidental part of the installation or construction; or
(c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.

(3) Public bodies authorized under this section may also use the design-build procedure for the following projects that meet the criteria in subsection (2)(b) and (c) of this section:

(a) The construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost; or
(b) The construction of new student housing projects valued over five million dollars.

(4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and location of the request for proposal documents. The request for proposal documents shall include:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal;

(e) The form of the contract to be awarded;

(f) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and

(g) Other information relevant to the project.

(5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.

(a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. The public body shall initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.

(6) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects.

(7)(a) The authority provided to the state ferry system in this section is limited to projects concerning construction, renovation, preservation, demolition, and reconstruction of ferry terminals and associated land-based facilities.

(b) Before using the procedures outlined in this chapter for construction, renovation, or preservation projects, the state ferry system shall complete a request for proposal process to identify and select possible public or private partnerships in order to maximize the value of the project and the state's investment.

(I) The request for proposal shall consist of an open solicitation outlining functional specifications to be used as the basis for selecting partnerships in the project. Any responses to the request for proposal shall be evaluated, at a minimum, on the basis of compatibility with the state ferry system's core business, potential to maximize nonfarebox revenue, longevity of the possible partnership commitment, and benefit to the public users of the ferry system facilities.

(ii) If no responses are received, or those that are received are incompatible with ferry system operations, or do not meet the criteria stated in (b)(I) of this subsection, the state ferry system may proceed with the project while continuing to achieve state ferry system objectives without established partnerships.

Sec. 3. RCW 39.10.061 and 2002 c 46 s 2 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:

(a) Implementation of the project involves complex scheduling requirements; or

(b) The project involves construction at an existing facility which must continue to operate during construction; or

(c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general

contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

- (a) Adequate financial resources or the ability to secure such resources;
- (b) History of successful completion of a contract of similar type and scope;
- (c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;
- (d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;
- (e) Ability to accurately estimate the subcontract bid package scope of work;
- (f) Ability to meet subcontract bid package shop drawing and other coordination procedures;
- (g) Eligibility to receive an award under applicable laws and regulations; and
- (h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

- (7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:
- (a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;
 - (b) The bid opening is managed by the public body; and
 - (c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

(9) The authority provided to the state ferry system in this section is limited to projects concerning construction, renovation, preservation, demolition, and reconstruction of ferry terminals and associated land-based facilities., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Horn moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5520 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5520 and asks the House to recede therefrom.

The motion by Senator Horn carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5520 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5474 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to assist children in the care of kin to access appropriate medical and education services. Children being raised by kin have faced barriers to medical care and school attendance because their kinship caregivers have not been able to verify that they are the identified primary caregivers of these children. Such barriers pose an especially significant challenge to kinship caregivers in dealing with school officials and health professionals when children are left in their care with little warning. To assist kinship caregivers in executing adequate and appropriate decisions regarding the educational and medical needs of a child in their care, a kinship caregiver's authorization affidavit is hereby created.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 5 of this act.

(1) "Kinship caregiver" means a person eighteen years of age or older who provides kinship care services to a child who resides with the caregiver and to whom the child is related by blood, adoption, marriage, or former marriage, including a brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great."

(2) "Kinship care services" means parent-like services and support provided to a child by a kinship caregiver.

(3) For a child defined as an "Indian child" under the federal Indian child welfare act, 25 U.S.C. Sec. 1901 et seq., the definition of "extended family member" under the federal Indian child welfare act shall apply.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) A kinship caregiver who completes items 1 through 10 of the affidavit provided in section 5 of this act and signs the affidavit is authorized to enroll a child in school and consent to school-related medical care on behalf of the child in his or her care.

(2) A kinship caregiver who completes item 11 of the affidavit provided in section 5 of this act and signs the affidavit is authorized to consent, on behalf of the child in his or her care, to dental care and such medical care as necessary to preserve the life or health of the child.

(3) The affidavit shall not be valid if a kinship caregiver is unlawfully harboring a minor, pursuant to RCW 13.32A.080.

(4) The affidavit shall be in effect for twelve months after the date on which it is executed, and renewable every twelve months thereafter.

(5) The authority of a kinship caregiver to consent to or to refuse medical or dental care for a child is subordinate to any decision of the parent or other person having legal custody of the child, provided the decision of the parent or other person having legal custody of the child does not jeopardize the life, health, or safety of the child.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) A person who acts in good faith reliance on a kinship caregiver's authorization affidavit, provided in section 5 of this act, to provide education services or medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for such good faith reliance if the applicable portions of the affidavit are completed. This section applies even if education services or medical or dental care are provided to a child in contravention of the wishes of the parent or other person having legal custody of the child as long as the person providing the education services or medical or dental care has no actual knowledge of the wishes of the parent or other person having legal custody of the child.

(2) A person who relies on the affidavit has no obligation to make any further inquiry or investigation.

(3) Nothing in this section relieves any person from liability for violations of other provisions of law.

(4) If the child ceases to reside with the kinship caregiver, the kinship caregiver shall notify within three days, excluding weekends and holidays, any and every school, health care provider, carrier, or other person or entity to whom the kinship caregiver has provided the affidavit that the child no longer resides with the caregiver. No further consent to school enrollment or medical care shall be given by the former kinship caregiver once the child ceases to reside with the former caregiver.

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

The kinship caregiver's authorization affidavit must be in substantially the following form:

Kinship Caregiver's Authorization Affidavit
Use of this affidavit is authorized by RCW 74.13. --- (section 3 of this act).

Instructions: Completion of items 1 through 10 and the signing of the affidavit is required in order to authorize enrollment of a child in school and authorize school-related medical care. Completion of item 11 is required to authorize any other medical care. Completion of Section A and Section B, C, D, or E, as applicable, is additionally required for the affidavit to be valid. Print clearly.

The child named below resides with me and I am eighteen years of age or older.

1. Name of child:

2. Child's birth date:

3. My name (adult executing this document):

4. My home address:

5. My telephone numbers:

6. My date of birth:

7. My driver's license or state identification card number:

8. I do not have a driver's license or state identification card number, and instead offer the following government-issued identification:

(Document and number)

9. () I am the kinship caregiver for the child named in this form (check the box at the beginning of this item). My relationship to the child is

10. Check one or both of the following (for example if one parent can be located and the other cannot):

() I have advised the parent(s) or other person(s) having legal custody of the child of my intent to enroll the child in school and to consent to school-related medical care. The parent(s) or legal custodian(s) did not object to my assumption of this authority.

Name/address of parent(s) or legal custodian(s) who were notified:

Date of notification:

() I was unable to contact the parent(s) or other person(s) having legal custody of the child to notify them of my intent to assume this authority to enroll the child in school and consent to school- based medical care.

11. Check one or both of the following (for example if one parent can be located and the other cannot):

() I have advised the parent(s) or other person(s) having legal custody of the child of my intent to consent to medical care for the child. The parent(s) or legal custodian(s) did not object to my assumption of this authority.

Name/address of parent(s) or legal custodian(s) who were notified:

Date of notification:

() I was unable to contact the parent(s) or other person(s) having legal custody of the child to notify them of my intent to assume this authority to consent to medical care.

TO THE KINSHIP CAREGIVER:

If the parent(s) or legal custodian(s) cannot be located pursuant to item 10 or item 11 of this form, you must complete Section A below as proof of your efforts to reach the parent(s) or legal custodian(s). In addition, you must also complete one of the following: Section B, C, D, or E. It is required that you provide the information and complete the described action applicable to the appropriate sections.

Required Section A:

A. () I have sent a certified letter/notice to the parent(s) or legal custodian(s) of the child at their last known address. This letter/notice informed the parent(s) or legal custodian(s) that I intend to act as a caregiver and take educational or medical responsibility for the child. That letter/notice is attached along with the certified mail receipt documenting that the letter was not deliverable because the parent(s) or legal custodian(s) of the child was not at this location.

Required Section B, C, D, or E (mark at least one of the following):

B. () I, or a person acting on my behalf, (name) visited the last known address of the parent(s) or legal custodian(s).

Describe what was found at that visit. Include the following: The name of the person spoken to; that person's relationship to the parent(s) or legal custodian(s); what that person said; and any other related information that clarifies the situation.

OR

C. () I, or a person acting on my behalf, (name) attempted to determine the location of the parent(s) or legal custodian(s) by contacting their places of employment, health care providers, or friends.

Describe the results of your inquiry. Include the following: The name of the employers, health care providers, or friends; and those individuals' responses to your request for the location of the parent(s) or legal custodian(s).

OR

D. () I placed a notice in a newspaper informing the parent(s) or legal custodian(s) of (child's name) that I intend to take educational or medical responsibility for the child.

Eight days after publication, describe the results of the notice. Include the response that you received or the lack of response. Attach a copy of the notice, being sure to include a portion of the newspaper with the date that the notice was printed.

OR

E. () I am attaching documents or confirmations that show that the parent(s) or legal custodian(s) cannot be found. Attach any supporting documents.

Warning: Signing this form if any of the statements above are incorrect may subject you to criminal or civil liability or both.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: Signed:

Notices:

1. This declaration does not affect the rights of the child's parents or legal guardian regarding the care, custody, and control of the child, and does not mean that the kinship caregiver has legal custody of the child.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

3. The authority of the kinship caregiver executing this affidavit to consent to school enrollment or medical care shall expire not later than twelve months after the date on which it is executed.

Additional Information:

TO KINSHIP CAREGIVERS:

1. "Kinship caregiver" means a person eighteen years of age or older who provides kinship care services to a child who resides with the caregiver and to whom the caregiver is related by blood, adoption, marriage, or former marriage, including a brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great."

2. If the child ceases to reside with you, you are required to notify within three days, excluding weekends and holidays, every school, health care provider, carrier, or other person or entity to whom you have provided the affidavit.

3. Once the child ceases to reside with you, your authority to consent to school enrollment or medical care ends immediately and you are no longer allowed to make decisions on those matters.

4. It is a gross misdemeanor under RCW 13.32A.080 to unlawfully harbor a minor.

TO SCHOOL OFFICIALS:

1. This affidavit constitutes a sufficient basis for a determination of residency of the child, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the child is not residing with the kinship caregiver.

2. The school district may require additional reasonable evidence that the kinship caregiver resides at the address stated in the affidavit.

TO HEALTH CARE PROVIDERS AND CARRIERS:

1. A person who acts in good faith reliance on a kinship caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for such reliance if the applicable portions of the affidavit are completed.

2. This affidavit does not create the status of dependent for health care coverage purposes."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5474 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 8, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5248 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

"PART I ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES

NEW SECTION. Sec. 101. The legislature finds that there is a pressing need for additional transportation projects to meet the mobility needs of Washington's citizens. With major new investments approved to meet these pressing needs, additional workforce assistance is necessary to ensure and enhance project delivery timelines. Recruiting and retaining a high quality workforce, and implementing new and innovative procedures for delivering these transportation projects, is required to accomplish them on a timely basis that best serves the public. It is the intent of sections 103 and 104 of this act that no state employees will lose their employment as a result of implementing new and innovative project delivery procedures.

NEW SECTION. Sec. 102. A new section is added to chapter 47.28 RCW to read as follows:

The definitions in this section apply throughout section 103 of this act and RCW 41.06.380 unless the context clearly requires otherwise.

(1) "Construction services" means those services that aid in the delivery of the highway construction program and include, but are not limited to, real estate services and construction engineering services.

(2) "Construction engineering services" include, but are not limited to, construction management, construction administration, materials testing, materials documentation, contractor payments and general administration, construction oversight, and inspection and surveying.

NEW SECTION. Sec. 103. A new section is added to chapter 47.28 RCW to read as follows:

(1) The department of transportation shall work with representatives of transportation labor groups to develop a financial incentive program to aid in retention and recruitment of employee classifications where problems exist and program delivery is negatively affected. The department's financial incentive program must be reviewed and approved by the legislature before it can be implemented. This program must support the goal of enhancing project delivery timelines as outlined in section 101 of this act. Upon receiving approval from the legislature, the department of personnel shall implement, as required, specific aspects of the financial incentive package, as developed by the department of transportation.

(2) Notwithstanding chapter 41.06 RCW, the department of transportation may acquire services from qualified private firms in order to deliver the transportation construction program to the public. Services may be acquired solely for augmenting the department's workforce capacity and only when the department's transportation construction program cannot be delivered through its existing or readily available workforce. The department of transportation shall work with representatives of transportation labor groups to develop and implement a program identifying those projects requiring contracted services while establishing a program as defined in subsection (1) of this section to provide the classified personnel necessary to deliver future construction programs. The procedures for acquiring construction engineering services from private firms may not be used to displace existing state employees nor diminish the number of existing classified positions in the present construction program. The acquisition procedures must be in accordance with chapter 39.80 RCW.

(3) Starting in December 2004, and biennially thereafter, the secretary shall report to the transportation committees of the legislature on the use of construction engineering services from private firms authorized under this section. The information provided to the committees must include an assessment of the benefits and costs associated with using construction engineering services, or other

services, from private firms, and a comparison of public versus private sector costs. The secretary may act on these findings to ensure the most cost-effective means of service delivery.

Sec. 104. RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter shall prohibit any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

(2) Nothing contained in this chapter prohibits the department of transportation from purchasing construction services or construction engineering services, as those terms are defined in section 102 of this act, by contract from qualified private businesses as specified in section 103(2) of this act.

PART II APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS

NEW SECTION. Sec. 201. (1) The legislature finds that a skilled technical workforce is necessary for maintaining, preserving, and improving Washington's transportation system. The Blue Ribbon Commission on Transportation found that state and local transportation agencies are showing signs of a workforce that is insufficiently skilled to operate the transportation system at its highest level. Sections 201 through 206 of this act are intended to explore methods for fostering a stronger industry in transportation planning and engineering.

(2) It is the intent of the legislature that the state prevailing wage process operate efficiently, that the process allow contractors and workers to be paid promptly, and that new technologies and innovative outreach methods be used to enhance wage surveys in order to better reflect current wages in counties across the state.

(3) The legislature finds that in order to enhance the prevailing wage process it is appropriate for all intent and affidavit fees paid by contractors be dedicated to the sole purpose of administering the state prevailing wage program.

(4) To accomplish the intent of this section and in order to enhance the response of businesses and labor representatives to the prevailing wage survey process, the department of labor and industries shall undertake the following activities:

(a) Establish a goal of conducting surveys for each trade every three years;

(b) Actively promote increased response rates from all survey recipients in every county both urban and rural. The department shall provide public education and technical assistance to businesses, labor representatives, and public agencies in order to promote a better understanding of prevailing wage laws and increased participation in the prevailing wage survey process;

(c) Actively work with businesses, labor representatives, public agencies, and others to ensure the integrity of information used in the development of prevailing wage rates, and ensure uniform compliance with requirements of sections 201 through 206 of this act;

(d) Maintain a timely processing of intents and affidavits, with a target processing time no greater than seven working days from receipt of completed forms;

(e) Develop and implement electronic processing of intents and affidavits and promote the efficient and effective use of technology to improve the services provided by the prevailing wage program.

NEW SECTION. Sec. 202. A new section is added to chapter 49.04 RCW to read as follows:

The apprenticeship council shall work with the department of transportation, local transportation jurisdictions, local and statewide joint apprenticeships, other apprenticeship programs, representatives of labor and business organizations with interest and expertise in the transportation workforce, and representatives of the state's universities and community and vocational colleges to establish technical apprenticeship opportunities specific to the needs of transportation. The council shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2003. The report must include, but not be limited to, findings and recommendations regarding the establishment of transportation technical training programs within the community and vocational college system and in the state universities.

NEW SECTION. Sec. 203. A new section is added to chapter 47.01 RCW to read as follows:

The department of transportation shall work with local transportation jurisdictions and representatives of transportation labor groups to establish a human resources skills bank of transportation professionals. The skills bank must be designed to allow all transportation authorities to draw from it when needed. The department shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2003. The report must include, but not be limited to, identification of any statutory or administrative rule changes necessary to create the skills bank and allow it to function in the manner described.

NEW SECTION. Sec. 204. A new section is added to chapter 47.06 RCW to read as follows:

The state interest component of the statewide multi modal transportation plan must include a plan for enhancing the skills of the existing technical transportation workforce.

NEW SECTION. Sec. 205. The department of labor and industries, in cooperation with the department of transportation, shall conduct an assessment of the current practices, including survey techniques, used in setting prevailing wages for those trades related to transportation facilities and transportation project delivery. The assessment must include an analysis of regional variations and stratified random sampling survey methods. A final report must be submitted to the governor and the transportation and labor committees of the senate and house of representatives by July 1, 2003.

NEW SECTION. Sec. 206. A new section is added to chapter 39.12 RCW to read as follows:

(1) In establishing the prevailing rate of wage under RCW 39.12.010, 39.12.015, and 39.12.020, all data collected by the department may be used only in the county for which the work was performed.

(2) This section applies only to prevailing wage surveys initiated on or after August 1, 2003.

NEW SECTION. Sec. 207. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated from the public works administration account to the department of labor and industries for the biennium ending June 30, 2005, to carry out the purposes of sections 201, 205, and 206 of this act.

PART III TRANSPORTATION PLANNING AND EFFICIENCY

NEW SECTION. Sec. 301. The legislature finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition. Given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.

Sec. 302. RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended to read as follows:

Every municipal corporation which owns or operates an urban public transportation system as defined in RCW 47.04.082 within its corporate limits((-)) may acquire, construct, extend, own, or operate such urban public transportation system to any point or points not

to exceed fifteen miles outside of its corporate limits: PROVIDED, That no municipal corporation shall extend its urban public transportation system beyond its corporate limits to operate in any territory already served by a privately operated auto transportation company holding a certificate of public convenience and necessity from the utilities and transportation commission.

As a condition of receiving state funding, the municipal corporation shall submit a maintenance management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the municipality, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 303. A new section is added to chapter 36.56 RCW to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 304. A new section is added to chapter 36.57A RCW to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 305. A new section is added to chapter 46.68 RCW to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the transportation commission or its successor entity.

NEW SECTION. Sec. 306. A new section is added to chapter 81.112 RCW to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 307. A new section is added to chapter 36.78 RCW to read as follows:

The county road administration board, or its successor entity, shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity.

NEW SECTION. Sec. 308. Part headings used in this act are not part of the law.

NEW SECTION. Sec. 309. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 310. This act is null and void if new transportation revenues do not become law by January 1, 2004."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5248.

MOTION

On motion of Senator Sheahan, further consideration of Substitute Senate Bill No. 5248 was deferred.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5694 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that environmental review and permitting, especially as applied to complex or controversial projects, can be characterized by multiple overlapping agency authorities, as a result of multiple governing statutes, generally adopted in isolation from one another, whose purposes and requirements may not be integrated and cause correspondingly uncoordinated implementation by administrative agencies. As a result, numerous and differing project descriptions, inconsistent administrative records, unproductive and redundant requirements, delays, and disproportionate costs caused by all of these may impede the making of sound and expeditious decisions by agencies and appropriate project changes by permit applicants, contrary to the intent and purpose of environmental review and permitting and the interests of permit applicants and the public.

A single project may be governed by local, state, federal, and tribal laws. A single project may be subject to all of the following requirements and others not listed here: (1) Federal section 404 permit, section 7 consultation, essential fish habitat consultation, section 401 water quality certification, section 402 waste discharge permit, section 402 general permit, section 4(f) parks and recreational lands use approval, superfund clean-up requirements, air quality conformity, underground storage tank removal, and coastal zone management program consistency certification; (2) state storm water pollution control plan approval, hydraulic project approval, aquatic lands use approval, historic and archaeological approval, archaeological excavation and removal permit, state model toxics control act clean-up requirements, asbestos removal, and air quality operating permit; and (3) local shoreline substantial development permit, conditional use permit or variance, shoreline design review, critical areas ordinance review, historic district approval, street use permit, demolition permit, grading permit, noise variance, storm water and drainage control approval, and utility approval.

The legislature finds that the public, as well as permit applicants, agencies, and affected parties, will benefit from an environmental review and permitting system that integrates and makes easily accessible the requirements and documentation for agency decision making, facilitating timely and effective participation in the process.

NEW SECTION. Sec. 2. The legislature intends to proceed in steps to develop and adopt an integrated permit system, working through the office of permit assistance, in cooperation with the department of transportation, the transportation permit efficiency and accountability committee, and local, state, federal, and tribal regulatory agencies. When implemented, the integrated permit system would integrate project design, environmental review, permitting, and mitigation elements into a single process. Major components of the

integrated permit system are a unified project decision support document and a unified project administrative procedure. A unified project decision support document is intended to be a single document proactively developed to support and satisfy all needs for information, analysis, and evaluation; document and justify incremental project decisions; inform the public and interested parties; and support integration of project design, environmental review, permitting, and mitigation elements. A unified project administrative procedure is intended to harmonize, reduce, or eliminate duplicative or conflicting procedural requirements for environmental analysis, agency decision making, and public review and comment. A unified project decision support document might be implemented by intergovernmental agreement under existing law. A unified project administrative procedure may require changes to existing law.

The integrated permit system, including the unified project decision support document and unified project administrative procedure, will not modify or change any agency's substantive regulatory authority including that agency's responsibility and authority to issue and condition its specific permit(s). The integrated permit system will promote procedural changes which lead to greater efficiency while maintaining environmental and community safeguards. In developing new approaches for public involvement, care shall be taken to maintain or enhance the quality of public involvement opportunities.

The legislature intends by this act to authorize, through a pilot project, development of a guidance document for implementation of a unified project decision support document and development of recommendations for an integrated permit system and for changes to existing law needed for implementation of a unified project administrative procedure.

NEW SECTION. Sec. 3. (1) By December 1, 2005, the office of permit assistance shall develop a guidance document for creating a unified project decision support document for state and federal agencies and local governments that will be sufficient to support all regulatory decision making.

The office shall, in consultation with the department of transportation and the transportation permit efficiency and accountability committee, test and, as necessary, revise and add to the "unified permit binder" currently being developed by the department of transportation to provide a standardized outline, checklists, and templates for preparation of a single master support document for all regulatory decision making concerning a project. The office shall address regulatory decision-making processes under existing substantive authorities and administrative procedures, applicable existing statutory requirements for environmental review and permitting, information necessary for decision making, and existing requirements for public and agency involvement and its documentation. The resulting document shall be designed to be a complete, concise, and logically organized guidance document for creating a unified project decision support document for state and federal agencies and local governments.

(2) By December 1, 2005, the office shall develop recommendations for an integrated permit system to integrate the procedural aspects of project design, environmental review, permitting, and mitigation; develop recommendations for legislative changes to statutory authorizations and administrative procedures needed to establish the system; and develop detailed recommendations for full-scale testing of the system through one or more pilot projects.

The elements of the integrated permit system shall include use of a unified project decision support document available on the internet for purposes of public review and comment and for decision making by agencies and local governments with jurisdiction over the project; a unified project administrative procedure for regulatory decision making that harmonizes, reduces or eliminates duplicative, or conflicting procedural requirements for environmental analysis, public review and comment.

(3) The office shall fulfill the requirements of subsections (1) and (2) of this section using a pilot project of economic development significance, after obtaining agreement to participate in the pilot project from the project proponent and the state agencies and local governments with jurisdiction. As needed, the office may also seek agreement to participate from federal and tribal agencies with jurisdiction.

(4) The office shall submit a report to the standing legislative committees with jurisdiction by December 1, 2003, and December 1, 2004, regarding progress on subsections (1) and (2) of this section and by December 1, 2005, upon completion of subsections (1) and (2) of this section.

NEW SECTION. Sec. 4. (1) A unified project administrative procedure is the common, integrated process used for the development of a project-specific unified project decision support document.

(2) A unified permit binder is the same as a unified project decision support document.

(3) A unified project decision support document is a single document that contains and integrates all project-specific application, design, environmental review, permitting and mitigation analyses and evaluations needed to support permitting and regulatory decisions.

NEW SECTION. Sec. 5. This act expires December 31, 2005.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Swecker, the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5694.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5694, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5694, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senator Hargrove - 1.

Excused: Senators Rossi, Schmidt and West - 3.

SECOND SUBSTITUTE SENATE BILL NO. 5694, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

April 14, 2003

The House has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402 with the following amendment(s):

On page 2, line 6, after "(2)" insert "Members of the house of representatives and the senate;"

On page 2, line 19, after "Director of" insert "community,"

Renumber the remaining subsections consecutively

On page 2, line 23, after "(14)" strike all material through "representatives;" on line 26, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate refuses to concur in the House amendments to Substitute Senate Concurrent Resolution No. 8402 and asks the House to recede therefrom.

MOTION

On motion of Senator Hewitt, Senator Finkbeiner was excused.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5716 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.0921 and 1990 c 210 s 3 are each amended to read as follows:

(1) It is a misdemeanor for any person:

~~((1))~~ (a) To display or cause or permit to be displayed or have in his or her possession any fictitious or fraudulently altered driver's license or identicard;

~~((2))~~ (b) To lend his or her driver's license or identicard to any other person or knowingly permit the use thereof by another;

~~((3))~~ (c) To display or represent as one's own any driver's license or identicard not issued to him or her;

~~((4))~~ (d) Willfully to fail or refuse to surrender to the department upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled;

~~((5))~~ (e) To use a false or fictitious name in any application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

~~((6))~~ (f) To permit any unlawful use of a driver's license or identicard issued to him or her.

~~(2) It is a class C felony for any person to sell or deliver a stolen driver's license or identicard.~~

~~(3) It is unlawful for any person to manufacture, sell, or deliver a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identicard, or to manufacture, sell, or deliver a blank driver's license or identicard except under the direction of the department. A violation of this subsection is:~~

~~(a) A class C felony if committed (i) for financial gain or (ii) with intent to commit forgery, theft, or identity theft; or~~

~~(b) A gross misdemeanor if the conduct does not violate (a) of this subsection.~~

~~(4) Notwithstanding subsection (3) of this section, it is a misdemeanor for any person under the age of twenty-one to manufacture or deliver fewer than four forged, fictitious, counterfeit, or fraudulently altered driver's licenses or identicards for the sole purpose of misrepresenting a person's age.~~

~~(5) In a proceeding under subsection (2), (3), or (4) of this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.", and the same are herewith transmitted.~~

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5716.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment to Substitute Senate Bill No. 5716 .

The motion by Senator Benton carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5716.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5716, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5716, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Finkbeiner, Rossi, Schmidt and West - 4.
SUBSTITUTE SENATE BILL NO. 5716, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 2, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5748 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is essential that the legislature improve the accountability and efficiency of transportation-related agencies and measure transportation system performance against benchmarks established in chapter 5, Laws of 2002. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects and services. To accomplish this, the legislative transportation committee will oversee a system of transportation performance reviews and audits established to provide oversight and accountability of transportation agencies.

NEW SECTION. Sec. 2. A new section is added to chapter 44.40 RCW to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Committee" means the legislative transportation committee.
(2) "Legislative auditor" has the meaning contained in chapter 44.28 RCW.
(3) "Performance audit" has the meaning contained in chapter 44.28 RCW.
(4) "Performance review" means an evaluation of how a state agency uses its performance measures to assess the outcomes of its legislatively authorized activities.

(5) "Program audit" has the meaning contained in chapter 44.28 RCW.

(6) "Transportation-related agencies" means any state agency, board, or commission that receives funding primarily for transportation-related purposes. At a minimum, the department of transportation, the Washington state patrol, the department of licensing, the transportation improvement board or its successor entity, the county road administration board or its successor entity, and the traffic safety commission are considered transportation-related agencies.

NEW SECTION. Sec. 3. A new section is added to chapter 44.40 RCW to read as follows:

(1) The legislative transportation committee shall review the performance and outcome measures of transportation-related agencies. The purpose of these reviews is to ensure that the legislature has the means to adequately and accurately assess the performance and outcomes of those agencies and departments. Where two or more agencies have shared responsibility for functions or priorities of government, the performance reviews may also determine whether effective interagency cooperation and collaboration occurs in areas such as program coordination, administrative structures, information systems, and administration of grants and loans.

(2) In conducting these reviews, the legislative transportation committee may work with the joint legislative audit and review committee, the office of financial management, and other state agencies as needed.

(3) The committee shall determine the occurrence and frequency of the performance reviews. In setting the schedule and the extent of performance reviews, the committee shall consider the timing and results of other recent state, federal, and independent reviews and audits, the seriousness of past findings, any inadequate remedial action taken by an agency or department, whether an agency or department lacks performance and outcome measures, and the desirability to include a diverse range of agencies or programs each year.

NEW SECTION. Sec. 4. A new section is added to chapter 44.40 RCW to read as follows:

The performance reviews by the committee may include, but are not limited to:

(1) A determination of whether the performance and outcome measures are consistent with legislative mandates, strategic plans, mission statements, and goals and objectives, and whether the legislature has established clear mandates, strategic plans, mission statements, and goals and objectives that lend themselves to performance and outcome measurement;

(2) An examination of how agency management uses the measures to manage resources in an efficient and effective manner;

(3) An assessment of how performance benchmarks are established for the purpose of assessing overall performance compared to external standards and benchmarks;

(4) An examination of how an analysis of the measurement data is used to make planning and operational improvements;

(5) A determination of how performance and outcome measures are used in the budget planning, development, and allotment processes and the extent to which the agency is in compliance with its responsibilities under RCW 43.88.090;

(6) A review of how performance data are reported to and used by the legislature both in policy development and resource allocation;

(7) An assessment of whether the performance measure data are reliable and collected in a uniform and timely manner;

(8) A determination of whether targeted funding investments and established priorities of government actually produce the intended and expected services and benefits; and

(9) Recommendations as necessary or appropriate.

NEW SECTION. Sec. 5. A new section is added to chapter 44.40 RCW to read as follows:

(1) After reviewing the performance or outcome measures and benchmarks of a transportation-related agency or department, or at any time it so determines, the committee shall determine if a full performance or program audit of an agency or department, or a specific program within the agency or department, is appropriate. The committee, or its executive committee, may request the joint legislative audit and review committee to conduct performance or program audits, or it may retain a private consultant to do so. The committee shall pay for all costs associated with audits requested and pursued by them.

(2) In addition to the definitions in this chapter of what a performance or program audit is comprised of, the audits sought by the committee may also assess activity areas. Audits of this nature would be designed to augment the information collected under a performance or program audit and would at a minimum, include identifying the entities and agencies involved in or connected to a specific activity, and assessing and determining the impact the activity has on each entity and agency involved.

NEW SECTION. Sec. 6. A new section is added to chapter 44.40 RCW to read as follows:

In conducting performance or program audits, the legislative auditor with the joint legislative audit and review committee, or the private consultant retained by the committee, shall determine in writing the scope of an audit requested by the committee or its executive committee. The committee, or its executive committee, must approve the final scope of the audit. In determining the scope, the legislative auditor and the committee, or its executive committee, shall consider inclusion of the following elements:

(1) Identification of potential cost savings in the agency, its programs, and its services;

(2) Identification and recognition of best practices;

(3) Identification of funding to the agency, to programs, and to services that can be eliminated or reduced;

(4) Identification of programs and services that can be eliminated, reduced, or transferred to the private sector;

(5) Analysis of gaps and overlaps in programs and services and recommendations for improving, dropping, blending, or separating functions to correct gaps or overlaps;

- (6) Analysis and recommendations for pooling information technology systems;
- (7) Analysis of the roles and functions of the agency, its programs, and its services and their compliance with statutory authority and recommendations for eliminating or changing those roles and functions and ensuring compliance with statutory authority;
- (8) Recommendations for eliminating or changing statutes, rules, and policy directives as may be necessary to ensure that the agency carry out reasonably and properly those functions expressly vested in the department by statute; and
- (9) Verification of the reliability and validity of department performance data, self-assessments, and performance measurement systems as required under RCW 43.88.090.

NEW SECTION. Sec. 7. A new section is added to chapter 44.40 RCW to read as follows:

(1) When conducting a full performance audit of an agency or department, or a specific program within an agency or department, or multiple agencies, in accordance with section 5 of this act, the legislative auditor or private consultant, as determined by the committee, shall solicit input from appropriate industry representatives or experts.

(2) The completed audit report must include but not be limited to the following: (a) Make recommendations regarding the continuation, abolition, consolidation, or reorganization of each affected agency, department, or program; (b) identify opportunities to develop government partnerships, and eliminate program redundancies that will result in increased quality, effectiveness, and efficiency of state agencies.

(3) Completed performance audits must be presented to the committee or its executive committee. Published performance audits must be made available to the public through the legislative transportation committee's web site and through customary public communications. Final reports must also be transmitted to the appropriate policy and fiscal standing committees of the legislature, the office of financial management, and the affected agencies and entities.

NEW SECTION. Sec. 8. The committee shall take steps to ensure that the department of transportation is the first agency subject to the performance review and audit process established in this act.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Horn moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5748 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5748 and asks the House to recede therefrom.

The motion by Senator Horn carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5748 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5749 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.95.435 and 2002 c 175 s 17 are each amended to read as follows:

(1) If an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend or revoke the release to community custody whenever an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody.

(3) If an offender released by the board under RCW 9.95.420 is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board or a designee of the board prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.737. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members or designees of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.737;

(b) The board shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within ~~((fifteen working))~~ thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within ~~((five working))~~ thirty days of service of notice of the violation, but not less than twenty-four hours after notice of the violation. The board or its designee shall make a determination whether probable cause exists to believe the violation or violations occurred. The determination shall be made within forty-eight hours of receipt of the allegation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing examiner if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody upon a finding of violation is a ~~((possible))~~ probable sanction for the violation.

The board may not revoke the release to community custody of any offender who was not represented by counsel at the hearing, unless the offender has waived the right to counsel; and

(e) The sanction shall take effect if affirmed by the hearing examiner.

(5) Within seven days after the hearing examiner's decision, the offender may appeal the decision to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: ~~((#))~~ (a) The crime of conviction; ~~((#))~~ (b) the violation committed; ~~((#))~~ (c) the offender's risk of reoffending; or ~~((#))~~ (d) the safety of the community.

~~((#))~~ (6) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

Sec. 2. RCW 9.95.017 and 2001 2nd space c 12 s 321 are each amended to read as follows:

(1) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their proposed criteria for parole release. ~~((These proposed criteria shall be submitted for consideration by the 1987 legislature.))~~

(2) Persons committed to the department of corrections and who are under the authority of the board for crimes committed on or after ~~((July))~~ September 1, 2001, are subject to the provisions for duration of confinement, release to community custody, and length of community custody established in RCW 9.94A.712, 9.94A.713, 72.09.335, and 9.95.420 through 9.95.440.

Sec. 3. RCW 9.95.055 and 2001 2nd space c 12 s 325 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority, in the event of a declaration by the governor that a war emergency exists, including a general mobilization, and for the duration thereof only, to reduce downward the minimum term, as set by the board, of any inmate under the jurisdiction of the board confined in a state correctional facility, who will be accepted by and inducted into the armed services: PROVIDED, That a reduction downward shall not be made under this section for those inmates who: (1) Are confined for (a) treason~~((-))~~; (b) murder in the first degree; or ~~((carnal knowledge of a female child under ten years: AND PROVIDED FURTHER, That no such inmate shall be released under this section who is))~~ (c) rape of a child in the first degree where the victim is under ten years of age or an equivalent offense under prior law; (2) are being considered for civil commitment as a sexually violent predator under chapter 71.09 RCW; or ~~((was))~~ (3) were sentenced under RCW 9.94A.712 for a crime committed on or after ~~((July))~~ September 1, 2001.

Sec. 4. RCW 9.95.070 and 2001 2nd space c 12 s 327 are each amended to read as follows:

(1) Every prisoner, convicted of a crime committed before July 1, 1984, who has a favorable record of conduct at ~~((the penitentiary or the reformatory))~~ a state correctional institution, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties, and tasks assigned to him or her to the satisfaction of the superintendent of the ~~((penitentiary or reformatory))~~ institution, and in whose behalf the superintendent of the ~~((penitentiary or reformatory))~~ institution files a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the indeterminate sentence review board, be allowed time credit reductions from the term of imprisonment fixed by the board.

(2) Offenders sentenced under RCW 9.94A.712 for a crime committed on or after ~~((July))~~ September 1, 2001, are subject to the earned release provisions for sex offenders established in RCW 9.94A.728.

Sec. 5. RCW 9.95.120 and 2001 2nd space c 12 s 333 are each amended to read as follows:

Whenever the board or a community corrections officer of this state has reason to believe a person convicted of a crime committed before July 1, 1984, has breached a condition of his or her parole or violated the law of any state where he or she may then be or the rules and regulations of the board, any community corrections officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board by the community corrections officer, with recommendations. The board, after consultation with the secretary of corrections, shall make all rules and regulations concerning procedural matters, which shall include the time when state community corrections officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the community corrections officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal, which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board for his or her return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his or her parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he or she may then be, he or she shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he or she is served with charges of the violation of conditions of parole after his or her arrest and detention. The hearing shall be held before one or more members of the board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board suspends a parolee by reason of an alleged parole violation or in the event that a parolee is suspended pending the disposition of a new criminal charge, the board shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board may determine advisable. Before the board shall nullify an order of suspension and reinstate a parolee they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a ~~((penal))~~ correctional institution.

Sec. 6. RCW 9.95.440 and 2001 2nd space c 12 s 310 are each amended to read as follows:

In the event the board suspends the release status of an offender released under RCW 9.95.420 by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable under RCW 9.94A.713(5). Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

Sec. 7. RCW 9.95.110 and 2001 2nd space c 12 s 331 are each amended to read as follows:

(1) The board may permit an offender convicted of a crime committed before July 1, 1984, to leave the buildings and enclosures of a state correctional institution on parole, after such convicted person has served the period of confinement fixed for him or her by the board, less time credits for good behavior and diligence in work: PROVIDED, That in no case shall an inmate be credited with more than one-third of his or her sentence as fixed by the board.

The board may establish rules and regulations under which an offender may be allowed to leave the confines of a state correctional institution on parole, and may return such person to the confines of the institution from which he or she was paroled, at its discretion.

(2) The board may permit an offender convicted of a crime committed on or after ~~((July))~~ September 1, 2001, and sentenced under RCW 9.94A.712, to leave a state correctional institution on community custody according to the provisions of RCW 9.94A.712, 9.94A.713, 72.09.335, and 9.95.420 through 9.95.440. The person may be returned to the institution following a violation of his or her conditions of release to community custody pursuant to the hearing provisions of RCW 9.95.435."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate concurred in the House amendment to Substitute Senate Bill No. 5749.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5749, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5749, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Rossi, Schmidt and West - 3.

SUBSTITUTE SENATE BILL NO. 5749, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5450 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.04.320 and 2002 c 247 s 2 are each amended to read as follows:

"Motor vehicle" ~~((shall))~~ means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. "Motor vehicle" includes a neighborhood electric vehicle as defined in section 2 of this act. An electric personal assistive mobility device is not considered a motor vehicle.

NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW to read as follows:

"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

Sec. 3. RCW 46.37.010 and 1997 c 241 s 14 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the state patrol's regulations.

(2) Nothing contained in this chapter or the state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the state patrol's regulations.

(3) The provisions of the chapter and the state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to neighborhood electric vehicles, motorcycles, or motor-driven cycles except as herein made applicable.

(7) This chapter does not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

(8) Notices of traffic infraction issued to commercial drivers under the provisions of this chapter with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes under chapter 46.20 RCW.

(9) Whenever a traffic infraction is chargeable to the owner or lessee of a vehicle under subsection (1) of this section, the driver shall not be arrested or issued a notice of traffic infraction unless the vehicle is registered in a jurisdiction other than Washington state, or unless the infraction is for an offense that is clearly within the responsibility of the driver.

(10) Whenever the owner or lessee is issued a notice of traffic infraction under this section the court may, on the request of the owner or lessee, take appropriate steps to make the driver of the vehicle, or any other person who directs the loading, maintenance, or operation of the vehicle, a codefendant. If the codefendant is held solely responsible and is found to have committed the traffic infraction, the court may dismiss the notice against the owner or lessee.

NEW SECTION. Sec. 4. A new section is added to chapter 46.61 RCW to read as follows:

(1) Absent prohibition by local authorities authorized under this section and except as prohibited elsewhere in this section, a person may operate a neighborhood electric vehicle upon a highway of this state having a speed limit of thirty-five miles per hour or less if:

(a) The person does not operate a neighborhood electric vehicle upon state highways that are listed in chapter 47.17 RCW;
(b) The person does not operate a neighborhood electric vehicle upon a highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates in compliance with chapter 46.16 RCW;

(c) The person does not operate a neighborhood electric vehicle upon a highway of this state without first obtaining a valid driver's license issued to Washington residents in compliance with chapter 46.20 RCW;

(d) The person does not operate a neighborhood electric vehicle subject to registration under chapter 46.16 RCW on a highway of this state unless the person is insured under a motor vehicle liability policy in compliance with chapter 46.30 RCW; and

(e) The person operating a neighborhood electric vehicle does not cross a roadway with a speed limit in excess of thirty-five miles per hour, unless the crossing begins and ends on a roadway with a speed limit of thirty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a neighborhood electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities provided elsewhere in this section.

(2) Any person who violates this section commits a traffic infraction.

(3) This section does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of their police power, from regulating the operation of neighborhood electric vehicles on streets and highways under their jurisdiction, including the prohibition of neighborhood electric vehicles on certain streets and highways, by resolution or ordinance of the governing body, if the regulation is consistent with the provisions of this title, except that:

(a) Local authorities may not authorize the operation of neighborhood electric vehicles on streets and highways that are part of the state highway system subject to the provisions of Title 47 RCW; and

(b) Local authorities are prohibited from establishing any requirements for the registration and licensing of neighborhood electric vehicles.

Sec. 5. RCW 46.61.688 and 2002 c 328 s 2 are each amended to read as follows:

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Neighborhood electric vehicle," meaning a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500;

(d) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

~~((d))~~ (e) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208 and to neighborhood electric vehicles. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(8) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts.

Sec. 6. RCW 46.61.687 and 2000 c 190 s 2 are each amended to read as follows:

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(a) If the child is less than six years old and/or sixty pounds and the passenger seating position equipped with a safety belt system allows sufficient space for installation, then the child will be restrained in a child restraint system that complies with standards of the United States department of transportation and that is secured in the vehicle in accordance with instructions of the manufacturer of the child restraint system;

(b) If the child is less than one year of age or weighs less than twenty pounds, the child shall be properly restrained in a rear-facing infant seat;

(c) If the child is more than one but less than four years of age or weighs less than forty pounds but at least twenty pounds, the child shall be properly restrained in a forward facing child safety seat restraint system;

(d) If the child is less than six but at least four years of age or weighs less than sixty pounds but at least forty pounds, the child shall be properly restrained in a child booster seat;

(e) If the child is six years of age or older or weighs more than sixty pounds, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting booster seat; and

(f) Enforcement of (a) through (e) of this subsection is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a forward facing child safety seat must ensure that the seat in use is equipped with a four-point shoulder harness system. The visual inspection for usage of a booster seat must ensure that the seat belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. The visual inspection for the usage of a seat belt by a child must ensure that the lap belt properly fits across the child's lap and the shoulder strap crosses the center of the child's chest. In determining violations, consideration to the above criteria must be given in conjunction with the provisions of (a) through (e) of this subsection. The driver of a vehicle transporting a child who is under the age of six years old or weighs less than sixty pounds, when the vehicle is equipped with a passenger side air bag supplemental restraint system, and the air bag system is activated, shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) A person violating subsection (1)(a) through (e) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

(4) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(5) As used in this section "child booster seat" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a child to properly sit in a federally approved lap/shoulder belt system.

(6) The requirements of subsection (1)(a) through (e) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

NEW SECTION. Sec. 7. This act takes effect August 1, 2003."
Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Horn moved that the Senate refuse to concur in the House amendment to Engrossed Senate Bill No. 5450 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate refuse to concur in the House amendment to Engrossed Senate Bill No. 5450 and asks the House to recede therefrom.

The motion by Senator Horn carried and the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5450 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5410 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.24.550 and 2002 c 118 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources other than state funds, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders in the state of Washington.

(I) For level III offenders, the web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(ii) For level II offenders, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(I) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county- operated web sites that offer sex offender registration information.

(6) A local law enforcement agency may post level II and level III community notification bulletins on the agency's web site for sex offenders residing within the agency's jurisdiction.

(7) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

~~((7))~~ (8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

~~((8))~~ (9) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

~~((9))~~ (10) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

~~((10))~~ (11) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee ~~((of for))~~ or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the refuses to concur in the House amendment to Senate Bill No. 5410 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 8, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5237 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.210.280 and 1994 space c 9 s 721 are each amended to read as follows:

(1) Public school districts and private schools that offer classes for any of grades kindergarten through twelve ~~((may))~~ must provide for clean, intermittent bladder catheterization of students, or assisted self-catheterization of students pursuant to RCW 18.79.290~~((if the catheterization is provided for))~~. The catheterization must be provided in substantial compliance with:

(a) Rules adopted by the state nursing care quality assurance commission and the instructions of a registered nurse or advanced registered nurse practitioner issued under such rules; and

(b) Written policies of the school district or private school which shall be adopted in order to implement this section and shall be developed in accordance with such requirements of chapters 41.56 and 41.59 RCW as may be applicable.

(2) ~~((This section does not require school districts to provide intermittent bladder catheterization of students.))~~ School district employees, except those licensed under chapter 18.79 RCW, who have not agreed in writing to perform clean, intermittent bladder catheterizations as a specific part of their job description, may file a written letter of refusal to perform clean, intermittent bladder catheterization of students. This written letter of refusal may not serve as grounds for discharge, nonrenewal, or other action adversely affecting the employee's contract status.

(3) Any public school district or private school that provides clean, intermittent bladder catheterization shall document the provision of training given to employees who perform these services. These records shall be made available for review at any audit.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.210 RCW to read as follows:

Any employee of a public school district or private school that performs health services, such as catheterization, must have a job description that lists all of the health services that the employee may be required to perform for students."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5237.
Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment to Substitute Senate Bill No. 5237.

The motion by Senator Johnson carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5237.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5237, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5237, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senator Poulsen - 1.

Excused: Senators Rossi, Schmidt and West - 3.

SUBSTITUTE SENATE BILL NO. 5237, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5245 with the following amendment(s):

On page 1, line 14, after "are" insert "wholly or partly", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Horn moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5245.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn that the Senate concur in the House amendment to Engrossed Senate Bill No. 5245.

The motion by Senator Horn carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5245.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5245, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5245, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senator s Jacobsen, and Regala - 2.

Excused: Senators Rossi, Schmidt and West - 3.

ENGROSSED SENATE BILL NO. 5245, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5379 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.115 and 2000 c 122 s 12 are each amended to read as follows:

(1) All hearings ~~((may)) shall be public, and~~ conducted at any time or place within the limits of the county, ~~((and such cases may not be heard in conjunction with other business of any other division of the superior court. The public shall be excluded, and only such persons may be admitted who are found by the judge to have a direct interest in the case or in the work of the court. Unless the court states on the record the reasons to disallow attendance, the court shall allow a child's relatives and, if a child resides in foster care, the child's foster parent, to attend all hearings and proceedings pertaining to the child for the sole purpose of providing oral and written information about the child and the child's welfare to the court))~~ except if the judge finds that excluding the public is in the best interests of the child.

(2) Either parent, or the child's attorney or guardian ad litem, may move to close a hearing at any time. If the judge finds that it is in the best interests of the child the court shall exclude the public.

(3) If the public is excluded from the hearing, the following people may attend the closed hearing unless the judge finds it is not in the best interests of the child:

(a) The child's relatives;

(b) The child's foster parents if the child resides in foster care; and

(c) Any person requested by the parent.

(4) Stenographic notes or any device which accurately records the proceedings may be required as provided in other civil cases pursuant to RCW 2.32.200.

(5) Any video recording of the proceedings may be released pursuant to RCW 13.50.100, however, the video recording may not be televised, broadcast, or further disseminated to the public.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5379. The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5379, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5379, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Schmidt and West - 2.

ENGROSSED SENATE BILL NO. 5379, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5497 with the following amendment(s):

On page 2, line 2, after "agency" strike everything through "dollars" on line 3 and insert "~~(, but not to exceed ten thousand dollars))~~ that is consistent with federal rules and regulations", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Esser, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5497 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5343 with the following amendment(s):

On page 2, line 10, after "eligible for" strike "one-half" and insert "one-fourth"

On page 2, line 11, after "eligible for" strike "one-half" and insert "three-fourths", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Morton, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5343.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5343, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5343, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Schmidt and West - 2.

ENGROSSED SENATE BILL NO. 5343, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senators Finkbeiner, Horn and Swecker were excused.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5039 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) The secretary of health shall design a state plan for the prevention, education, and treatment of hepatitis C by January 1, 2004. In developing the plan, the secretary shall seek the input of:

- (a) The public;
- (b) Patient groups and organizations;
- (c) Relevant state agencies that have functions that involve hepatitis C or provide services to persons with hepatitis C;
- (d) Local health departments;
- (e) Public health and clinical laboratories;
- (f) Providers of services to persons with hepatitis C;
- (g) Research scientists;
- (h) The University of Washington;
- (i) Representatives from the pharmaceutical industry; and
- (j) The Washington state medical association.

(2) The plan shall include implementation recommendations in the following areas:

(a) Hepatitis C virus prevention and treatment strategies for groups at risk for hepatitis C with an emphasis towards those groups that are disproportionately affected by hepatitis C, including persons infected with HIV, veterans, racial or ethnic minorities that suffer a higher incidence of hepatitis C, and persons who engage in high-risk behavior, such as intravenous drug use;

(b) Educational programs to promote public awareness about bloodborne infections and knowledge about risk factors, the value of early detection, screening, services, and available treatment options for hepatitis C;

(c) Education curricula for appropriate health and health-related providers covered by the uniform disciplinary act, chapter 18.130 RCW;

(d) Training courses for persons providing hepatitis C counseling, public health clinic staff, and any other appropriate provider, which shall focus on disease prevention, early detection, and intervention;

(e) Capacity for voluntary hepatitis C testing programs to be performed at facilities providing voluntary HIV testing under chapter 70.24 RCW;

(f) A comprehensive model for the prevention and management of hepatitis C; and

(g) Sources and availability of funding to implement the plan.

(3) The secretary of health shall develop the state plan described in subsections (1) and (2) of this section only to the extent that, and for as long as, federal or private funds are available for that purpose, including grants. Funding for this act shall not come from state sources.

(4) The secretary of health shall submit the completed state plan to the legislature by January 1, 2004. After the initial state plan is submitted, the department shall update the state plan biennially and shall submit the plan to the governor and make it available to other interested parties. The update and progress reports are due December 1, 2004, and every two years thereafter.

(5) The state plan developed pursuant to this section shall be developed using only available federal and private sources, including grants.

(6) This section expires June 30, 2007.

Sec. 2. RCW 49.60.172 and 1988 c 206 s 903 are each amended to read as follows:

(1) No person may require an individual to take an HIV test, as defined in chapter 70.24 RCW, or hepatitis C test, as a condition of hiring, promotion, or continued employment unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification for the job in question.

(2) No person may discharge or fail or refuse to hire any individual, or segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of an HIV test or hepatitis C test unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification of the job in question.

(3) The absence of HIV or hepatitis C infection as a bona fide occupational qualification exists when performance of a particular job can be shown to present a significant risk, as defined by the board of health by rule, of transmitting HIV or hepatitis C infection to other persons, and there exists no means of eliminating the risk by restructuring the job.

(4) For the purpose of this chapter, any person who is actually infected with HIV or hepatitis C, but is not disabled as a result of the infection, shall not be eligible for any benefits under the affirmative action provisions of chapter 49.74 RCW solely on the basis of such infection.

(5) Employers are immune from civil action for damages arising out of transmission of HIV or hepatitis C to employees or to members of the public unless such transmission occurs as a result of the employer's gross negligence.

Sec. 3. RCW 49.60.174 and 1997 c 271 s 6 are each amended to read as follows:

(1) For the purposes of determining whether an unfair practice under this chapter has occurred, claims of discrimination based on actual or perceived HIV or hepatitis C infection shall be evaluated in the same manner as other claims of discrimination based on sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a disabled person.

(2) Subsection (1) of this section shall not apply to transactions with insurance entities, health service contractors, or health maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178 to prohibit fair discrimination on the basis of actual HIV or actual hepatitis C infection status when bona fide statistical differences in risk or exposure have been substantiated.

(3) For the purposes of this chapter(-):

(a) "HIV" means the human immunodeficiency virus, and includes all HIV and HIV-related viruses which damage the cellular branch of the human immune system and leave the infected person immunodeficient; and

(b) "Hepatitis C" means the hepatitis C virus of any genotype.

NEW SECTION. Sec. 4. A new section is added to chapter 50.20 RCW to read as follows:

(1) Credentialed health care professionals listed in RCW 18.130.040 shall be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043 if they are unemployed as a result of contracting hepatitis C in the course of employment and are unable to continue to work in their profession because of a significant risk that such work would pose to other persons and that risk cannot be eliminated.

(2) For purposes of subsection (1) of this section, a health care professional who was employed on a full-time basis in their profession shall be presumed to have contracted hepatitis C in the course of employment. This presumption may be rebutted by a preponderance of the evidence that demonstrates that the health care professional contracted hepatitis C as a result of activities or circumstances not related to employment.

NEW SECTION. Sec. 5. Section 1 of this act does not create a private right of action."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Deccio moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5039 and asks the House to recede therefrom.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Deccio that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 5039 and asks the House to recede therefrom.

The motion by Senator Deccio carried and the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5039 and asks the House to recede therefrom.

MOTION

On motion of Senator Hewitt, Senators Finkbeiner, Horn and Swecker were excused.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5473 with the following amendment(s):

On page 1, line 17, after "training" strike "should employ the use of electronic instruction, and shall emphasize nonclassroom availability of the offerings when appropriate. The training" and insert "must consist of classroom instruction or internet instruction and", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator McCaslin, the Senate concurred in the House amendment to Substitute Senate Bill No. 5473.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5473, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5473, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 44.

Excused: Senators Finkbeiner, Horn, Schmidt, Swecker and West - 5.

SUBSTITUTE SENATE BILL NO. 5473, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Rossi was excused.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5105 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is currently no requirement for educational interpreters for deaf and hard of hearing students to be certified or to meet standardized qualifications or competencies.

NEW SECTION. Sec. 2. By November 30, 2004, the office of the superintendent of public instruction, in consultation with educators, parents, organizations representing special education, organizations representing educational interpreters and the interests of deaf and hearing impaired children, and other interested parties, shall conduct a comprehensive review and analysis of the qualifications and competencies required of educational interpreters who assist deaf and hearing impaired students. The review shall include an analysis of all state and federal requirements for meeting the educational needs of deaf and hearing impaired students, including the requirement to provide educational interpreters, and shall identify all funding sources available to pay for those educational needs. The office shall make recommendations to the governor, appropriate legislative committees, and the state board of education on the following options:

(1) Requiring that all educational interpreters for deaf students and hard of hearing students meet national registry standards;

(2) Requiring the state board of education or the office of the superintendent of public instruction, as appropriate, to establish competencies for educational interpreters;

(3) Identifying state and national training programs that could prepare educational interpreters to meet and maintain any standards or competencies necessary to serve deaf and hearing impaired students;

(4) Studying the feasibility of using distance learning options as a way to both maintain the quality and increase the availability of educational interpreters;

(5) Requiring the office of the superintendent of public instruction, in cooperation with institutions of higher education that have a deaf studies program, to provide a training program for educational interpreters. The training program should be accessible to all areas of Washington through a combination of interactive video conferences, on-line courses, and traditional teaching methods; and

(6) Any other option that the office deems viable to increase and maintain the quality and availability of educational interpreters in a fiscally responsible manner.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Johnson, the Senate concurred in the House amendment to Substitute Senate Bill No. 5105.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5105, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5105, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Finkbeiner, Horn, Rossi, Schmidt, Swecker and West - 6.

SUBSTITUTE SENATE BILL NO. 5105, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5653 with the following amendment(s):

On page 1, line 17, after "(2)" strike "Any" and insert "Until July 1, 2006, any" , and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Johnson, the Senate refuses to concur in the House amendment to Senate Bill No. 5653 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5457 with the following amendment(s):

On page 1, line 19, after "condition," insert "as required by current law."

On page 2, after line 8, insert the following:

"NEW SECTION. Sec. 3. This act takes effect January 1, 2004."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Sheahan moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5457.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Sheahan that the Senate concur in the House amendment to Substitute Senate Bill No. 5457.

The motion by Senator Sheahan carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5457.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5457, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5457, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Finkbeiner, Horn, Rossi, Schmidt, Swecker and West - 6.

SUBSTITUTE SENATE BILL NO. 5457, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5065 with the following amendment(s):

On page 4, after line 20, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 18.220 RCW to read as follows:

(1) This chapter permits the state, any state agency or any political subdivision of the state, or a county, city, or other public body to use the services of either a soil scientist engaging in the practice of soil science, as defined in subsection (2) of this section, or a licensed geologist or licensed specialty geologist engaging in the practice of geology, as defined in RCW 18.220.010, to perform work that is within the scope of practice of both professions.

(2) For the purpose of this section, "practice of soil science" means the performance of or offer to perform soil science work including, but not limited to, the investigation, evaluation, planning, management, classification, and mapping of soil and the interpretation of soil behavior, including surface erosion, and the inspection and responsible charge of such work.

(3) This section expires July 1, 2005."

Remember the remaining section consecutively and correct any internal references accordingly.

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate concurred in the House amendment to Senate Bill No. 5065.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5065, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5065, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 42.

Voting nay: Senator Regala, - 1.

Excused: Senators Finkbeiner, Horn, Kline, Schmidt, Swecker and West - 6.

SENATE BILL NO. 5065, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5011 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 77.12 RCW to read as follows:

The department shall manage wildlife programs in a manner that provides for public opportunities to view wildlife and supports wildlife viewing tourism without impairing the state's wildlife resources.

NEW SECTION. Sec. 2. (1) The departments of fish and wildlife and community, trade, and economic development shall host a working conference on promoting wildlife viewing tourism. The objective of the conference shall be to adopt a strategic plan and specific implementing actions to promote wildlife viewing tourism in Washington in a manner that both provides sustainable economic development in the state's rural areas and supports maintaining the state's wildlife diversity.

(2) The departments shall work with interested local governments, state agencies, visitor and convention bureaus, the hospitality industry, tourism development organizations, and tour operators and wildlife conservation organizations in preparing for and conducting the conference. The departments shall guide preparation for the conference by surveying programs and activities in other states and compiling information on current programs, infrastructure, and promotional activities regarding wildlife viewing tourism in Washington. To enhance the effectiveness of the conference and its products, the departments shall seek to frame issues and outline options for improvement through white papers and preliminary meetings with interest groups.

(3) Among the topics that the departments and interest groups should address at the conference are:

(a) Strategies to increase revenues and benefits to Washington communities with wildlife viewing resources that have identified tourism as part of their economic development strategy;

(b) Strengthening the wildlife viewing tourism elements of gateway community partnerships among state and local transportation, economic development, and parks and wildlife agencies;

(c) Providing leadership and services by state agencies to assist local communities to assess their local wildlife viewing resources and to market tourism centered upon such resources;

(d) Developing proposals to increase state funding to local communities to implement local wildlife viewing tourism plans, including assessing resources, providing infrastructure specific to wildlife viewing tourism, festival development, and marketing; and

(e) Promoting wildlife viewing tourism as an element of tourism related to the Lewis and Clark bicentennial commemoration.

(4) The departments shall schedule the conference at a time sufficient to prepare a summary of the conference proceedings and proposals for legislative funding to be submitted to the appropriate committees of the legislature no later than December 15, 2003."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Oke, the Senate concurred in the House amendment to Senate Bill No. 5011.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5011, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5011, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Finkbeiner, Horn, Kline, Schmidt, Swecker and West - 6.

SENATE BILL NO. 5011, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5042 with the following amendment(s):

On page 1, line 6, before "The" insert "(1)"

On page 1, line 11, after "law." strike "Subject" and insert the following:

"(2)(a) Except as provided in (b) of this subsection, and subject"

On page 1, after line 14, insert the following:

"(b) When executing a right of way or easement contract over private land that involves forest management activities, the department shall indemnify the private landowner if the landowner does not receive a direct benefit from the contract.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Tim Sheldon, the Senate concurred in the House amendments to Senate Bill No. 5042.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5042, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5042, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Finkbeiner, Horn, Kline, Schmidt, Swecker and West - 6.

SENATE BILL NO. 5042, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed SENATE JOINT MEMORIAL NO. 8000 with the following amendment(s):

Beginning on page 1, line 1, strike all material through "Washington." on page 2, line 37, and insert the following:

"TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO THE HONORABLE SPENCER ABRAHAM, SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY, AND TO THE MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION, CHAIRMAN PATRICK WOOD, III, COMMISSIONER NORA M. BROWNELL, AND COMMISSIONER WILLIAM L. MASSEY:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The Federal Energy Regulatory Commission proposal establishing a standard market design (SMD) for electricity proceeds from the premise that a single market model will work for the entire nation, as a result it would fundamentally change the way the transmission system is operated, expand the Commission's authority in state decisions regarding resource adequacy and demand response, and dismantle the regional benefits derived from public power; and

WHEREAS, Washington state has a comprehensive electricity policy, which encourages efficiency while reflecting our unique resource base; and

WHEREAS, The Northwest electricity system is different from most of the rest of the nation, including substantial differences in the transmission ownership, a hydro-based system where the amount of energy generated is limited by the amount of water in the rivers and behind the dams, complex legal arrangements for multiple uses of the water to meet diverse goals (power, irrigation, fisheries, recreation, and treaty obligations), and a hydro-based system that requires substantial coordination among plant owners and utilities, rather than the competitive market-based structure the SMD promotes; and

WHEREAS, The Northwest electricity system has produced affordable, cost-based rates and reliable service for our region; and

WHEREAS, Deregulation broke up traditional regulated utilities in order to create trading markets with the promise of lower costs, more consumer choice, more reliability, and fewer government bailouts. It in fact produced higher prices, more manipulation of consumers, volatility, brownouts, and bailouts running into the tens of billions; and

WHEREAS, The SMD would harm consumers in our region through increased costs and decreased reliability;

NOW, THEREFORE, Your Memorialists respectfully pray that the Federal Energy Regulatory Commission leave the Northwest electricity system in place and withdraw the Notice of Proposed Rulemaking establishing a Standard Market Design (SMD) for electricity; and

Your Memorialists further pray that in the event that the Federal Energy Regulatory Commission does not withdraw its proposal, the President and Congress take action to prevent the Federal Energy Regulatory Commission from proceeding with their proposal.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Honorable Spencer Abraham, the Secretary of the United States Department of Energy, the Members of the Federal Energy Regulatory Commission, Chairman Patrick Wood, III, Commissioner Nora M. Brownell, and Commissioner William L. Massey, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendment to Senate Joint Memorial No. 8000.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8000, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8000, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 42.

Excused: Senators Fairley, Finkbeiner, Horn, Kline, Schmidt, Swecker and West - 7.

SENATE JOINT MEMORIAL NO. 8000, as amended by the House, having received the constitutional majority was declared passed.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5865 with the following amendment(s):

On page 1, line 10, after "facilities" insert "other than ski areas", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Oke, the Senate concurred in the House amendment to Senate Bill No. 5865.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5865, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5865, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 16; Absent, 1; Excused, 6.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Esser, Franklin, Fraser, Hewitt, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin and Winsley - 26.

Voting nay: Senators Benton, Deccio, Hale, Haugen, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette, Roach, Rossi, Spanel, Stevens, Thibaudeau and Zarelli - 16.

Absent: Senator Hargrove - 1.

Excused: Senators Fairley, Finkbeiner, Horn, Schmidt, Swecker and West - 6.

SENATE BILL NO. 5865, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5829 with the following amendment(s):

On page 1, line 14, after "graduated;" insert "or"

On page 4, after line 3, insert the following:

"Sec. 7. RCW 18.79.240 and 2000 c 64 s 3 are each amended to read as follows:

(1) In the context of the definition of registered nursing practice and advanced registered nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice registered nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as (~~nursing aides~~)nursing technicians;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a registered nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in the practice of nursing as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or a bureau, division, or agency thereof, while in the discharge of his or her official duties;

(h) Permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses for the aid thereof;

(I) Permitting the prescribing or directing the use of, or using, an optical device in connection with ocular exercises, visual training, vision training, or orthoptics;

(j) Permitting the prescribing of contact lenses for, or the fitting and adaptation of contact lenses to, the human eye;

(k) Prohibiting the performance of routine visual screening;

(l) Permitting the practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW, respectively;

(m) Permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulation of the spine;

(n) Permitting the practice of podiatric medicine and surgery as defined in chapter 18.22 RCW;

(o) Permitting the performance of major surgery, except such minor surgery as the commission may have specifically authorized by rule adopted in accordance with chapter 34.05 RCW;

(p) Permitting the prescribing of controlled substances as defined in Schedules I through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, except as provided in (r) or (s) of this subsection;

(q) Prohibiting the determination and pronouncement of death;

(r) Prohibiting advanced registered nurse practitioners, approved by the commission as certified registered nurse anesthetists from selecting, ordering, or administering controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, consistent with their commission-recognized scope of practice; subject to facility-specific protocols, and subject to a request for certified registered nurse anesthetist anesthesia services issued by a physician licensed under chapter 18.71 RCW, an osteopathic physician and surgeon licensed under chapter 18.57 RCW, a dentist licensed under chapter 18.32 RCW, or a podiatric physician and surgeon licensed under chapter 18.22 RCW; the authority to select, order, or administer Schedule II through IV controlled substances being limited to those drugs that are to be directly administered to patients who require anesthesia for diagnostic, operative, obstetrical, or therapeutic procedures in a hospital, clinic, ambulatory surgical facility, or the office of a practitioner licensed under chapter 18.71, 18.22, 18.36, 18.36A, 18.57, 18.57A, or 18.32 RCW; "select" meaning the decision-making process of choosing a drug, dosage, route, and time of administration; and "order" meaning the process of directing licensed individuals pursuant to their statutory authority to directly administer a drug or to dispense, deliver, or distribute a drug for the purpose of direct administration to a patient, under instructions of the certified registered nurse anesthetist. "Protocol" means a statement regarding practice and documentation concerning such items as categories of patients, categories of medications, or categories of procedures rather than detailed case-specific formulas for the practice of nurse anesthesia;

(s) Prohibiting advanced registered nurse practitioners from ordering or prescribing controlled substances as defined in Schedules II through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW, if and to the extent: (i) Doing so is permitted by their scope of practice; (ii) it is in response to a combined request from one or more physicians licensed under chapter 18.71 or 18.57 RCW and an advanced registered nurse practitioner licensed under this chapter, proposing a joint practice arrangement under which such prescriptive authority will be exercised with appropriate collaboration between the practitioners; and (iii) it is consistent with rules adopted under this subsection. The medical quality assurance commission, the board of osteopathic medicine and surgery, and the commission are directed to jointly adopt by consensus by rule a process and criteria that implements the joint practice arrangements authorized under this subsection. This subsection (1)(s) does not apply to certified registered nurse anesthetists.

(2) In the context of the definition of licensed practical nursing practice, this chapter shall not be construed as:

(a) Prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice practical nursing within the meaning of this chapter;

(b) Preventing a person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency;

(c) Prohibiting the practice of practical nursing by students enrolled in approved schools as may be incidental to their course of study or prohibiting the students from working as nursing assistants;

(d) Prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing services, including those duties that involve minor nursing services for persons performed in hospitals, nursing homes, or elsewhere under the direction of licensed physicians or the supervision of licensed registered nurses;

(e) Prohibiting or preventing the practice of nursing in this state by a legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if the person does not represent or hold himself or herself out as a licensed practical nurse licensed to practice in this state;

(f) Prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of a church by adherents of the church so long as they do not engage in licensed practical nurse practice as defined in this chapter;

(g) Prohibiting the practice of a legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof, while in the discharge of his or her official duties."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

On page 1, line 16, after "who" strike "graduated within the past thirty days" and insert: "graduated:

(i) within the past thirty days; or

(ii) within the past sixty days and has received a determination from the secretary that there is good cause to continue the registration period, as defined by the secretary in rule", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Deccio, the Senate concurred in the House amendments to Substitute Senate Bill No. 5829.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5829, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5829, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Fairley, Finkbeiner, Horn, Schmidt, Swecker and West - 6.

SUBSTITUTE SENATE BILL NO. 5829, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5751 with the following amendment(s):

On page 3, beginning on line 10, after "sale" strike all material through "value,)" on line 11, and insert "not to exceed ((twenty)) twenty-five thousand dollars in appraised sale value,"

On page 4, beginning on line 25, after "advertising" strike all material through "guaranteed" on line 29, and insert "((The board of natural resources shall, by resolution, establish the value amount of a direct sale not to exceed twenty thousand dollars in

~~appraised sale value, and establish procedures to ensure that competitive market prices and accountability will be guaranteed)), consistent with the provisions of RCW 79.01.132(6)", and the same are herewith transmitted.~~

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Hargrove, the Senate concurred in the House amendments to Substitute Senate Bill No. 5751.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5751, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5751, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Fairley, Finkbeiner, Horn, Schmidt, Swecker and West - 6.

SUBSTITUTE SENATE BILL NO. 5751, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5602 with the following amendment(s):

On page 1, line 8, after "that" insert ", taken collectively,", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Mulliken moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5602.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Mulliken that the Senate concur in the House amendment to Substitute Senate Bill No. 5602.

The motion by Senator Mulliken carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5602.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5602, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5602, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Fairley, Finkbeiner, Horn, Schmidt, Swecker and West - 6.

SUBSTITUTE SENATE BILL NO. 5602, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5596 with the following amendment(s):

On page 2, line 34, strike everything after "(8)(a)" and insert the following:

"The juvenile rehabilitation administration shall develop uniform policies related to custodial assaults consistent with RCW 72.01.045 and RCW 9A.36.100 that are to be followed in all juvenile rehabilitation administration facilities; and

(b) The juvenile rehabilitation administration will report assaults in accordance with the policies developed in subsection (8)(a) of this section.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate concurred in the House amendment to Substitute Senate Bill No. 5596. The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5596, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5596, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Franklin, Fraser, Hale, Haugen, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Thibaudeau, Winsley and Zarelli - 43.

Excused: Senators Fairley, Finkbeiner, Horn, Schmidt, Swecker and West - 6.

SUBSTITUTE SENATE BILL NO. 5596, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5592 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 6.27.020 and 1987 c 442 s 1002 are each amended to read as follows:

(1) The clerks of the superior courts and district courts of this state may issue writs of garnishment returnable to their respective courts for the benefit of a judgment creditor who has a judgment wholly or partially unsatisfied in the court from which the garnishment is sought.

(2) Writs of garnishment may be issued in district court with like effect by the attorney of record for the judgment creditor, and the form of writ shall be substantially the same as when issued by the court except that it shall be subscribed only by the signature of such attorney.

(3) Except as otherwise provided in RCW 6.27.040 and 6.27.330, the superior courts and district courts of this state may issue prejudgment writs of garnishment to a plaintiff at the time of commencement of an action or at any time afterward, subject to the requirements of chapter 6.26 RCW.

Sec. 2. RCW 6.27.040 and 1987 c 442 s 1004 and 1987 c 202 s 134 are each reenacted and amended to read as follows:

(1) The state of Washington, all counties, cities, towns, school districts and other municipal corporations shall be subject to garnishment after judgment has been entered in the principal action, but not before, in the superior and district courts, in the same manner and with the same effect, as provided in the case of other garnishees.

(2) The venue of any such garnishment proceeding shall be the same as for the original action, and the writ shall be issued by the clerk of the court having jurisdiction of such original action or by the attorney of record for the judgment creditor in district court.

(3) The writ of garnishment shall be served ~~((in the same manner and))~~ upon the same officer as is required for service of summons upon the commencement of a civil action against the state, county, city, town, school district, or other municipal corporation, as the case may be.

Sec. 3. RCW 6.27.070 and 1987 c 442 s 1007 are each amended to read as follows:

(1) When application for a writ of garnishment is made by a judgment creditor and the requirements of RCW 6.27.060 have been complied with, the clerk shall docket the case in the names of the judgment creditor as plaintiff, the judgment debtor as defendant, and the garnishee as garnishee defendant, and shall immediately issue and deliver a writ of garnishment to the judgment creditor in the form prescribed in RCW 6.27.100, directed to the garnishee, commanding the garnishee to answer said writ on forms served with the writ and complying with RCW 6.27.190 within twenty days after the service of the writ upon the garnishee. The clerk shall likewise docket the case when a writ of garnishment issued by the attorney of record of a judgment creditor is filed. Whether a writ is issued by the clerk or an attorney, the clerk shall bear no responsibility for errors contained in the writ.

(2) The writ of garnishment shall be dated and attested as in the form prescribed in RCW 6.27.100. The name and office address of the plaintiff's attorney shall be indorsed thereon or, in case the plaintiff has no attorney, the name and address of the plaintiff shall be indorsed thereon. The address of the clerk's office shall appear at the bottom of the writ.

Sec. 4. RCW 6.27.100 and 2000 c 72 s 3 are each amended to read as follows:

(1) The writ shall be substantially in the following form(~~((**PROVIDED, That**))~~), but if the writ is issued under a court order or judgment for child support, the following statement shall appear conspicuously in the caption: "This garnishment is based on a judgment or court order for child support"(~~((**AND PROVIDED FURTHER, That**))~~); and if the garnishment is for a continuing lien, the form shall be modified as provided in RCW 6.27.340(~~((**AND**~~

~~**PROVIDED FURTHER, That**))~~; and if the writ is not directed to an employer for the purpose of garnishing a defendant's earnings, the paragraph relating to the earnings exemption may be omitted and the paragraph relating to the deduction of processing fees may be omitted; and if the writ is issued by an attorney, the writ shall be revised as indicated in subsection (2) of this section:

"IN THE COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF

No.

Plaintiff,

vs.

WRIT OF

Defendant

GARNISHMENT

Garnishee

THE STATE OF WASHINGTON TO:

Garnishee

AND TO:

Defendant

The above-named plaintiff has applied for a writ of garnishment against you, claiming that the above-named defendant is indebted to plaintiff and that the amount to be held to satisfy that indebtedness is \$, consisting of:

Balance on Judgment or Amount of Claim	\$
Interest under Judgment from to	\$
Taxable Costs and Attorneys' Fees	\$
Estimated Garnishment Costs:	
Filing Fee	\$
Service and Affidavit Fees	\$
Postage and Costs of Certified Mail	\$
Answer Fee or Fees (If applicable)	\$

\$

Garnishment Attorney Fee

\$

Other

YOU ARE HEREBY COMMANDED, unless otherwise directed by the court, by the attorney of record for the plaintiff, or by this writ, not to pay any debt, whether earnings subject to this garnishment or any other debt, owed to the defendant at the time this writ was served and not to deliver, sell, or transfer, or recognize any sale or transfer of, any personal property or effects of the defendant in your possession or control at the time when this writ was served. Any such payment, delivery, sale, or transfer is void to the extent necessary to satisfy the plaintiff's claim and costs for this writ with interest.

YOU ARE FURTHER COMMANDED to answer this writ by filling in the attached form according to the instructions in this writ and in the answer forms and, within twenty days after the service of the writ upon you, to mail or deliver the original of such answer to the court, one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant, in the envelopes provided.

If, at the time this writ was served, you owed the defendant any earnings (that is, wages, salary, commission, bonus, or other compensation for personal services or any periodic payments pursuant to a nongovernmental pension or retirement program), the defendant is entitled to receive amounts that are exempt from garnishment under federal and state law. You must pay the exempt amounts to the defendant on the day you would customarily pay the compensation or other periodic payment. As more fully explained in the answer, the basic exempt amount is the greater of seventy-five percent of disposable earnings or a minimum amount determined by reference to the employee's pay period, to be calculated as provided in the answer. However, if this writ carries a statement in the heading that "This garnishment is based on a judgment or court order for child support," the basic exempt amount is forty percent of disposable earnings.

IF THIS IS A WRIT FOR A CONTINUING LIEN ON EARNINGS, YOU MAY DEDUCT A PROCESSING FEE FROM THE REMAINDER OF THE EMPLOYEE'S EARNINGS AFTER WITHHOLDING UNDER THIS WRIT. THE PROCESSING FEE MAY NOT EXCEED TWENTY DOLLARS FOR THE FIRST ANSWER AND TEN DOLLARS AT THE TIME YOU SUBMIT THE SECOND ANSWER.

If you owe the defendant a debt payable in money in excess of the amount set forth in the first paragraph of this writ, hold only the amount set forth in the first paragraph and any processing fee if one is charged and release all additional funds or property to defendant.

IF YOU FAIL TO ANSWER THIS WRIT AS COMMANDED, A JUDGMENT MAY BE ENTERED AGAINST YOU FOR THE FULL AMOUNT OF THE PLAINTIFF'S CLAIM AGAINST THE DEFENDANT WITH ACCRUING INTEREST, ATTORNEY FEES, AND COSTS WHETHER OR NOT YOU OWE ANYTHING TO THE DEFENDANT. IF YOU PROPERLY ANSWER THIS WRIT, ANY JUDGMENT AGAINST YOU WILL NOT EXCEED THE AMOUNT OF ANY NONEXEMPT DEBT OR THE VALUE OF ANY NONEXEMPT PROPERTY OR EFFECTS IN YOUR POSSESSION OR CONTROL.

JUDGMENT MAY ALSO BE ENTERED AGAINST THE DEFENDANT FOR COSTS AND FEES INCURRED BY THE PLAINTIFF.

Witness, the Honorable, Judge of the above-entitled Court, and the seal thereof, this day of, 20. . .

[Seal]

Clerk of the Court

Attorney for Plaintiff (or Plaintiff, if no attorney)

By

Address

Address"

(2) If an attorney issues the writ of garnishment, the final paragraph of the writ, containing the date, and the subscribed attorney and clerk provisions, shall be replaced with text in substantially the following form:

"This writ is issued by the undersigned attorney of record for plaintiff under the authority of chapter 6.27 of the Revised Code of Washington, and must be complied with in the same manner as a writ issued by the clerk of the court.

Dated this day of, 20

Attorney for Plaintiff

Address of the Clerk of the Court

Address"

Sec. 5. RCW 6.27.130 and 1988 c 231 s 27 are each amended to read as follows:

(1) When a writ is issued under a judgment, on or before the date of service of the writ on the garnishee, the judgment creditor shall mail or cause to be mailed to the judgment debtor, by certified mail, addressed to the last known post office address of the judgment debtor, (a) a copy of the writ and a copy of the ~~((judgment or, if it is a district court judgment, a copy of the))~~ judgment creditor's affidavit submitted in application for the writ, and (b) if the judgment debtor is an individual, the notice and claim form prescribed in RCW 6.27.140. In the alternative, on or before the day of the service of the writ on the garnishee or within two days thereafter, the stated documents shall be served on the judgment debtor in the same manner as is required for personal service of summons upon a party to an action.

(2) The requirements of this section shall not be jurisdictional, but (a) no disbursement order or judgment against the garnishee defendant shall be entered unless there is on file the return or affidavit of service or mailing required by subsection (3) of this section, and (b) if the copies of the writ and judgment or affidavit, and the notice and claim form if the defendant is an individual, are not mailed or served as herein provided, or if any irregularity appears with respect to the mailing or service, the court, in its discretion, on motion of the judgment debtor promptly made and supported by affidavit showing that the judgment debtor has suffered substantial injury from the plaintiff's failure to mail or otherwise to serve such copies, may set aside the garnishment and award to the judgment debtor an amount equal to the damages suffered because of such failure.

(3) If the service on the judgment debtor is made by a sheriff, the sheriff shall file with the clerk of the court that issued the writ a signed return showing the time, place, and manner of service and that the copy of the writ was accompanied by a copy of a judgment or affidavit, and by a notice and claim form if required by this section, and shall note thereon fees for making such service. If service is made by any person other than a sheriff, such person shall file an affidavit including the same information and showing qualifications to make such service. If service on the judgment debtor is made by mail, the person making the mailing shall file an affidavit including the same information as required for return on service and, in addition, showing the address of the mailing and attaching the return receipt or the mailing should it be returned to the sender as undeliverable.

Sec. 6. RCW 6.27.140 and 1997 c 59 s 2 are each amended to read as follows:

(1) The notice required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

NOTICE OF GARNISHMENT
AND OF YOUR RIGHTS

A Writ of Garnishment issued ~~((by))~~ in a Washington court has been or will be served on the garnishee named in the attached copy of the writ. After receipt of the writ, the garnishee is required to withhold payment of any money that was due to you and to withhold any other property of yours that the garnishee held or controlled. This notice of your rights is required by law.

YOU HAVE THE FOLLOWING EXEMPTION RIGHTS:

WAGES. If the garnishee is your employer who owes wages or other personal earnings to you, your employer is required to pay amounts to you that are exempt under state and federal laws, as explained in the writ of garnishment. You should receive a copy of your employer's answer, which will show how the exempt amount was calculated. If the garnishment is for child support, the exempt amount paid to you will be forty percent of wages due you, but if you are supporting a spouse or dependent child, you are entitled to claim an additional ten percent as exempt.

BANK ACCOUNTS. If the garnishee is a bank or other institution with which you have an account in which you have deposited benefits such as Temporary Assistance for Needy Families, Supplemental Security Income (SSI), Social Security, veterans' benefits, unemployment compensation, or a United States pension, you may claim the account as fully exempt if you have deposited only such benefit funds in the account. It may be partially exempt even though you have deposited money from other sources in the same account. An exemption is also available under RCW 26.16.200, providing that funds in a community bank account that can be identified as the earnings of a stepparent are exempt from a garnishment on the child support obligation of the parent.

OTHER EXEMPTIONS. If the garnishee holds other property of yours, some or all of it may be exempt under RCW 6.15.010, a Washington statute that exempts up to five hundred dollars of property of your choice (including up to one hundred dollars in cash or in a bank account) and certain property such as household furnishings, tools of trade, and a motor vehicle (all limited by differing dollar values).

HOW TO CLAIM EXEMPTIONS. Fill out the enclosed claim form and mail or deliver it as described in instructions on the claim form. If the plaintiff does not object to your claim, the funds or other property that you have claimed as exempt must be released not later than 10 days after the plaintiff receives your claim form. If the plaintiff objects, the law requires a hearing not later than 14 days after the plaintiff receives your claim form, and notice of the objection and hearing date will be mailed to you at the address that you put on the claim form.

THE LAW ALSO PROVIDES OTHER EXEMPTION RIGHTS. IF NECESSARY, AN ATTORNEY CAN ASSIST YOU TO ASSERT THESE AND OTHER RIGHTS, BUT YOU MUST ACT IMMEDIATELY TO AVOID LOSS OF RIGHTS BY DELAY.

(2) The claim form required by RCW 6.27.130(1) to be mailed to or served on an individual judgment debtor shall be in the following form, printed or typed in type no smaller than elite type:

[Caption to be filled in by judgment creditor
or plaintiff before mailing.]

Name of Court

No

Plaintiff,

vs.

EXEMPTION CLAIM

Defendant,

Garnishee Defendant

INSTRUCTIONS:

1. Read this whole form after reading the enclosed notice. Then put an X in the box or boxes that describe your exemption claim or claims and write in the necessary information on the blank lines. If additional space is needed, use the bottom of the last page or attach another sheet.
2. Make two copies of the completed form. Deliver the original form by first class mail or in person to the clerk of the court, whose address is shown at the bottom of the writ of garnishment. Deliver one of the copies by first class mail or in person to the plaintiff or plaintiff's attorney, whose name and address are shown at the bottom of the writ. Keep the other copy. **YOU SHOULD DO THIS AS QUICKLY AS POSSIBLE, BUT NO LATER THAN 28 DAYS (4 WEEKS) AFTER THE DATE ON THE WRIT.**

I/We claim the following money or property as exempt:

IF BANK ACCOUNT IS GARNISHED:

[] The account contains payments from:

- Temporary assistance for needy families, SSI, or other public assistance. I receive \$ monthly.
- Social Security. I receive \$ monthly.
- Veterans' Benefits. I receive \$ monthly.
- U.S. Government Pension. I receive \$ monthly.
- Unemployment Compensation. I receive \$ monthly.
- Child support. I receive \$ monthly.
- Other. Explain

IF EXEMPTION IN BANK ACCOUNT IS CLAIMED, ANSWER ONE OR BOTH OF THE FOLLOWING:

- No money other than from above payments are in the account.
- Moneys in addition to the above payments have been deposited in the account. Explain

IF EARNINGS ARE GARNISHED FOR CHILD SUPPORT:

- I claim maximum exemption.
- I am supporting another child or other children.
- I am supporting a husband or a wife.

IF PENSION OR RETIREMENT BENEFITS ARE GARNISHED:

- Name and address of employer who is paying the benefits:

OTHER PROPERTY:

[] Describe property

(If you claim other personal property as exempt, you must attach a list of all other personal property that you own.)

If married,

Print: Your name

name of husband/wife

Signature of husband

Your signature

or wife

Address

Address

(if different from yours)

Telephone number

Telephone number

(if different from yours)

CAUTION: If the plaintiff objects to your claim, you will have to go to court and give proof of your claim. For example, if you claim that a bank account is exempt, you may have to show the judge your bank statements and papers that show the source of the money you deposited in the bank. Your claim may be granted more quickly if you attach copies of such proof to your claim.

IF THE JUDGE DENIES YOUR EXEMPTION CLAIM, YOU WILL HAVE TO PAY THE PLAINTIFF'S COSTS. IF THE JUDGE DECIDES THAT YOU DID NOT MAKE THE CLAIM IN GOOD FAITH, HE OR SHE MAY DECIDE THAT YOU MUST PAY THE PLAINTIFF'S ATTORNEY FEES.

Sec. 7. RCW 6.27.160 and 2002 c 265 s 3 are each amended to read as follows:

(1) A defendant may claim exemptions from garnishment in the manner specified by the statute that creates the exemption or by delivering to or mailing by first class mail to the clerk of the court out of which the writ was issued a declaration in substantially the following form or in the form set forth in RCW 6.27.140 and mailing a copy of the form by first class mail to the plaintiff or plaintiff's attorney at the address shown on the writ of garnishment, all not later than twenty- eight days after the date stated on the writ except that the time shall be extended to allow a declaration mailed or delivered to the clerk within twenty-one days after service of the writ on the garnishee if service on the garnishee is delayed more than seven days after the date of the writ.

[NAME OF COURT]

No.

Plaintiff

Defendant

CLAIM OF EXEMPTION

Garnishee

I/We claim the following described property or money as exempt from execution:

I/We believe the property is exempt because:

Print name of spouse,

Print name

if married

Signature

Signature

Address

Address

Telephone number

Telephone number

(2) A plaintiff who wishes to object to an exemption claim must, not later than seven days after receipt of the claim, cause to be delivered or mailed to the defendant by first class mail, to the address shown on the exemption claim, a declaration by self, attorney, or agent, alleging the facts on which the objection is based, together with notice of date, time, and place of a hearing on the objection, which hearing the plaintiff must cause to be noted for a hearing date not later than fourteen days after the receipt of the claim. After a hearing on an objection to an exemption claim, the court shall award costs to the prevailing party and may also award an attorney's fee to the prevailing party if the court concludes that the exemption claim or the objection to the claim was not made in good faith. The defendant bears the burden of proving any claimed exemption, including the obligation to provide sufficient documentation to identify the source and amount of any claimed exempt funds.

(3) If the plaintiff elects not to object to the claim of exemption, the plaintiff shall, not later than ten days after receipt of the claim, obtain from the court and deliver to the garnishee an order directing the garnishee to release such part of the debt, property, or effects as is covered by the exemption claim. If the plaintiff fails to obtain and deliver the order as required or otherwise to effect release of the exempt funds or property, the defendant shall be entitled to recover fifty dollars from the plaintiff, in addition to actual damages suffered by the defendant from the failure to release the exempt property. The attorney of record for the plaintiff may, as an alternative to obtaining a court order releasing exempt funds, property, or effects, deliver to the garnishee and file with the court an authorization to release claimed exempt funds, property, or effects, signed by the attorney, in substantially the following form:

[NAME OF COURT]

, No.

Plaintiff,

RELEASE OF WRIT OF GARNISHMENT

vs.

Defendant

Garnishee.

TO THE ABOVE-NAMED GARNISHEE

You are hereby directed by the attorney for plaintiff, under the authority of chapter 6.27 of the Revised Code of Washington, to release the writ of garnishment issued in this cause on, as follows: [indicate full or partial release, and if partial the extent to which the garnishment is released]

You are relieved of your obligation to withhold funds or property of the defendant to the extent indicated in this release. Any funds or property covered by this release which have been withheld, should be returned to the defendant.

Date:

Attorney for Plaintiff

Sec. 8. RCW 6.27.190 and 2000 c 72 s 4 are each amended to read as follows:

The answer of the garnishee shall be signed by the garnishee or attorney or if the garnishee is a corporation, by an officer, attorney or duly authorized agent of the garnishee, under penalty of perjury, and the original delivered, either personally or by mail, to the clerk of the court (~~that issued the writ~~), one copy to the plaintiff or the plaintiff's attorney, and one copy to the defendant. The answer shall be made on a form substantially as appears in this section, served on the garnishee with the writ (~~with minimum exemption amounts for the different pay periods filled in by the plaintiff before service of the answer forms: PROVIDED, That,~~). Prior to serving the answer forms for a writ for continuing lien on earnings, the plaintiff shall fill in the minimum exemption amounts for the different pay periods, and the maximum percentages of disposable earnings subject to lien and exempt from lien. If the garnishment is for a continuing lien, the answer forms shall be as prescribed in RCW 6.27.340 and 6.27.350 (~~AND PROVIDED FURTHER, That~~). If the writ is not directed to an employer for the purpose of garnishing the defendant's wages, the paragraphs in section II of the answer relating to (~~the~~) earnings (~~exemptions~~) and calculations of withheld amounts may be omitted.

IN THE COURT
OF THE STATE OF WASHINGTON IN AND FOR
THE COUNTY OF

NO.

Plaintiff

ANSWER

vs.

TO WRIT OF

Defendant

GARNISHMENT

Garnishee Defendant

SECTION I. On the date the writ of garnishment was issued ((by the court)) as indicated by the date appearing on the last page of the writ((, defendant (check one) . . . was . . . was not employed by garnishee; defendant (check one) . . . did . . . did not maintain a financial account with garnishee; and garnishee (check one) . . . did . . . did not have possession of or control over any funds, personal property, or effects of defendant.

At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$ (On the reverse side of this answer form, or on an attached page, give an explanation of the dollar amount stated, or give reasons why there is uncertainty about your answer.)

If the above amount or any part of it is for personal earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a pension or retirement program): Garnishee has deducted from this amount \$ which is the exemption to which the defendant is entitled, leaving \$ that garnishee holds under the writ. The exempt amount is calculated as follows:

Total compensation due defendant \$

LESS deductions for social security and withholding taxes and any other deduction required by law \$

(list separately and identify) \$ Disposable earnings

If the title of this writ indicates that this is a garnishment under a child support judgment, enter forty percent of disposable earnings: \$ This amount is exempt and must be paid to the defendant at the regular pay time after deducting any processing fee you may charge.

If this is not a garnishment for child support, enter seventy-five percent of disposable earnings: \$ From the listing in the following paragraph, choose the amount for the relevant pay period and enter that amount: \$ (If amounts for more than one pay period are due, multiply the preceding amount by the number of pay periods and/or fraction of pay period for which amounts are due and enter that amount: \$) The greater of the amounts entered in this paragraph is the exempt amount and must be paid to the defendant at the regular pay time after deducting any processing fee you may charge.

Minimum exempt amounts for different pay periods: Weekly \$; Biweekly \$; Semimonthly \$; Monthly \$

List all of the personal property or effects of defendant in the garnishee's possession or control when the writ was served. (Use the reverse side of this answer form or attach a schedule if necessary.)): (A) The defendant: (check one) was, was not employed by garnishee. If not employed and you have no possession or control of any funds of defendant, indicate the last day of employment:; and complete section III of this answer and mail or deliver the forms as directed in the writ;

(B) The defendant: (check one) did not maintain a financial account with garnishee; and (c) The garnishee: (check one) did, did not have possession of or control over any funds, personal property, or effects of the defendant. (List all of defendant's personal property or effects in your possession or control on the last page of this answer form or attach a schedule if necessary.)

SECTION II. At the time of service of the writ of garnishment on the garnishee there was due and owing from the garnishee to the above-named defendant \$

This writ attaches a maximum of percent of the defendant's disposable earnings (that is, compensation payable for personal services, whether called wages, salary, commission, bonus, or otherwise, and including periodic payments pursuant to a nongovernmental pension or retirement program). Calculate the attachable amount as follows:

Gross Earnings \$(1)

Less deductions required by law (social security, federal withholding tax, etc. Do not include deductions for child support orders or government liens here. Deduct child support orders and liens on line 7): \$(2)

Disposable Earnings (subtract line 2 from line 1): \$(3)

Enter percent of line 3: \$(4)

Enter one of the following exempt amounts*: \$(5)

If paid:	<u>Weekly</u>	\$	<u>Semi-monthly</u>	\$
	<u>Bi-weekly</u>	\$	<u>Monthly</u>	\$

*These are minimum exempt amounts that the defendant must be paid. If your answer covers more than one pay period, multiply the preceding amount by the number of pay periods and/or fraction thereof your answer covers. If you use a pay period not shown, prorate the monthly exempt amount.

Subtract the larger of lines 4 and 5 from line 3: \$(6)

Enter amount (if any) withheld for ongoing government liens such as child support: \$(7)

Subtract line 7 from line 6. This amount must be held out for the plaintiff: \$(8)

This is the formula that you will use for withholding each pay period over the required sixty-day garnishment period. Deduct any allowable processing fee you may charge from the amount that is to be paid to the defendant.

If there is any uncertainty about your answer, give an explanation on the last page or on an attached page.

SECTION III. An attorney may answer for the garnishee.

Under penalty of perjury, I affirm that I have examined this answer, including accompanying schedules, and to the best of my knowledge and belief it is true, correct, and complete.

Date

Signature of

Garnishee Defendant

Connection with

Signature of person

answering for

garnishee

garnishee

((-

Address of Garnishee))

Address of garnishee

Print name of person signing

Sec. 9. RCW 6.27.200 and 1997 c 296 s 6 are each amended to read as follows:

If the garnishee fails to answer the writ within the time prescribed in the writ, after the time to answer the writ has expired and after required returns or affidavits have been filed, showing service on the garnishee and service on or mailing to the defendant, it shall be lawful for the court to render judgment by default against such garnishee, after providing a notice to the garnishee by personal service or first class mail deposited in the mail at least ten calendar days prior to entry of the judgment, for the full amount claimed by the plaintiff against the defendant, or in case the plaintiff has a judgment against the defendant, for the full amount of the plaintiff's unpaid judgment against the defendant with all accruing interest and costs as prescribed in RCW 6.27.090: PROVIDED, That upon motion by the garnishee at any time within seven days following service on, or mailing to, the garnishee of a copy of ((a)) the first writ of execution or ((a)) writ of garnishment under such judgment, the judgment against the garnishee shall be reduced to the amount of any nonexempt funds or property which was actually in the possession of the garnishee at the time the writ was served, plus the cumulative amount of the nonexempt earnings subject to the lien provided for in RCW 6.27.350, or the sum of one hundred dollars, whichever is more, but in no event to exceed the full amount claimed by the plaintiff or the amount of the unpaid judgment against the principal defendant plus all accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, and in addition the plaintiff shall be entitled to a reasonable attorney's fee for the plaintiff's response to the garnishee's motion to reduce said judgment against the garnishee under this proviso and the court may allow additional attorney's fees for other actions taken because of the garnishee's failure to answer.

Sec. 10. RCW 6.27.250 and 2000 c 72 s 5 are each amended to read as follows:

(1)(a) If it appears from the answer of the garnishee or if it is otherwise made to appear that the garnishee was indebted to the defendant in any amount, not exempt, when the writ of garnishment was served, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall render judgment for the plaintiff against such garnishee for the amount so admitted or found to be due to the defendant from the garnishee, unless such amount exceeds the amount of the plaintiff's claim or judgment against the defendant with accruing interest and costs and attorney's fees as prescribed in RCW 6.27.090, in which case it shall be for the amount of such claim or judgment, with said interest, costs, and fees. In the case of a superior court garnishment, the court shall order the garnishee to pay to the plaintiff or to the plaintiff's attorney through the registry of the court the amount of the judgment against the garnishee, the clerk of the court shall note receipt of any such payment, and the clerk of the court shall disburse the payment to the plaintiff. In the case of a district court garnishment, the court shall order the garnishee to pay the judgment amount directly to the plaintiff or to the plaintiff's attorney. In either case, the court shall inform the garnishee that failure to pay the amount may result in execution of the judgment, including garnishment.

(b) If, prior to judgment, the garnishee tenders to the plaintiff or to the plaintiff's attorney or to the court any amounts due, such tender will support judgment against the garnishee in the amount so tendered, subject to any exemption claimed within the time required in RCW 6.27.160 after the amounts are tendered, and subject to any controversy filed within the time required in RCW 6.27.210 after the amounts are tendered. Any amounts tendered to the court by or on behalf of the garnishee or the defendant prior to judgment shall be disbursed to the party entitled to same upon entry of judgment or order, and any amounts so tendered after entry of judgment or order shall be disbursed upon receipt to the party entitled to same.

(2) If it shall appear from the answer of the garnishee and the same is not controverted, or if it shall appear from the hearing or trial on controversy or by stipulation of the parties that the garnishee is indebted to the principal defendant in any sum, but that such indebtedness is not matured and is not due and payable, and if the required return or affidavit showing service on or mailing to the defendant is on file, the court shall make an order requiring the garnishee to pay such sum into court when the same becomes due, the date when such payment is to be made to be specified in the order, and in default thereof that judgment shall be entered against the garnishee for the amount of such indebtedness so admitted or found due. In case the garnishee pays the sum at the time specified in the order, the payment shall operate as a discharge, otherwise judgment shall be entered against the garnishee for the amount of such indebtedness, which judgment shall have the same force and effect, and be enforced in the same manner as other judgments entered against garnishees as provided in this chapter: PROVIDED, That if judgment is rendered in favor of the principal defendant, or if any judgment rendered against the principal defendant is satisfied prior to the date of payment specified in an order of payment entered under this subsection, the garnishee shall not be required to make the payment, nor shall any judgment in such case be entered against the garnishee.

(3) The court shall, upon request of the plaintiff at the time judgment is rendered against the garnishee or within one year thereafter, or within one year after service of the writ on the garnishee if no judgment is taken against the garnishee, render judgment against the defendant for recoverable garnishment costs and attorney fees. However, if it appears from the answer of garnishee or otherwise that, at the time the writ was issued, the garnishee held no funds, personal property, or effects of the defendant and, in the case of a garnishment on earnings, the defendant was not employed by the garnishee, or, in the case of a writ directed to a financial institution, the defendant maintained no account therein, then the plaintiff may not be awarded judgment against the defendant for such costs or attorney fees.

Sec. 11. RCW 6.27.265 and 2000 c 72 s 6 are each amended to read as follows:
The judgment on garnishee's answer or tendered funds, and for costs against defendant, and the order to pay funds shall be substantially in the following form:

IN THE . . . COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

No.

Plaintiff

vs.

JUDGMENT AND ORDER
TO PAY
(Clerk's Action Required)

Defendant

Garnishee

Judgment Summary

Judgment Creditor

Garnishment Judgment Debtor

Garnishment Judgment Amount

Costs Judgment Debtor

Costs Judgment Amount

Judgments to bear interest at

%

Attorney for Judgment Creditor

IT APPEARING THAT garnishee was indebted to defendant in the nonexempt amount of \$; that at the time the writ of garnishment was issued defendant was employed by or maintained a financial institution account with garnishee, or garnishee had in its possession or control funds, personal property, or effects of defendant; and that plaintiff has incurred recoverable costs and attorney fees of \$; now, therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED that plaintiff is awarded judgment against garnishee in the amount of \$; that plaintiff is awarded judgment against defendant in the amount of \$ for recoverable costs; that, if this is a superior court order, garnishee shall pay its judgment amount to plaintiff [or to plaintiff's attorney] through the registry of the court, and the clerk of the court shall note receipt thereof and forthwith disburse such payment to plaintiff [or to plaintiff's attorney]; that, if this is a district court order, garnishee shall pay its judgment amount to plaintiff directly [or ((through)) to plaintiff's attorney], and if any payment is received by the clerk of the court, the clerk shall forthwith disburse such payment to plaintiff [or to plaintiff's attorney]. Garnishee is advised that the failure to pay its judgment amount may result in execution of the judgment, including garnishment.

DONE IN OPEN COURT this day of, 20. .

Judge/Court Commissioner

Presented by:

Attorney for Plaintiff

Sec. 12. RCW 6.27.320 and 2000 c 72 s 7 are each amended to read as follows:

In any case where garnishee has answered that it is holding funds or property belonging to defendant and plaintiff shall obtain satisfaction of the judgment and payment of recoverable garnishment costs and attorney fees from a source other than the garnishment, upon written demand of the defendant or the garnishee, it shall be the duty of plaintiff to obtain an order dismissing the garnishment and to serve it upon the garnishee within twenty days after the demand or the satisfaction of judgment and payment of costs and fees, whichever shall be later. The attorney of record for the plaintiff may, as an alternative to obtaining a court order dismissing the garnishment, deliver to the garnishee and file with the court an authorization to dismiss the garnishment in whole or part, signed by the attorney, in substantially the form indicated in RCW 6.27.160(3). In the event of the failure of plaintiff to obtain and serve such an order or release, if garnishee continues to hold such funds or property, defendant shall be entitled to move for dismissal of the garnishment and shall further be entitled to a judgment against plaintiff of one hundred dollars plus defendant's costs and damages. Dismissal may be on ex parte motion of the plaintiff.

Sec. 13. RCW 6.27.340 and 1988 c 231 s 34 are each amended to read as follows:

(1) Service of a writ for a continuing lien shall comply fully with RCW 6.27.110.

(2) The caption of the writ shall be marked "CONTINUING LIEN ON EARNINGS" and the following additional paragraph shall be included in the writ form prescribed in RCW 6.27.100:

"THIS IS A WRIT FOR A CONTINUING LIEN. THE GARNISHEE SHALL HOLD the nonexempt portion of the defendant's earnings due at the time of service of this writ and shall also hold the defendant's nonexempt earnings that accrue through the last payroll period ending on or before SIXTY days after the date of service of this writ. HOWEVER, IF THE GARNISHEE IS PRESENTLY HOLDING THE NONEXEMPT PORTION OF THE DEFENDANT'S EARNINGS UNDER A PREVIOUSLY SERVED WRIT FOR A CONTINUING LIEN, THE GARNISHEE SHALL HOLD UNDER THIS WRIT only the defendant's nonexempt earnings that accrue from the date the previously served writ or writs terminate and through the last payroll period ending on or before sixty days after the date of termination of the previous writ or writs. IN EITHER CASE, THE GARNISHEE SHALL STOP WITHHOLDING WHEN THE SUM WITHHELD EQUALS THE AMOUNT STATED IN THIS WRIT OF GARNISHMENT."

(3) The answer forms served on an employer with the writ shall include in the caption, "ANSWER TO WRIT OF GARNISHMENT FOR CONTINUING LIEN ON EARNINGS," and the following paragraph shall be added (~~as the first paragraph~~) to section I of the answer form prescribed in RCW 6.27.190:

"If you are withholding the defendant's nonexempt earnings under a previously served writ for a continuing lien, answer only (~~this portion~~) sections I and II of this form and mail or deliver the forms as directed in the writ. Withhold from the defendant's future nonexempt earnings as directed in the writ, and a second set of answer forms will be forwarded to you later.

ANSWER: I am presently holding the defendant's nonexempt earnings under a previous writ served on that will terminate not later than, ((49)) 20.

If you are NOT withholding the defendant's earnings under a previously served writ for a continuing lien, answer (~~the following portion of~~) this entire form and mail or deliver the forms as directed in the writ. A second set of answer forms will be forwarded to you later for subsequently withheld earnings."

In the event plaintiff fails to comply with this section, employer may elect to treat the garnishment as one not creating a continuing lien.

Sec. 14. RCW 6.27.350 and 1997 c 296 s 7 are each amended to read as follows:

(1) Where the garnishee's answer to a garnishment for a continuing lien reflects that the defendant is employed by the garnishee, the judgment or balance due thereon as reflected on the writ of garnishment shall become a lien on earnings due at the time of the effective date of the writ, as defined in this subsection, to the extent that they are not exempt from garnishment, and such lien shall continue as to subsequent nonexempt earnings until the total subject to the lien equals the amount stated on the writ of garnishment or until the expiration of

the employer's payroll period ending on or before sixty days after the effective date of the writ, whichever occurs first, except that such lien on subsequent earnings shall terminate sooner if the employment relationship is terminated or if the underlying judgment is vacated, modified, or satisfied in full or if the writ is dismissed. The "effective date" of a writ is the date of service of the writ if there is no previously served writ; otherwise, it is the date of termination of a previously served writ or writs.

(2) At the time of the expected termination of the lien, the plaintiff shall mail to the garnishee three additional stamped envelopes addressed as provided in RCW 6.27.110, and four additional copies of the answer form prescribed in RCW 6.27.190(~~(-a)~~). ~~The plaintiff shall replace the text of section I of the answer form with a statement in substantially the following form ((added as the first paragraph):~~ "ANSWER (~~THE SECOND PART~~) SECTION II OF THIS FORM WITH RESPECT TO THE TOTAL AMOUNT OF EARNINGS WITHHELD UNDER THIS GARNISHMENT, INCLUDING THE AMOUNT, IF ANY, STATED IN YOUR FIRST ANSWER, AND WITHIN TWENTY DAYS AFTER YOU RECEIVE THESE FORMS, MAIL OR DELIVER THEM AS DIRECTED IN THE WRIT(~~" and (b) with the following lines substituted for the first sentence of the form prescribed in RCW 6.27.190(-)~~)." ~~and~~

Amount due and owing stated in first answer \$. . .

Amount accrued since first answer \$. . .

TOTAL AMOUNT WITHHELD \$

(3) Within twenty days of receipt of the second answer form the garnishee shall file a second answer, in the form as provided in subsection (2) of this section, stating the total amount held subject to the garnishment.

Sec. 15. RCW 3.62.060 and 1992 c 62 s 8 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of thirty-one dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of six dollars.

(3) For filing a supplemental proceeding a fee of twelve dollars.

(4) For demanding a jury in a civil case a fee of fifty dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of six dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

(8) For duplication of part or all of the electronic tape or tapes of a proceeding ten dollars per tape.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded.

Sec. 16. RCW 6.27.010 and 1987 c 442 s 1001 are each amended to read as follows:

(1) As used in this chapter, the term "earnings" means compensation paid or payable to an individual for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a nongovernmental pension or retirement program.

(2) As used in this chapter, the term "disposable earnings" means that part of earnings remaining after the deduction from those earnings of any amounts required by law to be withheld.

Sec. 17. RCW 6.27.060 and 1988 c 231 s 22 are each amended to read as follows:

The judgment creditor as the plaintiff or someone in the judgment creditor's behalf shall apply for a writ of garnishment by affidavit, stating the following facts: (1) The plaintiff has a judgment wholly or partially unsatisfied in the court from which the writ is sought; (2) the amount alleged to be due under that judgment; (3) the plaintiff has reason to believe, and does believe that the garnishee, stating the garnishee's name and residence or place of business, is indebted to the defendant in amounts exceeding those exempted from garnishment by any state or federal law, or that the garnishee has possession or control of personal property or effects belonging to the defendant which are not exempted from garnishment by any state or federal law; and (4) whether or not the garnishee is the employer of the judgment debtor.

The judgment creditor shall pay to the clerk of the superior court the fee provided by RCW 36.18.020, or to the clerk of the district court the fee (~~of two dollars~~) provided by RCW 3.62.060."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator McCaslin moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5592.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator McCaslin that the Senate concur in the House amendment to Substitute Senate Bill No. 5592.

The motion by Senator McCaslin carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5592.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5592, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5592, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 4; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Winsley and Zarelli - 40.

Voting nay: Senators Hargrove Keiser, Spanel and Thibaudeau, - 4.

Excused: Senators Finkbeiner, Horn, Schmidt Swecker, and West - 5.

SUBSTITUTE SENATE BILL NO. 5592, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:24 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m, Tuesday, April 22, 2003.

MILTON H. DOUMIT, Jr., Secretary of the Senate.

BRAD OWEN, President of the Senate

JOURNAL OF THE SENATE

NINETY-NINTH DAY, APRIL 21, 2003

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

ONE HUNDREDTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 22, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Parlette, Poulsen, Prentice, West and Zarelli. On motion of Senator Eide, Senators Poulsen and Prentice were excused. On motion of Senator Hewitt, Senators Parlette, West and Zarelli were excused.

The Sergeant at Arms Color Guard, consisting of Pages Rachel Holzknicht and Mykel Racelis, presented the Colors. Reverend Terry Kaiser, pastor of the Faith Assembly in Lacey, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 21, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 17, 2003, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5076

Relating to the highest responsible bidder for sales of valuable materials from state-owned aquatic lands.

Substitute Senate Bill No. 5088

Relating to certain lands in Tacoma used for school and playground purposes.

Senate Bill No. 5090

Relating to determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards.

Senate Bill No. 5096

Relating to allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation.

Senate Bill No. 5100

Relating to paying survivor benefits in accordance with Title 26 U.S.C. Sec.101(h) as amended by the Fallen Hero Survivor Fairness Act of 2001.

Substitute Senate Bill No. 5117

Relating to sale, distribution, or installation of air bags.

Senate Bill No. 5122

Relating to trademark registration.

Senate Bill No. 5123

Relating to the Washington business corporation act.

Substitute Senate Bill No. 5165

Relating to vehicular pursuit by law enforcement officers.

Senate Bill No. 5167

Relating to sellers of travel.

Senate Bill No. 5172

Relating to making technical corrections to the Revised Code of Washington under the authority of RCW 1.08.025.

Senate Bill No. 5224

Relating to the membership of the affordable housing advisory board.

Engrossed Substitute Senate Bill No. 5229

Relating to a motorcycle skills education program for three-wheeled motorcycles.

Senate Bill No. 5244

Relating to powers of unclassified cities.

Substitute Senate Bill No. 5251

Relating to foreign judgments.

Substitute Senate Bill No. 5265

Relating to the marketing of bottled wine at farmers markets.

Senate Bill No. 5273

Relating to the veterans' scoring criteria in employment examinations.

Substitute Senate Bill No. 5290

Relating to authorizing continued receipt of criminal history information by the horse racing commission.

Substitute Senate Bill No. 5321

Relating to payment agreements.

Engrossed Senate Bill No. 5374

Relating to the election account.

Substitute Senate Bill No. 5505

Relating to courses of study options offered by public high schools.

Substitute Senate Bill No. 5550

Relating to prohibiting secure community transition facilities from being sited near public and private youth camps.

Engrossed Senate Bill No. 5560

Relating to the prohibition of sales of alcohol on university grounds.

Substitute Senate Bill No. 5719

Relating to fraudulent use of a credit card scanning device.

Senate Bill No. 5758

Relating to technical reorganization of criminal statutes to simplify citation to offenses.

Substitute Senate Bill No. 5761

Relating to industrial projects of statewide significance.

Senate Bill No. 5937

Relating to additions to the scenic and recreational highway system.

Engrossed Senate Bill No. 5938

Relating to financial responsibility requirements for vessels.

Substitute Senate Bill No. 5966

Relating to increasing the supply of dentists to meet the critical shortage of dental providers in this state and underserved areas.

Senate Bill No. 5989

Relating to pilot members of the board of pilotage commissioners.

Senate Bill No. 5994

Relating to removing suppliers and distributors of wine from the provisions of chapter 19.126 RCW.

Sincerely,
Jennifer Joly, General Counsel

MESSAGE FROM THE HOUSE

April 21, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

***SUBSTITUTE HOUSE BILL NO. 1036,
SUBSTITUTE HOUSE BILL NO. 1058,
SUBSTITUTE HOUSE BILL NO. 1061,
ENGROSSED HOUSE BILL NO. 1079,
HOUSE BILL NO. 1088,
ENGROSSED HOUSE BILL NO. 1090,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1102,
HOUSE BILL NO. 1114,
SUBSTITUTE HOUSE BILL NO. 1127,
SUBSTITUTE HOUSE BILL NO. 1128,
HOUSE BILL NO. 1144,
SUBSTITUTE HOUSE BILL NO. 1213,
HOUSE BILL NO. 1289,
HOUSE BILL NO. 1379,
ENGROSSED HOUSE BILL NO. 1403,
SUBSTITUTE HOUSE BILL NO. 1409,
SUBSTITUTE HOUSE BILL NO. 1512,***

***ENGROSSED HOUSE BILL NO. 1561,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,
SUBSTITUTE HOUSE BILL NO. 1605,
SUBSTITUTE HOUSE BILL NO. 1609,
SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1635,
SUBSTITUTE HOUSE BILL NO. 1707.***

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 21, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

***ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1619,
HOUSE BILL NO. 1753,
HOUSE BILL NO. 1786,
SUBSTITUTE HOUSE BILL NO. 1805,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845,
SUBSTITUTE HOUSE BILL NO. 1854,
HOUSE BILL NO. 1878,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904,
SUBSTITUTE HOUSE BILL NO. 1909,
HOUSE BILL NO. 1937,
SUBSTITUTE HOUSE BILL NO. 1943,***

SUBSTITUTE HOUSE BILL NO. 2007,
SECOND SUBSTITUTE HOUSE BILL NO. 2012,
SUBSTITUTE HOUSE BILL NO. 2027,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076,
HOUSE BILL NO. 2183,
SUBSTITUTE HOUSE BILL NO. 2202.

CYNTHIA ZEHNDER, Chief Clerk

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Brandland, Gubernatorial Appointment No. 9167, Peggy Zoro, as a member of the Board of Trustees for Western Washington University, was confirmed.

APPOINTMENT OF PEGGY ZORO

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Winsley - 43.

ent: Senator Deccio - 1.

Excused: Senators Parlette, Poulsen, Prentice, West and Zarelli - 5.

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9184, Craig W. Cole, as a member of the Board of Regents for the University of Washington, was confirmed.

Senators Spanel, Haugen, Shin, Brandland and Tim Sheldon spoke to the confirmation of Craig W. Cole as a member of the Board of Regents for the University of Washington.

APPOINTMENT OF CRAIG W. COLE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Absent: Senators Hargrove and Rossi - 2.

Excused: Senators Poulsen, Prentice and West - 3.

MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

SENATE RESOLUTION 8662

By Senators McAuliffe, Rasmussen, Fraser, Johnson, Kohl-Welles, Regala and Spanel

WHEREAS, Autism is a lifelong, neurological disorder that affects a person's communication skills and ability to form relationships with others; and

WHEREAS, Autism was first described by Dr. Leo Kanner in 1943; and

WHEREAS, Children and adults with autism have difficulties in verbal and nonverbal communication, social interactions, and leisure or play activities; and

WHEREAS, Symptoms may include deficient or delayed communication, sensory integration difficulties, unusual reactions to normal stimuli, and inability to imitate others; and

WHEREAS, Characteristic behaviors of autism may or may not appear in infancy (eighteen or twenty-four months), but usually become obvious during early childhood (twenty-four months to six years); and

WHEREAS, Autism is four times more prevalent in boys than girls; and

WHEREAS, While there are no medical tests to diagnose autism, research indicates that individuals with autism can have dramatically better outcomes with early detection; and
WHEREAS, Educational programs have significantly improved the outcomes of children with autism, helping them become productive adult members of society; and
WHEREAS, The governor has proclaimed April 2003 as Autism Awareness Month;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate encourage public schools to pursue early detection of autism, increase public awareness of autism, and provide educational opportunities for children with autism through individualized education plans allowing these special children to be successful learners; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Superintendent of Public Instruction, the Department of Social and Health Services, and all public school districts.

Senators McAuliffe, Rasmussen and Franklin spoke to Senate Resolution 8662.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5014 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.155 RCW to read as follows:

(1) A subaccount is created in the public works assistance account to receive money to fund the following projects: (a) Water storage projects; and (b) water systems facilities.

(2) The projects listed in subsection (1) of this section must comply with the competitive bid requirements of RCW 43.155.060.

(3) The subaccount created in subsection (1) of this section shall receive amounts appropriated to it for purposes of distributing these moneys as grants for water storage projects and water systems facilities projects as provided in the appropriation and this section. This subaccount shall be administered by the board and shall be separate from the other programs managed by the board under this chapter.

(4) The subaccount created in this section shall be known as the water storage projects and water systems facilities subaccount of the public works assistance account.

Sec. 2. RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the water storage projects and water systems facilities subaccount of the public works assistance account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Morton, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5014.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5014, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5014, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Poulsen and West - 2.

ENGROSSED SENATE BILL NO. 5014, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5509 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the use of anatomical gifts, including the donation of organ or tissue, for the purpose of transplantation is of great interest to the citizens of Washington state and may save or prolong the life or improve the health of extremely ill and dying persons.

The legislature further finds that more than eighty thousand people are currently waiting for life-saving organ transplants on the national transplant waiting list. More than one thousand two hundred of these people are listed at Washington state transplant centers. Nationally, seventeen people die each day as a result of the shortage of donated organs.

The creation of a statewide organ and tissue donor registry is crucial to facilitate timely and successful organ and tissue procurement. The legislature further finds that continuing education as to the existence and maintenance of a statewide organ and tissue donor registry is in the best interest of the people of the state of Washington.

Sec. 2. RCW 68.50.530 and 1996 c 178 s 15 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout RCW 68.50.520 through ((68.50.630)) 68.50.620, sections 3 and 7 of this act, and 68.50.901 through 68.50.904.

(1) "Anatomical gift" means a donation of all or part of a human body to take effect upon or after death.

(2) "Decedent" means a deceased individual.

(3) "Document of gift" means a card, a statement attached to or imprinted on a motor vehicle operator's license, a will, or other writing used to make an anatomical gift.

(4) "Donor" means an individual who makes an anatomical gift of all or part of the individual's body.

(5) "Enucleator" means an individual who is qualified to remove or process eyes or parts of eyes.

(6) "Hospital" means a facility licensed under chapter 70.41 RCW, or as a hospital under the law of any state or a facility operated as a hospital by the United States government, a state, or a subdivision of a state.

(7) "Part" means an organ, tissue, eye, bone, artery, blood, fluid, or other portion of a human body.

(8) "Person" means an individual, corporation, business trust, estate, trust, partnership, joint venture, association, government, governmental subdivision or agency, or any other legal or commercial entity.

(9) "Physician" or "surgeon" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under chapters 18.71 and 18.57 RCW.

(10) "Procurement organization" means a person licensed, accredited, or approved under the laws of any state for procurement, distribution, or storage of human bodies or parts.

(11) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in section 6 of this act; (c) literature that is specific to the organ and tissue donor registry or the donation program created in section 6 of this act; and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in section 6 of this act that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(12) "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

((12)) (13) "Technician" means an individual who is qualified to remove or process a part.

(14) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

NEW SECTION. Sec. 3. A new section is added to chapter 68.50 RCW to read as follows:

(1) The department of licensing shall electronically transfer all information that appears on the front of a driver's license or identicard including the name, gender, date of birth, and most recent address of any person who obtains a driver's license or identicard and volunteers to donate organs or tissue upon death to any Washington state organ procurement organization that intends to establish a statewide organ and tissue donor registry as provided under subsection (2) of this section. All subsequent electronic transfers of donor information shall be at no charge to this Washington state organ procurement organization.

(2) Information obtained by a Washington state organ procurement organization under subsection (1) of this section shall be used for the purpose of establishing a statewide organ and tissue donor registry accessible to in-state recognized cadaveric organ and cadaveric tissue agencies for the recovery or placement of organs and tissue and to procurement agencies in another state when a Washington state resident is a donor of an anatomical gift and is not located in this state at the time of death or immediately before the death of the donor. Any registry created using information acquired under subsection (1) of this section must include all residents of Washington state regardless of their residence within the service area designated by the federal government.

(3) No organ or tissue donation organization may obtain information from the organ and tissue donor registry for the purposes of fund raising. Organ and tissue donor registry information may not be further disseminated unless authorized in this section or by federal law. Dissemination of organ and tissue donor registry information may be made by a Washington state organ procurement organization to another Washington state organ procurement organization, a recognized in-state procurement agency for other tissue recovery, or an out-of-state federally designated organ procurement organization that has been designated by the United States department of health and human services to serve an area outside Washington.

(4) A Washington state organ procurement organization may acquire donor information from sources other than the department of licensing.

(5) All reasonable costs associated with the creation of an organ and tissue donor registry shall be paid by the Washington state organ procurement organization that has requested the information. The reasonable costs associated with the initial installation and setup for electronic transfer of the donor information at the department of licensing shall be paid by the Washington state organ procurement organization that requested the information.

(6) An individual does not need to participate in the organ and tissue donor registry to be a donor of organs or tissue. The registry is to facilitate organ and tissue donations and not inhibit persons from being donors upon death.

Sec. 4. RCW 68.50.540 and 1995 c 132 s 1 are each amended to read as follows:

(1) An individual who is at least eighteen years of age, or an individual who is at least sixteen years of age as provided in subsection (12) of this section, may (a) make an anatomical gift for any of the purposes stated in RCW 68.50.570(1), (b) limit an anatomical gift to one or more of those purposes, or (c) refuse to make an anatomical gift.

(2) An anatomical gift may be made by a document of gift signed by the donor. If the donor cannot sign, the document of gift must be signed by another individual and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other and state that it has been so signed.

(3) If a document of gift is attached to or imprinted on a donor's motor vehicle operator's license, the document of gift must comply with subsection (2) of this section. Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift.

(4) The donee or other person authorized to accept the anatomical gift may employ or authorize a physician, surgeon, technician, or enucleator to carry out the appropriate procedures.

(5) An anatomical gift by will takes effect upon death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

(6)(a) A donor may amend or revoke an anatomical gift, not made by will, by:

((a)) (i) A signed statement;

((b)) (ii) An oral statement made in the presence of two individuals;

((c)) (iii) Any form of communication during a terminal illness or injury; or

((d)) (iv) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

(b) A donor shall notify a Washington state organ procurement organization of the destruction, cancellation, or mutilation of the document of gift for the purpose of removing the person's name from the organ and tissue donor registry created in section 3 of this act. If the Washington state organ procurement organization that is notified does not maintain a registry for Washington residents, it shall notify all Washington state organ procurement organizations that do maintain such a registry.

(7) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in subsection (6) of this section.

(8) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of a person after the donor's death.

(9) An individual may refuse to make an anatomical gift of the individual's body or part by (a) a writing signed in the same manner as a document of gift, (b) a statement attached to or imprinted on a donor's motor vehicle operator's license, or (c) another writing used to identify the individual as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

(10) In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under RCW 68.50.550.

(11) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, the donor shall make the refusal pursuant to subsection (9) of this section.

(12) An individual who is under the age of eighteen, but is at least sixteen years of age, may make an anatomical gift as provided by subsection (2) of this section, if the document of gift is also signed by either parent or a guardian of the donor. A document of gift signed by a donor under the age of eighteen that is not signed by either parent or a guardian shall not be considered valid until the person reaches the age of eighteen, but may be considered as evidence that the donor has not refused permission to make an anatomical gift under the provisions of RCW 68.50.550.

NEW SECTION. Sec. 5. A new section is added to chapter 46.20 RCW to read as follows:

The department shall electronically transfer the information of all persons who upon application for a driver's license or identicaid volunteer to donate organs or tissue to a registry created in section 3 of this act, and any subsequent changes to the applicant's donor status when the applicant renews a driver's license or identicaid or applies for a new driver's license or identicaid.

NEW SECTION. Sec. 6. A new section is added to chapter 46.12 RCW to read as follows:

An applicant for a new or renewed registration for a vehicle required to be registered under this chapter or chapter 46.16 RCW may make a donation of one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the provisions of the uniform anatomical gift act, RCW 68.50.520 through 68.50.630. The department shall collect the donations and credit the donations to the organ and tissue donation awareness account, created in section 7 of this act. At least quarterly, the department shall transmit donations made to the organ and tissue donation awareness account to the foundation established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. All Washington state organ procurement organizations will have proportional access to these funds to conduct public education in their service areas. The donation of one or more dollars is voluntary and may be refused by the applicant. The department shall make available informational booklets or other informational sources on the importance of organ and tissue donations to applicants.

The department shall inquire of each applicant at the time the completed application is presented whether the applicant is interested in making a donation of one dollar or more and shall also specifically inform the applicant of the option for organ and tissue donations as required by RCW 46.20.113. The department shall also provide written information to each applicant volunteering to become an organ and tissue donor. The written information shall disclose that the applicant's name shall be transmitted to the organ and tissue donor registry created in section 3 of this act, and that the applicant shall notify a Washington state organ procurement organization of any changes to the applicant's donor status.

All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by other agreement by a Washington state organ procurement organization.

For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as defined in RCW 68.50.530.

NEW SECTION. Sec. 7. A new section is added to chapter 68.50 RCW to read as follows:

(1) The organ and tissue donation awareness account is created in the custody of the state treasurer. All receipts from donations made under section 6 of this act, and other contributions and appropriations specifically made for the purposes of organ and tissue donor awareness, shall be deposited into the account. Except as provided in subsection (2) of this section, expenditures from the account may be authorized by the director of the department of licensing or the director's designee and do not require an appropriation.

(2) The department of licensing shall submit a funding request to the legislature covering the reasonable costs associated with the ongoing maintenance associated with the electronic transfer of the donor information to the organ and tissue donor registry and the donation

program established in section 6 of this act. The legislature shall appropriate to the department of licensing an amount it deems reasonable from the organ and tissue donation awareness account to the department of licensing for these purposes.

(3) At least quarterly, the department of licensing shall transmit any remaining moneys in the organ and tissue donation awareness account to the foundation established in section 6 of this act for the costs associated with educating the public about the organ and tissue donor registry and related organ and tissue donation education programs.

(4) Funding for donation awareness programs must be proportional across the state regardless of which Washington state organ procurement organization may be designated by the United States department of health and human services to serve a particular geographic area. No funds from the account may be used to fund activities outside Washington state.

NEW SECTION. Sec. 8. Section 6 of this act takes effect with registrations that are due or become due January 1, 2004, or later."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Deccio moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5509.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Deccio to concur in the House amendment to Substitute Senate Bill No. 5509.

The motion by Senator Deccio carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5509.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5509, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5509, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Poulsen and West - 2.

SUBSTITUTE SENATE BILL NO. 5509, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5995 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 49.12.187 and 1973 2nd ex.s. c 16 s 18 are each amended to read as follows:

This chapter shall not be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment. However, rules adopted under this chapter regarding appropriate rest and meal periods as applied to employees in the construction trades may be superseded by a collective bargaining agreement negotiated under the national labor relations act, 29 U.S.C. Sec. 151 et seq., if the terms of the collective bargaining agreement covering such employees specifically require rest and meal periods and prescribe requirements concerning those rest and meal periods.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate concurred in the House amendment to Substitute Senate Bill No. 5995.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5995, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5995, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Poulsen and West - 2.

SUBSTITUTE SENATE BILL NO. 5995, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002 with the following amendment(s):
Beginning on page 1, after line 10, strike all material through "Washington." on page 3, line 20, and insert the following:

"WHEREAS, Wildfires in forest areas are increasing at an alarming rate with the 2002 fire season one of the most severe since the 1940s; and

WHEREAS, There are over 180 million acres of public land near communities with a high risk of fire; and

WHEREAS, Forest health both in Washington state and throughout the nation has been on a steady decline in many forests over the last thirty years; and

WHEREAS, Forest insect infestations, disease, overly dense forests, weeds, and brush and shrub build-up are increasing problems; and

WHEREAS, Federal government agencies can help address the issues faced by forests in Washington by working closely with the state and local communities to restore damaged landscapes and appropriately reforest and manage lands near homes and urban areas;

NOW, THEREFORE, Your Memorialists respectfully pray that there be appropriate forest health-related management activities conducted on all forestland and on all Washington national forests. Appropriate forest management will enhance and protect the health of federal, state, and private forestlands. Such efforts will reduce the effects of catastrophic wildfire that threaten all forest values, including wildlife, water quality, and recreation opportunities. Appropriate management will protect communities within and surrounding the forests.

BE IT RESOLVED, That the United States Forest Service review the effectiveness of current fire fighting procedures and fire fighting procedures used in the past, including fire breaks established before fires and fire lines established during fires, to ensure that the most effective methods are used; and

BE IT FURTHER RESOLVED, That we strongly support federal management activities to reduce the risk of further spreading of insects and disease to state forestlands and private lands adjacent to federal lands; and

BE IT FURTHER RESOLVED, That we encourage the United States Forest Service to first focus management activities on federal lands that threaten adjacent private lands to decrease the risk of wildfire that could spread on to privately owned timberland, and then request from Congress the authority to use revenue generated from harvest activities to fund ecosystem restoration and reforestation activities to benefit fish and wildlife and improve water quality; and

BE IT FURTHER RESOLVED, That we encourage the United States Forest Service to strongly consider current market conditions and the economic viability of timber sales when choosing harvest methods, encourage innovative and efficient logging techniques that ensure adequate protection for fish, wildlife, and water quality, and capture as much economic value from timber as possible without compromising water quality or wildlife habitat; and

BE IT FURTHER RESOLVED, That federal, state, and local agencies work together with the public to streamline the processes to jointly address all forest health issues in order to stem the tide of forest and grazing land wildfire, insect infestations, disease, and environmental degradation; and

BE IT FURTHER RESOLVED, That federal and state agencies work with all stakeholders to promote efforts that provide policy solutions and to conduct field operations so that our nation's public forests' health issues can be addressed; and

BE IT FURTHER RESOLVED, That Congress provide adequate funding levels for the United States Forest Service and continually assess the progress towards a healthy forest environment;

BE IT FURTHER RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the Honorable Ann M. Veneman, Secretary of the Department of Agriculture, Dale Bosworth, Chief of the Forest Service, and the Honorable Gail A. Norton, Secretary of the Department of the Interior, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the state of Washington.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Morton, the Senate concurred in the House amendment to Substitute Senate Joint Memorial No. 8002.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Joint Memorial No. 8002, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Joint Memorial No. 8002, as amended by the House, and the joint memorial passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Poulsen and West - 2.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5221 with the following amendment(s):

On page 191, line 19, after "except" strike "Saturdays, Sundays," and insert "Sundays", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5221.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach to concur in the House amendment to Substitute Senate Bill No. 5221.

The motion by Senator Roach carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5221.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5221, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5221, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Poulsen and West - 2.

SUBSTITUTE SENATE BILL NO. 5221, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5335 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.37.530 and 1997 c 328 s 4 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, or moped on a state highway, county road, or city street unless wearing upon his or her head a ~~((protective))~~ motorcycle helmet ~~((of a type conforming to rules adopted by the state patrol))~~ except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The motorcycle helmet ~~((must be equipped with either a))~~ neck or chin strap ~~((which shall))~~ must be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet ~~((which))~~ that does not meet the requirements established by ~~((the state patrol))~~ this section.

(2) The state patrol ~~((is hereby authorized and empowered to))~~ may adopt and amend rules, pursuant to the Administrative Procedure Act, concerning ~~((the))~~ standards ~~((and procedures for conformance of rules adopted))~~ for glasses, goggles, and face shields ~~((, and protective helmets))~~.

(3) For purposes of this section, "motorcycle helmet" means a protective covering for the head consisting of a hard outer shell, padding adjacent to and inside the outer shell, and a neck or chin strap type retention system, with a sticker indicating that the motorcycle helmet meets standards established by the United States Department of Transportation.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Horn, the Senate concurred in the House amendment to Substitute Senate Bill No. 5335.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5335, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5335, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 42.

Voting nay: Senators Brandland, Fairley, Jacobsen, Morton and Thibaudeau - 5.

Excused: Senators Poulsen and West - 2.

SUBSTITUTE SENATE BILL NO. 5335, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5413 with the following amendment(s):

On page 4, line 15, strike everything after "(a)" and insert "Is licensed with and works under the direct supervision of an out-of-state broker who meets all of the requirements under subsection (1) of this section; and

(b) Provides the Washington broker who is working in cooperation with the out-of-state broker with whom the salesperson or associate broker is associated with a copy of the salesperson's or associate broker's current license in good standing from the jurisdiction where the out-of-state salesperson or associate broker maintains an active real estate license in connection with the out-of-state broker.

(3) A person licensed in a jurisdiction where there is no legal distinction between a real estate broker license and a real estate salesperson license must meet the requirements of subsection (1) of this section before engaging in any activity described in this section that requires a real estate broker license in this state.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment to Senate Bill No. 5413.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Benton to concur in the House amendment to Senate Bill No. 5413.

The motion by Senator Benton carried and the Senate concurred in the House amendment to Senate Bill No. 5413.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5413, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5413, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SENATE BILL NO. 5413, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5959 with the following amendment(s):

On page 2, after line 12, insert the following:

"(c) The permit holder may use the approach for ingress and egress from the highway for construction or maintenance of the personal wireless service facility during nonpeak traffic hours so long as public safety is not adversely affected. The permit holder may use the approach for ingress and egress at any time for the construction of the facility if public safety is not adversely affected and if construction will not substantially interfere with traffic flow during peak traffic periods."

On page 2, line 16, strike all of (a) of subsection (2) and insert "(a) The department shall set the yearly cost of a permit in rule."

On page 2, after line 27 insert the following:

"(4) The department shall present a report to the house technology, telecommunications, and energy committee and the senate technology and telecommunications committee on the implementation of the permit process and the cost of permits by January 15, 2004, and by the first day of the legislative session following adoption of any rule increasing the cost of permits.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Esser moved that the Senate concur in the House amendments to Senate Bill No. 5959.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Esser to concur in the House amendments to Senate Bill No. 5959.

The motion by Senator Esser carried and the Senate concurred in the House amendments to Senate Bill No. 5959.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5959, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5959, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Voting nay: Senator Haugen - 1.

Absent: Senator Hargrove - 1.

Excused: Senator West - 1.

SENATE BILL NO. 5959, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5942 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

"PART I - LICENSING REQUIREMENTS

Sec. 1. RCW 70.87.230 and 2002 c 98 s 10 are each amended to read as follows:

~~((No person shall erect, construct, wire, alter, replace, maintain, remove, or dismantle any conveyance contained within a building or structures within the jurisdiction of this))~~ Except as provided in section 4 of this act, a person may not perform conveyance work within the state unless he or she ~~((has))~~ is an elevator mechanic ~~((license and the person))~~ who is regularly employed by and is working: (1) For an owner exempt from licensing requirements under section 4 of this act and performing maintenance; (2) for a public agency performing maintenance; or (3) under the direct supervision of ~~((a person, firm, or company who has an elevator contractors [contractor] license pursuant to this chapter))~~ an elevator contractor. A person, firm, public agency, or company is not required to ~~((have an elevator contractors [contractor] license))~~ be an elevator contractor for removing or dismantling conveyances that are destroyed as a result of a complete demolition of a secured building or structure or where the building is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

Sec. 2. RCW 70.87.240 and 2002 c 98 s 12 are each amended to read as follows:

(1) Any person, firm, public agency, or company wishing to engage in the business of ~~((installing, altering, servicing, replacing, or maintaining elevators, dumbwaiters, escalators, or moving sidewalks))~~ performing conveyance work within the ~~((jurisdiction))~~ state must ~~((make application))~~ apply for ~~((a))~~ an elevator contractor license with the department on a form provided by the department and be a registered general or specialty contractor under chapter 18.27 RCW.

(2) Except as provided by section 4 of this act, any person wishing to ~~((engage in installing, altering, repairing, or servicing elevators, dumbwaiters, escalators, or moving sidewalks))~~ perform conveyance work within the ~~((jurisdiction))~~ state must ~~((make application))~~ apply for ~~((a))~~ an elevator mechanic license with the department on a form provided by the department.

(3) ~~((No))~~ An elevator contractor license may not be granted to any person or firm who ~~((has not proven to))~~ does not possess the following qualifications:

(a) Five years' ~~((work))~~ experience ~~((in the elevator industry in construction, maintenance, and service or repair))~~ performing conveyance work, as verified by current and previous elevator contractors ~~((licenses))~~ licensed to do business; or

(b) Satisfactory completion of a written examination administered by the department on this chapter and the rules adopted under this chapter.

(4) ~~((No))~~ Except as provided in subsection (5) of this section and section 3 of this act, an elevator mechanic license may not be granted to any person who ~~((has not proven to))~~ does not possess the following qualifications:

(a) An acceptable combination of documented experience and education credits: Not less than three years' ~~((work))~~ experience ~~((in the elevator industry, in construction, or maintenance and service or repair))~~ performing conveyance work, as verified by current and previous employers licensed to do business in this state or public agency employers; and

(b) Satisfactory completion of a written examination administered by the department on this chapter and the rules adopted under this chapter.

(5) Any person who furnishes the department with acceptable proof that he or she has ~~((worked as an elevator constructor, or as a maintenance or repair person))~~ performed conveyance work in the category for which a license is sought shall upon making application for a license and paying the license fee ~~((is entitled to))~~ receive a license without an examination. The person must have:

(a) Worked without direct and immediate supervision for ~~((an elevator contractor licensed to do business))~~ a general or specialty contractor registered under chapter 18.27 RCW and engaged in the business of performing conveyance work in this state. This employment may not be less than each and all of the three years immediately before ~~((June 13, 2002))~~ March 1, 2004. The person must ~~((make application within one year of June 13, 2002))~~ apply within ninety days after the effective date of rules adopted under this chapter establishing licensing requirements;

(b) Worked without direct and immediate supervision for an owner exempt from licensing requirements under section 4 of this act or a public agency as an individual responsible for maintenance of conveyances owned by the owner exempt from licensing requirements under section 4 of this act or the public agency. This employment may not be less than each and all of the three years immediately before March 1, 2004. The person must apply within ninety days after the effective date of rules adopted under this chapter establishing licensing requirements;

(c) Obtained a certificate of completion and successfully passed the mechanic examination of a nationally recognized training program for the elevator industry such as the national elevator industry educational program or its equivalent; or

~~((e))~~ (d) Obtained a certificate of completion of an apprenticeship program for an elevator mechanic, having standards substantially equal to those of this chapter, and registered with the Washington state apprenticeship and training council.

(6) A license must be issued to an individual holding a valid license from a state having entered into a reciprocal agreement with the department and having standards substantially equal to those of this chapter, upon application and without examination.

NEW SECTION. Sec. 3. A new section is added to chapter 70.87 RCW to read as follows:

CATEGORIES OF LICENSURE. A material lift mechanic license to perform conveyance work on material lifts subject to WAC 296-96-05010 may be granted to any person who possesses the following qualifications:

(1) The person: (a) Must be employed by an elevator contractor that complies with subsections (2) and (3) of this section; (b) must have successfully completed the training described in subsection (2) of this section; and (c) after successfully completing such training, must have passed a written examination administered by the department that is designed to demonstrate competency with regard to conveyance work on material lifts;

(2) The employer must provide the persons specified in subsection (1) of this section adequate training, including any training provided by the manufacturer, ensuring worker safety and adherence to the published operating specifications of the conveyance manufacturer; and

(3) The employer must maintain: (a) A conveyance work log identifying the equipment, describing the conveyance work performed, and identifying the person who performed the conveyance work; (b) a training log describing the course of study applicable to each conveyance and identifying each employee who has successfully completed the training described in subsection (2) of this section and when such training was completed; and (c) a record evidencing that the employer has notified the conveyance owner in writing that the conveyance is not designed to, is not intended to, and should not be used to convey workers.

NEW SECTION. Sec. 4. A new section is added to chapter 70.87 RCW to read as follows:

EXEMPTIONS FROM LICENSURE. (1) The licensing requirements of this chapter do not apply to the maintenance of conveyances specified in (a) of this subsection if a person specified in (b) of this subsection performs the maintenance and the owner complies with the requirements specified in (c) and (d) of this subsection.

(a) The conveyance: (i) Must be a conveyance other than a passenger elevator to which the general public has access; and (ii) must be located in a facility in which agricultural products are stored, food products are processed, goods are manufactured, energy is generated, or similar industrial or agricultural processes are performed.

(b) The person performing the maintenance: (i) Must be regularly employed by the owner; (ii) must have completed the training described in (c) of this subsection; and (iii) must have attained journey level status in an electrical or mechanical trade, but only if the employer has or uses an established journey level program to train its electrical or mechanical trade employees and the employees perform maintenance in the course of their regular employment.

(c) The owner must provide the persons specified in (b) of this subsection adequate training to ensure worker safety and adherence to the published operating specifications of the conveyance manufacturer, the applicable provisions of this chapter, and any rules adopted under this chapter.

(d) The owner also must maintain both a maintenance log and a training log. The maintenance log must describe maintenance work performed on the conveyance and identify the person who performed the work. The training log must describe the course of study provided to the persons specified in (b) of this subsection, including whether it is general or conveyance specific, and when the persons completed the course of study.

(2) It is a violation of chapter 49.17 RCW for an owner or an employer: (a) To allow a conveyance exempt from the licensing requirements of this chapter under subsection (1) of this section to be maintained by a person other than a person specified in subsection (1)(b) of this section or a licensee; or (b) to fail to maintain the logs required under subsection (1)(d) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 70.87 RCW to read as follows:

In order to effectively administer and implement the elevator mechanic licensing of this chapter, the department may establish elevator mechanic license categories in rule.

NEW SECTION. Sec. 6. A new section is added to chapter 70.87 RCW to read as follows:

The department of labor and industries may not adopt rules to implement chapter 98, Laws of 2002, and to implement this act that take effect before March 1, 2004.

PART II - ADVISORY COMMITTEE

Sec. 7. RCW 70.87.220 and 2002 c 98 s 11 are each amended to read as follows:

(1) The department may adopt the rules necessary to establish and administer the elevator safety advisory committee. The purpose of the advisory committee is to advise the department on the adoption of rules that apply to conveyances; methods of enforcing and administering this chapter; and matters of concern to the conveyance industry and to the individual installers, owners, and users of conveyances.

(2) The advisory committee shall consist(s) of ~~((five))~~ seven persons ~~((appointed by))~~. The director of the department or his or her designee with the advice of the chief elevator inspector shall appoint the committee members as follows:

(a) One representative of licensed elevator contractors;

(b) One representative of elevator mechanics licensed to perform all types of conveyance work;

(c) One representative of owner-employed mechanics exempt from licensing requirements under section 4 of this act;

(d) One registered architect or professional engineer representative;

(e) One building owner or manager representative;

(f) One registered general commercial contractor representative; and

(g) One ad hoc member representing a municipality maintaining jurisdiction of conveyances in accordance with RCW 70.87.210.

(3) The committee members shall serve terms of four years.

(4) The committee shall meet on the third Tuesday of February, May, August, and November of each year, and at other times at the discretion of the chief ~~((of the))~~ elevator ~~((section))~~ inspector. The committee members shall serve without per diem or travel expenses.

(5) The chief elevator inspector shall be the secretary for the advisory committee.

NEW SECTION. Sec. 8. A new section is added to chapter 70.87 RCW to read as follows:

(1) The elevator safety advisory committee shall review this chapter as it pertains to the regulation of private residence conveyances. The advisory committee shall report its findings and recommendations to the legislature by January 1, 2004. Until July 1, 2004, the licensing requirements of this chapter do not apply to conveyance work on private residential conveyances if the person performing the conveyance work is working at the direction of the owner, and the owner resides in the residence at which the conveyance is located. This section shall not be construed as modifying any other requirements of this chapter applicable to private residential conveyances.

(2) This section expires July 1, 2004.

PART III - DEFINITIONS

Sec. 9. RCW 70.87.010 and 2002 c 98 s 1 are each amended to read as follows:

For the purposes of this chapter, except where a different interpretation is required by the context:

- (1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee, or otherwise;
- (2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator, moving walk, and other elevating devices, as defined in this section;
- (3) "Existing installations" means an installation defined as an "installation, existing" in this chapter or in rules adopted under this chapter;
- (4) "Elevator" means a hoisting or lowering machine equipped with a car or platform that moves in guides and serves two or more floors or landings of a building or structure;
 - (a) "Passenger elevator" means an elevator (i) on which passengers are permitted to ride and (ii) that may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;
 - (b) "Freight elevator" means an elevator (i) used primarily for carrying freight and (ii) on which only the operator, the persons necessary for loading and unloading, and other employees approved by the department are permitted to ride;
 - (c) "Sidewalk elevator" means a freight elevator that: (i) Operates between a sidewalk or other area outside the building and floor levels inside the building below the outside area, (ii) ~~(has no)~~ does not have a landing opening into the building at its upper limit of travel, and (iii) is not used to carry automobiles;
 - (d) "Hand elevator" means an elevator utilizing manual energy to move the car;
 - (e) "Inclined elevator" means an elevator that travels at an angle of inclination of seventy degrees or less from the horizontal;
 - (f) "Multideck elevator" means an elevator having two or more compartments located one immediately above the other;
 - (g) "Observation elevator" means an elevator designed to permit exterior viewing by passengers while the car is traveling;
 - (h) "Power elevator" means an elevator utilizing energy other than gravitational or manual to move the car;
 - (i) "Electric elevator" means an elevator where the energy is applied by means of an electric driving machine;
 - (j) "Hydraulic elevator" means an elevator where the energy is applied by means of a liquid under pressure in a cylinder equipped with a plunger or piston;
 - (k) "Direct-plunger hydraulic elevator" means a hydraulic elevator having a plunger or cylinder directly attached to the car frame or platform;
 - (l) "Electro-hydraulic elevator" means a direct-plunger elevator where liquid is pumped under pressure directly into the cylinder by a pump driven by an electric motor;
 - (m) "Maintained-pressure hydraulic elevator" means a direct-plunger elevator where liquid under pressure is available at all times for transfer into the cylinder;
 - (n) "Roped hydraulic elevator" means a hydraulic elevator having its plunger or piston connected to the car with wire ropes or indirectly coupled to the car by means of wire ropes and sheaves;
 - (o) "Rack and pinion elevator" means a power elevator, with or without a counterweight, that is supported, raised, and lowered by a motor or motors that drive a pinion or pinions on a stationary rack mounted in the hoistway;
 - (p) "Screw column elevator" means a power elevator having an uncounterweighted car that is supported, raised, and lowered by means of a screw thread;
 - (q) "Rooftop elevator" means a power passenger or freight elevator that operates between a landing at roof level and one landing below and opens onto the exterior roof level of a building through a horizontal opening;
 - (R) "Special purpose personnel elevator" means an elevator that is limited in size, capacity, and speed, and permanently installed in structures such as grain elevators, radio antenna, bridge towers, underground facilities, dams, power plants, and similar structures to provide vertical transportation of authorized personnel and their tools and equipment only;
 - (s) "Workmen's construction elevator" means an elevator that is not part of the permanent structure of a building and is used to raise and lower workers and other persons connected with, or related to, the building project;
 - (t) "Boat launching elevator" means ~~(an elevator, as defined by subsections (2) and (4) of this section,)~~ a conveyance that serves a boat launching structure and a beach or water surface and is used for the carrying or handling of boats in which people ride;
 - (u) "Limited-use/limited-application elevator" means a power passenger elevator where the use and application is limited by size, capacity, speed, and rise, intended principally to provide vertical transportation for people with physical disabilities;
- (5) "Escalator" means a power-driven, inclined, continuous stairway used for raising and lowering passengers;
- (6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car (a) that moves in guides in a substantially vertical direction, (b) the floor area of which does not exceed nine square feet, (c) the inside height of which does not exceed four feet, (d) the capacity of which does not exceed five hundred pounds, and (e) that is used exclusively for carrying materials;
- (7) "Automobile parking elevator" means an elevator: (a) Located in either a stationary or horizontally moving hoistway; (b) used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power-driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator; and (c) in which ~~(no)~~ persons are not normally stationed on any level except the receiving level;
- (8) "Moving walk" means a passenger carrying device (a) on which passengers stand or walk and (b) on which the passenger carrying surface remains parallel to its direction of motion;
- (9) "Belt manlift" means a power driven endless belt provided with steps or platforms and a hand hold for the transportation of personnel from floor to floor;
- (10) "Department" means the department of labor and industries;
- (11) "Director" means the director of the department or his or her representative;
- (12) "Inspector" means an elevator inspector of the department or an elevator inspector of a municipality having in effect an elevator ordinance pursuant to RCW 70.87.200;
- (13) "Permit" means a permit issued by the department: (a) To ~~(construct, install,)~~ perform conveyance work, other than maintenance; or (b) to operate a conveyance;
- (14) "Person" means this state, a political subdivision, any public or private corporation, any firm, or any other entity as well as an individual;
- (15) "One-man capacity manlift" means a single passenger, hand- powered counterweighted device, or electric-powered device, that travels vertically in guides and serves two or more landings;
- (16) "Private residence conveyance" means a conveyance installed in or on the premises of a single-family dwelling and operated for transporting persons or property from one elevation to another;
- (17) "Material hoist" means a hoist that is not a part of a permanent structure used to raise or lower materials during construction, alteration, or demolition. It is not applicable to the temporary use of permanently installed personnel elevators as material hoists;
- (18) "Material lift" means a lift that (a) is permanently installed, (b) is comprised of a car or platform that moves in guides, (c) serves two or more floors or landings, (d) travels in a vertical or inclined position, (e) is an isolated, self-contained lift, (f) is not part of a conveying system, and (g) is installed in a commercial or industrial area not accessible to the general public or intended to be operated by the general public;
- (19) "Casket lift" means a lift that (a) is installed at a mortuary, (b) is designed exclusively for carrying of caskets, (c) moves in guides in a basically vertical direction, and (d) serves two or more floors or landings;

- (20) "Wheelchair lift" means a lift that travels in a vertical or inclined direction and is designed for use by physically handicapped persons;
- (21) "Stairway chair lift" means a lift that travels in a basically inclined direction and is designed for use by physically handicapped persons;
- (22) "Personnel hoist" means a hoist that is not a part of a permanent structure, is installed inside or outside buildings during construction, alteration, or demolition, and used to raise or lower workers and other persons connected with, or related to, the building project. The hoist may also be used for transportation of materials;
- (23) "Advisory committee" means the elevator advisory committee as described in this chapter;
- (24) "Elevator helper/apprentice" means a person who works under the general direction of a licensed elevator mechanic. A license is not required to be an elevator helper/apprentice;
- (25) "Elevator contractor" means any person, firm, or company that possesses an elevator contractor license in accordance with this chapter and who is engaged in the business of performing conveyance work covered by this chapter;
- (26) "Elevator mechanic" means any person who possesses an elevator mechanic license in accordance with this chapter and who is engaged in ~~((erecting, constructing, installing, altering, servicing [servicing], repairing, or maintaining elevators or related conveyances))~~ performing conveyance work covered by this chapter;
- ~~((26))~~ (27) "License" means a written license, duly issued by the department, authorizing a person, firm, or company to carry on the business of ~~((erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or related conveyances))~~ performing conveyance work or to perform conveyance work covered by this chapter;
- ~~((27))~~ (28) "Elevator contractor license" means a license that is issued to an elevator contractor who has met the qualification requirements established in RCW 70.87.240;
- ~~((28))~~ (29) "Elevator mechanic license" means a license that is issued to a person who has met the qualification requirements established in RCW 70.87.240;
- ~~((29))~~ (30) "Licensee" means the elevator mechanic or elevator contractor;
- (31) "Conveyance work" means the alteration, construction, dismantling, erection, installation, maintenance, relocation, and wiring of a conveyance;
- (32) "Alteration" means any change to equipment, including its parts, components, and/or subsystems, other than maintenance, repair, or replacement;
- (33) "Maintenance" means a process of routine examination, lubrication, cleaning, servicing, and adjustment of parts, components, and/or subsystems for the purpose of ensuring performance in accordance with this chapter. "Maintenance" includes repair and replacement, but not alteration;
- (34) "Repair" means the reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with this chapter;
- (35) "Replacement" means the substitution of a device, component, and/or subsystem in its entirety with a unit that is basically the same as the original for the purpose of ensuring performance in accordance with this chapter;
- (36) "Public agency" means a county, incorporated city or town, municipal corporation, state agency, institution of higher education, political subdivision, or other public agency and includes any department, bureau, office, board, commission or institution of such public entities;
- (37) "Platform" means a rigid surface that is maintained in a horizontal position at all times when in use, and upon which passengers stand or a load is carried.

PART IV - TECHNICAL AMENDMENTS

Sec. 10. RCW 70.87.020 and 2002 c 98 s 2 are each amended to read as follows:

(1) The purpose of this chapter is to provide for safety of life and limb, to promote safety awareness, and to ensure the safe(-) design, mechanical and electrical operation, ~~((erection, installation, alteration, maintenance, inspection, and repair of conveyances))~~ and inspection of conveyances, and performance of conveyance work, and all such operation, ~~((erection, installation, alteration,))~~ inspection, and ~~((repair))~~ conveyance work subject to the provisions of this chapter shall be reasonably safe to persons and property and in conformity with the provisions of this chapter and the applicable statutes of the state of Washington, and all orders, and rules of the department. The use of unsafe and defective ~~((lifting devices))~~ conveyances imposes a substantial probability of serious and preventable injury to employees and the public exposed to unsafe conditions. The prevention of these injuries and protection of employees and the public from unsafe conditions is in the best interest of the people of this state. ~~((Elevator))~~ Personnel performing work covered by this chapter must, by documented training or experience or both, be familiar with the operation and safety functions of the components and equipment. Training and experience must include, but not be limited to, recognizing the safety hazards and performing the procedures to which ~~((they))~~ the personnel performing conveyance work covered by this chapter are assigned in conformance with the requirements of ~~((the [this]))~~ this chapter. This chapter establishes the minimum standards for ~~((elevator))~~ personnel performing conveyance work.

(2) This chapter is not intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, code effectiveness, durability, and safety to those required by this chapter, provided that there is technical documentation to demonstrate the equivalency of the system, method, or device, as prescribed in this chapter and the rules adopted under this chapter.

(3) In any suit for damages allegedly caused by a failure or malfunction of the conveyance, conformity with the rules of the department is prima facie evidence that the ~~((operation, erection, installation, alteration, maintenance, inspection, and repair of the))~~ conveyance work, operation, and inspection is reasonably safe to persons and property.

Sec. 11. RCW 70.87.030 and 2002 c 98 s 3 are each amended to read as follows:

The department shall adopt rules governing the mechanical and electrical operation, ~~((erection, installation, alterations, inspection,))~~ acceptance tests, ~~((and repair of conveyances))~~ conveyance work, operation, and inspection that are necessary and appropriate and shall also adopt minimum standards governing existing installations. In the execution of this rule-making power and before the adoption of rules, the department shall consider the rules for ~~((the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances))~~ safe conveyance work, operation, and inspection, including the American National Standards Institute Safety Code for Personnel and Material Hoists, the American Society of Mechanical Engineers Safety Code for Elevators, Dumbwaiters, and Escalators, and any amendatory or supplemental provisions thereto. The department by rule shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter limits the authority of the department to prescribe or enforce general or special safety orders as provided by law.

The department may consult with: Engineering authorities and organizations concerned with standard safety codes; rules and regulations governing ~~((the operation, maintenance, servicing, construction, alteration, installation, and/or inspection of elevators, dumbwaiters, and escalators, etcetera))~~ conveyance work, operation, and inspection; and the qualifications that are adequate, reasonable, and necessary for the elevator mechanic, contractor, and inspector.

Sec. 12. RCW 70.87.050 and 2002 c 98 s 4 are each amended to read as follows:

The (~~operation, erection, installation, alteration, maintenance, inspection, and repair~~) conveyance work on, and the operation and inspection of any conveyance located in, or used in connection with, any building owned by the state, a county, or a political subdivision, other than those located within and owned by a city having an elevator code, shall be under the jurisdiction of the department.

Sec. 13. RCW 70.87.060 and 1983 c 123 s 6 are each amended to read as follows:

(1) The person (~~installing, relocating, or altering a~~) elevator contractor, or public agency performing conveyance work is responsible for (~~its~~) operation and maintenance of the conveyance until the department has issued an operating permit for the conveyance, except during the period when a limited operating permit in accordance with RCW 70.87.090(2) is in effect, and is also responsible for all tests of a new, relocated, or altered conveyance until the department has issued an operating permit for the conveyance.

(2) The owner or his or her duly appointed agent shall be responsible for the safe operation and proper maintenance of the conveyance after the department has issued the operating permit and also during the period of effectiveness of any limited operating permit in accordance with RCW 70.87.090(2). The owner shall be responsible for all periodic tests required by the department.

Sec. 14. RCW 70.87.080 and 1983 c 123 s 8 are each amended to read as follows:

(1) (~~An installation~~) A permit shall be obtained from the department before (~~erecting, installing, relocating, or altering~~) performing work, other than maintenance, on a conveyance under the jurisdiction of the department.

(2) The installer of the conveyance shall submit an application for the permit in duplicate, in a form that the department may prescribe.

(3) The permit issued by the department shall be kept posted conspicuously at the site of installation.

(4) (~~No~~) A permit is not required for (~~repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength, and design~~) maintenance.

(5) After the effective date of rules adopted under this chapter establishing licensing requirements, the department may issue a permit for conveyance work only to an elevator contractor unless the permit is for conveyance work on private residence conveyances. After July 1, 2004, the department may not issue a permit for conveyance work on private residence conveyances to a person other than an elevator contractor.

Sec. 15. RCW 70.87.100 and 2002 c 98 s 5 are each amended to read as follows:

(1) All (~~new~~) conveyance installations, relocations, or alterations must be performed by (~~a person, firm, or company to which a license to install, relocate, or alter conveyances has been issued~~) an elevator contractor employing an elevator mechanic.

(2) The (~~person or firm installing, relocating, or altering a~~) elevator contractor employing an elevator mechanic performing such conveyance work shall notify the department before completion of the work, and shall subject the new, moved, or altered portions of the conveyance to the acceptance tests.

(3) All new, altered, or relocated conveyances for which a permit has been issued, shall be inspected for compliance with the requirements of this chapter by an authorized representative of the department. The authorized representative shall also witness the test specified.

Sec. 16. RCW 70.87.125 and 2002 c 98 s 6 are each amended to read as follows:

(1) A license issued under this chapter may be suspended, revoked, or subject to civil penalty by the department upon verification that any one or more of the following reasons exist:

(a) Any false statement as to a material matter in the application;

(b) Fraud, misrepresentation, or bribery in securing a license;

(c) Failure to notify the department and the owner or lessee of (~~an elevator~~) a conveyance or related mechanisms of any condition not in compliance with this chapter; (~~and~~)

(d) A violation of any provisions of this chapter; and

(e) If the elevator contractor does not employ an individual designated as the primary point of contact with the department and who has successfully completed the elevator contractor examination. In the case of a separation of employment, termination of this relationship or designation, or death of the designated individual, the elevator contractor must, within ninety days, designate a new individual who has successfully completed the elevator contractor examination.

(2) The department may suspend or revoke a permit if:

(a) The permit was obtained through fraud or by error if, in the absence of error, the department would not have issued the permit;

(b) The conveyance for which the permit was issued has not been (~~constructed, installed, maintained, or repaired~~) worked on in accordance with (~~the requirements of~~) this chapter; or

(c) The conveyance has become unsafe.

(3) The department shall suspend any license issued under this chapter promptly after receiving notice from the department of social and health services that the holder of the license has been certified pursuant to RCW 74.20A.320 as a person who is not in compliance with a support order. If the person has continued to meet all other license requirements during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(4) The department shall notify in writing the owner, licensee, or person (~~installing the conveyance~~) performing conveyance work, of its action and the reason for the action. The department shall send the notice by certified mail to the last known address of the owner or person. The notice shall inform the owner or person that a hearing may be requested pursuant to RCW 70.87.170.

~~((4))~~ (5)(a) If the department has suspended or revoked a permit or license because of fraud or error, and a hearing is requested, the suspension or revocation shall be stayed until the hearing is concluded and a decision is issued.

(b) If the department has revoked or suspended a license because the (~~elevator personnel~~) licensee performing the work covered by this chapter is working in a manner that does not effectively prevent injuries or deaths or protect employees and the public from unsafe conditions as is required by this chapter, the suspension or revocation is effective immediately and shall not be stayed by a request for a hearing.

(c) If the department has revoked or suspended a permit because the conveyance is unsafe or the conveyance work is not (~~constructed, installed, maintained, or repaired~~) permitted and performed in accordance with this chapter, the suspension or revocation is effective immediately and shall not be stayed by a request for a hearing.

~~((5))~~ (6) The department must remove a suspension or reinstate a revoked license if the licensee pays all the assessed civil penalties and is able to demonstrate to the department that the licensee has met all the qualifications established by this chapter.

~~((6))~~ (7) The department shall remove a suspension or reinstate a revoked permit if a conveyance is repaired or modified to bring it into compliance with this chapter.

Sec. 17. RCW 70.87.145 and 2002 c 98 s 7 are each amended to read as follows:

(1) An authorized representative of the department may order the owner or person operating a conveyance to discontinue the operation of a conveyance, and may place a notice that states that the conveyance may not be operated on a conspicuous place in the conveyance, if (~~the conveyance~~):

(a) The conveyance work has not been (~~constructed, installed, maintained, or repaired~~) permitted and performed in accordance with (~~the requirements of~~) this chapter; or

(b) The conveyance has otherwise become unsafe.

The order is effective immediately, and shall not be stayed by a request for a hearing.

(2) The department shall prescribe a form for the order to discontinue operation. The order shall specify why the conveyance violates this chapter or is otherwise unsafe, and shall inform the owner or operator that he or she may request a hearing pursuant to RCW 70.87.170. A request for a hearing does not stay the effect of the order.

(3) The department shall rescind the order to discontinue operation if the conveyance is fixed or modified to bring it into compliance with this chapter.

(4) An owner or a person that knowingly operates or allows the operation of a conveyance in contravention of an order to discontinue operation, or removes a notice not to operate, is:

- (a) Guilty of a misdemeanor; and
- (b) Subject to a civil penalty under RCW 70.87.185.

(5) The department may conduct random on-site inspections and tests on existing installations, witnessing periodic inspections and testing in order to ensure satisfactory ~~(performance by licensed)~~ conveyance work by persons, firms, or companies performing conveyance work, and assist in development of public awareness programs.

Sec. 18. RCW 70.87.170 and 2002 c 98 s 8 are each amended to read as follows:

(1) Any person aggrieved by an order or action of the department denying, suspending, revoking, or refusing to renew a permit or license; assessing a penalty for a violation of this chapter; or ordering the operation of a conveyance to be discontinued, may request a hearing within fifteen days after notice ~~((of))~~ of the department's order or action is received. The date the hearing was requested shall be the date the request for hearing was postmarked. The party requesting the hearing must accompany the request with a certified or cashier's check for two hundred dollars payable to the department. The department shall refund the two hundred dollars if the party requesting the hearing prevails at the hearing; otherwise, the department shall retain the two hundred dollars.

If the department does not receive a timely request for hearing, the department's order or action is final and may not be appealed.

(2) If the aggrieved party requests a hearing, the department shall ask an administrative law judge to preside over the hearing. The hearing shall be conducted in accordance with chapter 34.05 RCW.

Sec. 19. RCW 70.87.180 and 2002 c 98 s 9 are each amended to read as follows:

(1) The ~~((construction, installation, relocation, alteration, maintenance, or))~~ performance of conveyance work, other than maintenance, or the operation of a conveyance without a permit by any person owning or having the custody, management, or operation thereof, except as provided in RCW 70.87.080 and 70.87.090, is a misdemeanor. Each day of violation is a separate offense. ~~((No))~~ A prosecution may not be maintained ~~((where))~~ if a person has requested the issuance or renewal of a permit ((has been requested but upon which no action has been taken by)) but the department has not acted.

(2) The ~~((construction, installation, relocation, alteration, maintenance, or operation of a conveyance))~~ performance of conveyance work, other than the maintenance of conveyances as specified in section 4 of this act, without a license by any person is a misdemeanor. Each day of violation is a separate offense. ~~((No))~~ A prosecution may not be maintained ~~((where))~~ if a person has requested the issuance or renewal of a license ((has been requested by an applicant but upon which no action has been taken by)) but the department has not acted.

Sec. 20. RCW 70.87.200 and 1983 c 123 s 22 are each amended to read as follows:

(1) The provisions of this chapter do not apply where:

(a) A conveyance is permanently removed from service or made effectively inoperative; or

(b) Lifts, man hoists, or material hoists are erected temporarily for use during construction work only and are of such a design that they must be operated by a workman stationed at the hoisting machine.

(2) Except as limited by RCW 70.87.050, municipalities having in effect an elevator code prior to June 13, 1963 may continue to assume jurisdiction over ~~((the operation, erection, installation, alteration, or repair of elevators, escalators, dumbwaiters, moving walks, manlifts, and parking elevators))~~ conveyance work and may inspect, issue permits, collect fees, and prescribe minimum requirements for ((the construction, design, use, and maintenance of conveyances)) conveyance work and operation if the requirements are equal to the requirements of this chapter and to all rules pertaining to conveyances adopted and administered by the department. Upon the failure of a municipality having jurisdiction over conveyances to carry out the provisions of this chapter with regard to a conveyance, the department may assume jurisdiction over the conveyance. If a municipality elects not to maintain jurisdiction over certain conveyances located therein, it may enter into a written agreement with the department transferring exclusive jurisdiction of the conveyances to the department. The city may not reassume jurisdiction after it enters into such an agreement with the department.

Sec. 21. RCW 70.87.250 and 2002 c 98 s 13 are each amended to read as follows:

(1) Upon approval of an application, the department may issue a license that is ~~((biannually (biennially)))~~ biennially renewable. The fee for the license and for any renewal shall be set by the department in rule.

(2) The department may issue temporary elevator mechanic licenses. These temporary elevator mechanic licenses will be issued to those certified as qualified and competent by licensed elevator contractors. The company shall furnish proof of competency as the department may require. Each license must recite that it is valid for a period of thirty days from the date of issuance and for such particular ~~((elevators))~~ conveyance or geographical areas as the department may designate, and otherwise entitles the licensee to the rights and privileges of an elevator mechanic license issued in this chapter. A temporary elevator mechanic license ~~((must))~~ may be renewed by the department and a fee as established in rule must be charged for any temporary elevator mechanic license or renewal.

(3) The renewal of all licenses granted under this section is conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education of licensees on new and existing rules of the department. The course must consist of not less than eight hours of instruction that must be attended and completed within one year immediately preceding any license renewal.

(4) The courses must be taught by instructors through continuing education providers that may include, but are not limited to, association seminars and labor training programs. The department must approve the continuing education providers. All instructors must be approved by the department and are exempt from the requirements of subsection (3) of this section with regard to his or her application for license renewal, provided that such applicant was qualified as an instructor at any time during the one year immediately preceding the scheduled date for such renewal.

(5) A licensee who is unable to complete the continuing education course required under this section before the expiration of his or her license due to a temporary disability may apply for a waiver from the department. This will be on a form provided by the department and signed under the pains and penalties of perjury and accompanied by a certified statement from a competent physician attesting to the temporary disability. Upon the termination of the temporary disability, the licensee must submit to the department a certified statement from the same physician, if practicable, attesting to the termination of the temporary disability. At which time a waiver sticker, valid for ninety days, must be issued to the licensee and affixed to his or her license.

(6) Approved training providers must keep uniform records, for a period of ten years, of attendance of licensees and these records must be available for inspection by the department at its request. Approved training providers are responsible for the security of all attendance records and certificates of completion. However, falsifying or knowingly allowing another to falsify attendance records or certificates of completion constitutes grounds for suspension or revocation of the approval required under this section.

Sec. 22. RCW 70.87.260 and 2002 c 98 s 14 are each amended to read as follows:

This chapter cannot be construed to relieve or lessen the responsibility or liability of any person, firm, or corporation owning, operating, controlling, ~~((maintaining, erecting, constructing, installing, altering, inspecting, testing, or repairing any elevator))~~ testing, inspecting, or performing conveyance work on any conveyance or other related mechanisms covered by this chapter for damages to person or property caused by any defect therein, nor does the state assume any such liability or responsibility therefore or any liability to any person for whatever reason whatsoever by the adoption of this chapter or any acts or omissions arising hereunder.

PART V - EFFECTIVE DATE

NEW SECTION. Sec. 23. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."
Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5942.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5942, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5942, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5942, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2003

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5890 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature is interested in tracking the rule development and implementation process for cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides. The department of labor and industries and stakeholders representing agricultural employers and employees shall report to the house commerce and labor committee and the senate agriculture committee by September 1, 2003, and by December 1, 2003, on the status of the rule development and implementation."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Swecker moved that the Senate concur in the House amendment to Second Substitute Senate Bill No. 5890.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Swecker to concur in the House amendment to Second Substitute Senate Bill No. 5890.

The motion by Senator Swecker carried and the Senate concurred in the House amendment to Second Substitute Senate Bill No. 5890.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute Senate Bill No. 5890, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 5890, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SECOND SUBSTITUTE SENATE BILL NO. 5890, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5434 with the following amendment(s):

On page 2, beginning on line 31, strike all of subsection (7) and insert the following:

"(7) This chapter does not require an electrical contractor license if: (a) An appropriately certified electrician or a properly supervised certified electrical trainee is performing the installation, repair, or maintenance of wires and equipment for a nonprofit corporation that holds a current tax exempt status as provided under 26 U.S.C. Sec. 501 (c)(3) or a nonprofit religious organization; (b) the certified electrician or certified electrical trainee is not compensated for the electrical work; and (c) the value of the electrical work does not exceed thirty thousand dollars.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate concurred in the House amendment to Substitute Senate Bill No. 5434.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5434, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5434, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 5434, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Eide, Senator Reardon was excused.

On motion of Senator Hewitt, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5176 with the following amendment(s):

On page 2, line 25, after "state." insert "Wildland training reimbursement will be provided if a fire protection district or a city fire department has and is fulfilling their interior attack policy or if they do not have an interior attack policy.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Roach moved that the Senate concur in the House amendment to Senate Bill No. 5176.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Roach to concur in the House amendment to Senate Bill No. 5176.

The motion by Senator Roach carried and the Senate concurred in the House amendment to Senate Bill No. 5176.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5176, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5176, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Reardon and West - 3.

SENATE BILL NO. 5176, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5586 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that lead hazards associated with lead-based paint represent a significant and preventable environmental health problem. Lead-based paint is the most widespread of the various sources of lead exposure to the public. Census data show that one million five hundred sixty thousand homes in Washington state were built prior to 1978 when the sale of residential lead-based paint was banned. These are homes that are believed to contain some lead-based paint.

Lead negatively affects every system of the body. It is harmful to individuals of all ages and is especially harmful to children, fetuses, and adults of childbearing age. The effects of lead on a child's cognitive, behavioral, and developmental abilities may necessitate large expenditures of public funds for health care and special education. The irreversible damage to children and subsequent expenditures could be avoided if exposure to lead is reduced.

(2) The federal government regulates lead poisoning and lead hazard reduction through:

- (a)(I) The lead-based paint poisoning prevention act;
- (ii) The lead contamination control act;
- (iii) The safe drinking water act;
- (iv) The resource conservation and recovery act of 1976; and
- (v) The residential lead-based paint hazard reduction act of 1992; and
- (b) Implementing regulations of:
 - (I) The environmental protection agency;
 - (ii) The department of housing and urban development;
 - (iii) The occupational safety and health administration; and
 - (iv) The centers for disease control and prevention.

(3) In 1992, congress passed the federal residential lead-based paint hazard reduction act, which allows states to provide for the accreditation of lead-based paint activities programs, the certification of persons completing such training programs, and the licensing of lead-based paint activities contractors under standards developed by the United States environmental protection agency.

(4) The legislature recognizes the state's need to protect the public from exposure to lead hazards. A qualified and properly trained work force is needed to assist in the prevention, detection, reduction, and elimination of hazards associated with lead-based paint. The purpose of training workers, supervisors, inspectors, risk assessors, and project designers engaged in lead-based paint activities is to protect building occupants, particularly children ages six years and younger from potential lead-based paint hazards and exposures both during and after lead-based paint activities. Qualified and properly trained individuals and firms will help to ensure lead-based paint activities are conducted in a way that protects the health of the citizens of Washington state and safeguards the environment. The state lead-based paint activities program requires that all lead-based paint activities be performed by certified personnel trained by an accredited program, and that all lead-based paint activities meet minimum work practice standards established by the department of community, trade, and economic development. Therefore, the lead-based paint activities accreditation, training, and certification program shall be established in accordance with this chapter. The lead-based paint activities accreditation, training, and certification program shall be administered by the department of community, trade, and economic development and shall be used as a means to assure the protection of the general public from exposure to lead hazards.

(5) For the welfare of the people of the state of Washington, this chapter establishes a lead-based paint activities program within the department of community, trade, and economic development to protect the general public from exposure to lead hazards and to ensure the availability of a trained and qualified work force to identify and address lead-based paint hazards. The legislature recognizes the department of community, trade, and economic development is not a regulatory agency and may delegate enforcement responsibilities under this act to local governments or private entities.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(a) Abatement includes, but is not limited to:

(I) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(ii) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(b) Specifically, abatement includes, but is not limited to:

(I) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(A) Shall result in the permanent elimination of lead-based paint hazards; or

(B) Are designed to permanently eliminate lead-based paint hazards and are described in (a)(I) and (ii) of this subsection;

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by (c) of this subsection;

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by (c) of this subsection; or

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited training program" means a training program that has been accredited by the department to provide training for individuals engaged in lead-based paint activities.

(3) "Certified inspector" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct inspections.

(4) "Certified abatement worker" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to perform abatements.

(5) "Certified firm" includes a company, partnership, corporation, sole proprietorship, association, agency, or other business entity that meets all the qualifications established by the department and performs lead-based paint activities to which the department has issued a certificate.

(6) "Certified project designer" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to prepare abatement project designs, occupant protection plans, and abatement reports.

(7) "Certified risk assessor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(8) "Certified supervisor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

(9) "Department" means the Washington state department of community, trade, and economic development.

(10) "Director" means the director of the Washington state department of community, trade, and economic development.

(11) "Federal laws and rules" means:

(a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et seq.) and the rules adopted by the United States environmental protection agency under that law for authorization of state programs;

(b) Any regulations or requirements adopted by the United States department of housing and urban development regarding eligibility for grants to states and local governments; and

(c) Any other requirements adopted by a federal agency with jurisdiction over lead-based paint hazards.

(12) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(13) "Lead-based paint activity" includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, or abatement of lead-based paint hazards.

(14) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the administrator of the United States environmental protection agency under the toxic substances control act, section 403.

(15) "State program" means a state administered lead-based paint activities certification and training program that meets the federal environmental protection agency requirements.

(16) "Person" includes an individual, corporation, firm, partnership, or association, an Indian tribe, state, or political subdivision of a state, and a state department or agency.

(17) "Risk assessment" means:

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

NEW SECTION. Sec. 3. (1) The department shall administer and enforce a state program for worker training and certification, and training program accreditation, which shall include those program elements necessary to assume responsibility for federal requirements for a program as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts L and Q (1996), and Title X of the housing and community development act of 1992 (P.L. 102-550). The department may delegate or enter into a memorandum of understanding with local governments or private entities for implementation of components of the state program.

(2) The department is authorized to adopt rules that are consistent with federal requirements to implement a state program. Rules adopted under this section shall:

(a) Establish minimum accreditation requirements for lead-based paint activities for training providers;

(b) Establish work practice standards for conduct of lead-based paint activities;

(c) Establish certification requirements for individuals and firms engaged in lead-based paint activities including provisions for recognizing certifications accomplished under existing certification programs;

(d) Require the use of certified personnel in all lead-based paint activities;

(e) Be revised as necessary to comply with federal law and rules and to maintain eligibility for federal funding;

(f) Facilitate reciprocity and communication with other states having a lead-based paint certification program;

(g) Provide for decertification, deaccreditation, and financial assurance for a person certified by or a training provider accredited by the department; and

(h) Be issued in accordance with the administrative procedure act, chapter 34.05 RCW.

(3) The department may accept federal funds for the administration of the program.

(4) This program shall equal, but not exceed, legislative authority under federal requirements as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), and Title X of the housing and community development act of 1992 (P.L. 102-550).

(5) Any rules adopted by the department shall be consistent with federal laws, regulations, and requirements relating to lead-based paint activities specified by the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and Title X of the housing and community development act of 1992 (P.L. 102-550), and rules adopted pursuant to chapter 70.105D RCW, to ensure consistency in regulatory action. The rules may not be more restrictive than corresponding federal and state regulations unless such stringency is specifically authorized by this chapter.

(6) The department shall collect a fee in the amount of twenty-five dollars for certification and recertification of lead paint firms, inspectors, project developers, risk assessors, supervisors, and abatement workers.

(7) The department shall collect a fee in the amount of two hundred dollars for the accreditation of lead paint training programs.

NEW SECTION. Sec. 4. (1) The department shall establish a program for certification of persons involved in lead-based paint activities and for accreditation of training providers in compliance with federal laws and rules.

(2) Rules adopted under this section shall:

(a) Establish minimum accreditation requirements for lead-based paint activities for training providers;

(b) Establish work practice standards for conduct of lead-based paint activities;

(c) Establish certification requirements for individuals and firms engaged in lead-based paint activities including provisions for recognizing certifications accomplished under existing certification programs;

(d) Require the use of certified personnel in any lead-based paint hazard reduction activity;

(e) Be revised as necessary to comply with federal law and rules and to maintain eligibility for federal funding;

(f) Facilitate reciprocity and communication with other states having a lead-based paint certification program;

(g) Provide for decertification, deaccreditation, and financial assurance for a person certified or accredited by the department; and

(h) Be issued in accordance with the administrative procedure act, chapter 34.05 RCW.

(3) This program shall equal, but not exceed, legislative authority under federal requirements as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745 (1996), Subparts L and Q, and Title X of the housing and community development act of 1992 (P.L. 102-550).

(4) Any rules adopted by the department shall be consistent with federal laws, regulations, and requirements relating to lead-based paint activities specified by the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and Title X of the housing and community development act of 1992 (P.L. 102-550), and rules adopted pursuant to chapter 70.105D RCW, to ensure consistency in regulatory action. The rules may not be more restrictive than corresponding federal and state regulations unless such stringency is specifically authorized by this chapter.

(5) The department may accept federal funds for the administration of the program.

NEW SECTION. Sec. 5. The department shall adopt rules to:

(1) Establish procedures and requirements for the accreditation of lead-based paint activities training programs including, but not limited to, the following:

- (a) Training curriculum;
- (b) Training hours;
- (c) Hands-on training;
- (d) Trainee competency and proficiency;
- (e) Training program quality control;
- (f) Procedures for the reaccreditation of training programs;
- (g) Procedures for the oversight of training programs; and
- (h) Procedures for the suspension, revocation, or modification of training program accreditations, or acceptance of training offered by an accredited training provider in another state or Indian tribe authorized by the environmental protection agency;

(2) Establish procedures for the purposes of certification, for the acceptance of training offered by an accredited training provider in a state or Indian tribe authorized by the environmental protection agency;

(3) Certify individuals involved in lead-based paint activities to ensure that certified individuals are trained by an accredited training program and possess appropriate educational or experience qualifications for certification;

- (4) Establish procedures for recertification;
- (5) Require the conduct of lead-based paint activities in accordance with work practice standards;
- (6) Establish procedures for the suspension, revocation, or modification of certifications; and
- (7) Establish requirements for the administration of third-party certification exams;
- (8) Use laboratories accredited under the environmental protection agency's national lead laboratory accreditation program;
- (9) Establish work practice standards for the conduct of lead-based paint activities for:
 - (a) Inspection for presence of lead-based paint;
 - (b) Risk assessment; and
 - (c) Abatement;
- (10) Establish an enforcement response policy that shall include:
 - (a) Warning letters, notices of noncompliance, notices of violation, or the equivalent;
 - (b) Administrative or civil actions, including penalty authority, including accreditation or certification suspension, revocation, or modification; and
 - (c) Authority to apply criminal sanctions or other criminal authority using existing state laws as applicable.

The department shall prepare and submit a biennial report to the legislature regarding the program's status, its costs, and the number of persons certified by the program.

NEW SECTION. Sec. 6. The lead paint account is created in the state treasury. All receipts from section 3 of this act shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

NEW SECTION. Sec. 7. (1)(a) The director or the director's designee is authorized to inspect at reasonable times and, when feasible, with at least twenty-four hours prior notification:

- (i) Premises or facilities where those engaged in training for lead-based paint activities conduct business; and
 - (ii) The business records of, and take samples at, the businesses accredited or certified under this chapter to conduct lead-based paint training or activities.
- (b) Any accredited training program or any firm or individual certified under this chapter that denies access to the department for the purposes of (a) of this subsection is subject to deaccreditation or decertification under section 4 of this act.

(2) The director or the director's designee is authorized to inspect premises or facilities, with the consent of the owner or owner's agent, where violations may occur concerning lead-based paint activities, as defined under section 2 of this act, at reasonable times and, when feasible, with at least forty-eight hours prior notification of the inspection.

(3) Prior to receipt of federal lead-based paint abatement funding, all premise or facility owners shall be notified by any entity that receives and disburses the federal funds that an inspection may be conducted. If a premise or facility owner does not wish to have an inspection conducted, that owner is not eligible to receive lead-based paint abatement funding.

NEW SECTION. Sec. 8. (1) The department is designated as the official agency of this state for purposes of cooperating with, and implementing the state lead-based paint activities program under the jurisdiction of the United States environmental protection agency.

(2) No individual or firm can perform, offer, or claim to perform lead-based paint activities without certification from the department to conduct these activities.

(3) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted under this chapter. No person whose certificate is revoked under this chapter shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) A risk assessor, inspector, contractor, project designer, or worker violates work practice standards established by the United States environmental protection agency or the United States department of housing and urban development governing work practices and procedures; or

(b) The certificate was obtained by error, misrepresentation, or fraud.

(4) Any person convicted of violating any of the provisions of this chapter is guilty of a misdemeanor. A conviction is an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this chapter, regardless of whether imposition of sentence is deferred or the penalty is suspended, and shall be treated as a violation conviction for purposes of certification forfeiture under this chapter. Violations of this chapter include:

- (a) Failure to comply with any requirement of this chapter;
- (b) Failure or refusal to establish, maintain, provide, copy, or permit access to records or reports as required;
- (c) Obtaining certification through fraud or misrepresentation;
- (d) Failure to obtain certification from the department and performing work requiring certification at a job site; or
- (e) Fraudulently obtaining certification and engaging in any lead-based paint activities requiring certification.

NEW SECTION. Sec. 9. (1) The department's duties under this act are subject to authorization of the state program from the federal government within two years of the effective date of this section. This act expires if the federal environmental protection agency does not authorize a state program within two years of the effective date of this act.

(2) The department's duties under this act are subject to the availability of sufficient funding from the federal government for this purpose. The director or his or her designee shall seek funding of the department's efforts under this chapter from the federal government. By October 15th of each year, the director shall determine if sufficient federal funding has been provided or guaranteed by the federal government. If the director determines sufficient funding has not been provided, the department shall cease efforts under this chapter due to the lack of federal funding.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 70 RCW.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Morton moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5586.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton to concur in the House amendment to Engrossed Substitute Senate Bill No. 5586.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5586.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5586, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5586, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Reardon and West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5586, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5575 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.03.370 and 2002 c 329 s 10 are each amended to read as follows:

(1)(a) All applications for reservoir permits are subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit. The department may accept for processing a single application form covering both a proposed reservoir and a proposed secondary permit or permits for use of water from that reservoir.

(b) The department shall expedite processing applications for the following types of storage proposals:

(i) Development of storage facilities that will not require a new water right for diversion or withdrawal of the water to be stored;

(ii) Adding or changing one or more purposes of use of stored water;

(iii) Adding to the storage capacity of an existing storage facility; and

(iv) Applications for secondary permits to secure use from existing storage facilities.

(c) A secondary permit for the beneficial use of water shall not be required for use of water stored in a reservoir where the water right for the source of the stored water authorizes the beneficial use.

(2)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project. To qualify for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

(i) Aquifer vulnerability and hydraulic continuity;

(ii) Potential impairment of existing water rights;

(iii) Geotechnical impacts and aquifer boundaries and characteristics;

(iv) Chemical compatibility of surface waters and ground water;

(v) Recharge and recovery treatment requirements;

(vi) System operation;

(vii) Water rights and ownership of water stored for recovery; and

(viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

(3) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

(4) Nothing in chapter 98, Laws of 2000 changes the requirements of existing law governing issuance of permits to appropriate or withdraw the waters of the state.

(5) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection (3) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date.

(6) Where needed to ensure that existing storage capacity is effectively and efficiently used to meet multiple purposes, the department may authorize reservoirs to be filled more than once per year or more than once per season of use.

(7) This section does not apply to facilities to recapture and reuse return flow from irrigation operations serving a single farm under an existing water right as long as the acreage irrigated is not increased beyond the acreage allowed to be irrigated under the water right.

(8) In addition to the facilities exempted under subsection (7) of this section, this section does not apply to small irrigation impoundments. For purposes of this section, "small irrigation impoundments" means lined surface storage ponds less than ten acre feet in volume used to impound irrigation water under an existing water right where use of the impoundment: (a)(i) Facilitates efficient use of water; or (ii) promotes compliance with an approved recovery plan for endangered or threatened species; and (b) does not expand the number of acres irrigated or the annual consumptive quantity of water used. Such ponds must be lined unless a licensed engineer determines that a liner is not needed to retain water in the pond and to prevent ground water contamination. Although it may also be composed of other materials, a properly maintained liner may be composed of bentonite. Water remaining in a small irrigation impoundment at the end of an irrigation season may be carried over for use in the next season. However, the limitations of this subsection (8) apply. Development and use of a small irrigation impoundment does not constitute a change or amendment for purposes of RCW 90.03.380 or 90.44.055.

Sec. 2. RCW 90.03.380 and 2001 c 237 s 5 are each amended to read as follows:

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

(4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(5)(a) Pending applications for new water rights are not entitled to protection from impairment, injury, or detriment when an application relating to an existing surface or ground water right is considered.

(b) Applications relating to existing surface or ground water rights may be processed and decisions on them rendered independently of processing and rendering decisions on pending applications for new water rights within the same source of supply without regard to the date of filing of the pending applications for new water rights.

(c) Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection (5)(c) does not affect any other existing authority to process applications.

(d) Nothing in this subsection (5) is intended to stop the processing of applications for new water rights.

(6) No applicant for a change, transfer, or amendment of a water right may be required to give up any part of the applicant's valid water right or claim to a state agency, the trust water rights program, or to other persons as a condition of processing the application.

(7) In revising the provisions of this section and adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised.

(8) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring a change or transfer of any existing water right to enable the holder of the right to store water governed by the right.

Sec. 3. RCW 90.44.100 and 1997 c 316 s 2 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of ground water right, the holder of a valid right to withdraw public ground waters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public ground water as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public ground water as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Morton, the Senate concurred in the House amendment to Substitute Senate Bill No. 5575.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5575, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5575, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, Reardon and West - 3.

SUBSTITUTE SENATE BILL NO. 5575, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 11, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5977 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Personal wireless service is a critical part of the state's infrastructure. The rapid deployment of personal wireless service facilities is critical to ensure public safety, network access, quality of service, and rural economic development. The use of all state highway rights of way must be permitted for the deployment of personal wireless service facilities.

Sec. 2. RCW 47.04.010 and 1975 c 62 s 50 are each amended to read as follows:

The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including a highway, as herein defined, when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of a two-way traffic roadway of a highway except where otherwise indicated by painted lines or markers;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting highways;

(6) "City street." Every highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and motor vehicle, motor vehicle and trailer, or motor vehicle and semitrailer;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire;

(9) "County road." Every highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(12) "Intersection area." (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

(c) The junction of an alley with a street or highway shall not constitute an intersection;

~~((12))~~ (13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

~~((13))~~ (14) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

~~((14))~~ (15) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

~~((15))~~ (16) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

~~((16))~~ (17) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

~~((17))~~ (18) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight, or animals;

~~((18))~~ (19) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

~~((19))~~ (20) "Multiple lane highway." Any highway the roadway of which is of sufficient width to reasonably accommodate two or more separate lanes of vehicular traffic in the same direction, each lane of which shall be not less than the maximum legal vehicle width, and whether or not such lanes are marked;

~~((20))~~ (21) "Operator." Every person who drives or is in actual physical control of a vehicle as herein defined;

~~((21))~~ (22) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the highways of this state;

~~((22))~~ (23) "Pedestrian." Any person afoot;

~~((23))~~ (24) "Person." Every natural person, firm, copartnership, corporation, association, or organization;

~~((24))~~ (25) "Personal wireless service." Any federally licensed personal wireless service;

(26) "Personal wireless service facilities." Unstaffed facilities that are used for the transmission or reception, or both, of personal wireless services including, but not necessarily limited to, antenna arrays, transmission cables, equipment shelters, and support structures;

(27) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

~~((25))~~ (28) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

~~((26))~~ ~~"Highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;~~

~~((27))~~ (29) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

~~((28))~~ (30) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

~~((29))~~ (31) "Residence district." The territory contiguous to and including the highway, as herein defined, not comprising a business district, as herein defined, when the property on such highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

~~((30))~~ (32) "Roadway." The paved, improved, or proper driving portion of a highway designed, or ordinarily used for vehicular travel;

~~((31))~~ (33) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise so as to be plainly discernible;

~~((32))~~ (34) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a highway and dedicated to use by pedestrians;

~~((33))~~ (35) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

~~((34))~~ (36) "State highway." Every highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

~~((35))~~ (37) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

~~((36))~~ (38) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any highways for purposes of travel;

~~((37))~~ (39) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

~~((38))~~ (40) "Traffic devices." All signs, signals, markings, and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic;

~~((39))~~ (41) "Train." A vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

~~((40))~~ (42) "Vehicle." Every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present, or future tense shall include the past, present, and future tenses; words and phrases used herein in the masculine, feminine, or neuter gender shall include the masculine, feminine, and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

NEW SECTION. Sec. 3. A new section is added to chapter 47.44 RCW to read as follows:
This chapter does not apply to leases issued for the deployment of personal wireless service facilities as provided in section 5 of this act.

Sec. 4. RCW 47.52.001 and 1961 c 13 s 47.52.001 are each amended to read as follows:

(1) Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed.

(2) Personal wireless service is a critical part of the state's infrastructure. The rapid deployment of personal wireless service facilities is critical to ensure public safety, network access, quality of service, and rural economic development.

(3) It is, therefore, the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities; except that the use of the rights of way of limited access facilities must be permitted for the deployment of personal wireless service facilities.

NEW SECTION. Sec. 5. A new section is added to chapter 47.04 RCW to read as follows:

(1) For the purposes of this section:

(a) "Right of way" means all state-owned land within a state highway corridor.

(b) "Service provider" means every corporation, company, association, joint stock association, firm, partnership, or person that owns, operates, or manages any personal wireless service facility. "Service provider" includes a service provider's contractors, subcontractors, and legal successors.

(2) The department shall establish a process for issuing a lease for the use of the right of way by a service provider and shall require that telecommunications equipment be co-located on the same structure whenever practicable. Consistent with federal highway administration approval, the lease must include the right of direct ingress and egress from the highway for construction and maintenance of the personal wireless service facility during nonpeak hours if public safety is not adversely affected. Direct ingress and egress may be allowed at any time for the construction of the facility if public safety is not adversely affected and if construction will not substantially interfere with traffic flow during peak traffic periods. The lease may specify an indirect ingress and egress to the facility if it is reasonable and available for the particular location.

(3) The cost of the lease must be limited to the fair market value of the portion of the right of way being used by the service provider and the direct administrative expenses incurred by the department in processing the lease application.

If the department and the service provider are unable to agree on the cost of the lease, the service provider may submit the cost of the lease to binding arbitration by serving written notice on the department. Within thirty days of receiving the notice, each party shall furnish a list of acceptable arbitrators. The parties shall select an arbitrator; failing to agree on an arbitrator, each party shall select one arbitrator and the two arbitrators shall select a third arbitrator for an arbitration panel. The arbitrator or panel shall determine the cost of the lease based on comparable siting agreements. Costs of the arbitration, including compensation for the arbitrator's services, must be borne equally by the parties participating in the arbitration and each party shall bear its own costs and expenses, including legal fees and witness expenses, in connection with the arbitration proceeding.

(4) The department shall act on an application for a lease within sixty days of receiving a completed application, unless a service provider consents to a different time period.

(5) The reasons for a denial of a lease application must be supported by substantial evidence contained in a written record.

(6) The department may adopt rules to implement this section.

(7) All lease money paid to the department under this section shall be deposited in the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 6. The process for issuing leases required in section 5(2) of this act must be established by the effective date of this act.

NEW SECTION. Sec. 7. The department of transportation shall report to the legislature on the implementation of the lease process. The department must submit this report to the house technology, telecommunications and energy committee and the senate technology and communications committee. An implementation report shall be submitted by January 15, 2004, and a status report shall be submitted by January 15, 2005.

NEW SECTION. Sec. 8. Applications for wireless site leases pending on the effective date of this act must be treated as applications under section 5 of this act with the consent of the applicant.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Esser, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5977.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5977, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5977, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 42.

Voting nay: Senators Fairley, Haugen, Spanel and Thibaudeau - 4.

Excused: Senators Deccio, Reardon and West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5977, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Brown was excused.

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5912 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS AND INTENT. The legislature finds that an actively coordinated and cooperatively facilitated railcar pool for transportation of perishable agricultural commodities is necessary for the continued viability and competitiveness of Washington's agricultural industry. The legislature also finds that the rail transportation model established by the Washington Grain Train program has been successful in serving the shipping needs of the wheat industry.

It is, therefore, the intent of the legislature to authorize and direct the Washington department of transportation to develop a railcar program for Washington's perishable commodity industries to be known as the Washington Produce Railcar Pool. This railcar program should be modeled from the Washington Grain Train program, but be made flexible enough to work with entities outside state government in order to fulfill its mission, including, but not limited to, the federal and local governments, commodity commissions, and private entities.

NEW SECTION. Sec. 2. DEFINITION. As used in this act "short line railroad" means a Class II or Class III railroad as defined by the United States Surface Transportation Board.

NEW SECTION. Sec. 3. DEPARTMENTAL AUTHORITY. In addition to powers otherwise granted by law, the department may establish a Washington Produce Railcar Pool to promote viable, cost-effective rail service for Washington produce, including but not limited to apples, onions, pears, and potatoes, both processed and fresh.

To the extent that funds are appropriated, the department may:

(1) Operate the Washington Produce Railcar Pool program while working in close coordination with the department of agriculture, interested commodity commissions, port districts, and other interested parties;

(2) For the purposes of this program:

(a) Purchase or lease new or used refrigerated railcars;

(b) Accept donated refrigerated railcars; and

(c) Refurbish and remodel the railcars.

(3) Hire, in consultation with affected stakeholders, including but not limited to short line railroads, commodity commissions, and port districts, a transportation management firm to perform the function outlined in section 5 of this act; and

(4) Contribute the efforts of a short line rail-financing expert to find funding for the project to help interested short line railroads in this state to accomplish the necessary operating arrangements once the railcars are ready for service.

NEW SECTION. Sec. 4. FUNDING. To the extent that funds are appropriated, the department shall fund the program as follows: The department may accept funding from the federal government, or other public or private sources, to purchase or lease new or used railcars and to refurbish and remodel the railcars as needed. Nothing in this section precludes other entities, including but not limited to short line railroads, from performing the remodeling under sections 1 through 6 of this act.

NEW SECTION. Sec. 5. RAILCAR POOL MANAGEMENT. (1) The transportation management firm hired under section 3(3) of this act shall manage the day-to-day operations of the railcars, such as monitoring the location of the cars, returning them to this state, distributing them, arranging for pretrips and repairs, and arranging for per diem, mileage allowances, and other freight billing charges with the railroads.

(2) The railcar pool must be managed over the life of the railcars so that the railcars will be distributed to railroads and port districts around the state for produce loadings as market conditions warrant or to other users, including out-of-state users by contractual agreement, during times of excess capacity.

(3) To maximize railcar availability and use, the department or the transportation management firm may make agreements with the transcontinental railroad systems to pool Washington-owned or Washington-managed railcars with those of the railroads. In such instances, the railroad must agree to provide immediately an equal number of railcars to the Washington railcar pool.

(4) The department shall act in an oversight role to verify that the railcar pool is managed in accordance with subsections (2) and (3) of this section.

NEW SECTION. Sec. 6. PRODUCE RAILCAR POOL ACCOUNT. The produce railcar pool account is created in the custody of the state treasurer. All receipts from per diem charges, mileage charges, and freight billing charges paid by railroads and shippers that use the railcars in the Washington Produce Railcar Pool must be deposited into the account. Expenditures from the account may be used only for the purposes of sections 1 through 5 of this act. Only the secretary of transportation or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 7. RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 8. Section captions used in this act are not part of the law.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act are each added to chapter 47.76 RCW."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Horn moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5912.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Horn to concur in the House amendment to Substitute Senate Bill No. 5912.

The motion by Senator Horn carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5912.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5912, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5912, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Brown, Deccio, Reardon and West - 4.

SUBSTITUTE SENATE BILL NO. 5912, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTED SENATE BILL NO. 5737 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 63.29.170 and 1996 c 45 s 2 are each amended to read as follows:

(1) A person holding property presumed abandoned and subject to custody as unclaimed property under this chapter shall report to the department concerning the property as provided in this section.

(2) The report must be verified and must include:

(a) Except with respect to travelers checks and money orders, the name, if known, and last known address, if any, of each person appearing from the records of the holder to be the owner of property ~~((of the))~~ with a value of ~~((twenty-five))~~ more than fifty dollars ~~((or more))~~ presumed abandoned under this chapter;

(b) In the case of unclaimed funds of ~~((twenty-five))~~ more than fifty dollars ~~((or more))~~ held or owing under any life or endowment insurance policy or annuity contract, the full name and last known address of the insured or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;

(c) In the case of the contents of a safe deposit box or other safekeeping repository or in the case of other tangible property, a description of the property and the place where it is held and where it may be inspected by the department, and any amounts owing to the holder;

(d) The nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, but items ~~((of))~~ with a value ~~((under twenty-five))~~ of fifty dollars or less each may be reported in the aggregate;

(e) The date the property became payable, demandable, or returnable, and the date of the last transaction with the apparent owner with respect to the property; and

(f) Other information the department prescribes by rule as necessary for the administration of this chapter.

(3) If the person holding property presumed abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner or the holder has changed his or her name while holding the property, ~~((he))~~ the holder shall file with ~~((his))~~ the report all known names and addresses of each previous holder of the property.

(4) The report must be filed before November 1st of each year and shall include all property presumed abandoned and subject to custody as unclaimed property under this chapter that is in the holder's possession as of the preceding June 30th. On written request by any person required to file a report, the department may postpone the reporting date.

(5) After May 1st, but before August 1st, of each year in which a report is required by this section, the holder in possession of property presumed abandoned and subject to custody as unclaimed property under this chapter shall send written notice to the apparent owner at ~~((his))~~ the last known address informing him or her that the holder is in possession of property subject to this chapter if:

~~((H))~~ (a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate~~((:));~~

~~((H))~~ (b) The claim of the apparent owner is not barred by the statute of limitations~~((:));~~ and

~~((H))~~ (c) The property has a value of ~~((seventy-five))~~ more than seventy-five dollars ~~((or more))~~.

Sec. 2. RCW 63.29.180 and 1993 c 498 s 9 are each amended to read as follows:

(1) The department shall cause a notice to be published not later than ~~((September))~~ November 1st, immediately following the report required by RCW 63.29.170 ~~((at least once a week for two consecutive weeks))~~ in a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in the county in which the holder of the property has its principal place of business within this state.

(2) The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:

(a) The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection (1) of this section; and

(b) A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the department.

(3) The department is not required to publish in the notice any items of ~~((less than seventy-five))~~ seventy-five dollars or less unless the department considers their publication to be in the public interest.

(4) Not later than September 1st, immediately following the report required by RCW 63.29.170, the department shall mail a notice to each person whose last known address is listed in the report and who appears to be entitled to property ~~((of the))~~ with a value of ~~((seventy-five))~~ more than seventy-five dollars ~~((or more))~~ presumed abandoned under this chapter and any beneficiary of a life or endowment insurance policy or annuity contract for whom the department has a last known address.

(5) The mailed notice must contain:

(a) A statement that, according to a report filed with the department, property is being held to which the addressee appears entitled; and

(b) The name and last known address of the person holding the property and any necessary information regarding the changes of name and last known address of the holder.

(6) This section is not applicable to sums payable on travelers checks, money orders, and other written instruments presumed abandoned under RCW 63.29.040.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Sheahan, the Senate concurred in the House amendment to Substitute Senate Bill No. 5737.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5737, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5737, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Brown, Honeyford, Reardon and West - 4.

SUBSTITUTE SENATE BILL NO. 5737, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 10, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5477 with the following amendment(s):

On page 1, line 8, after "thereafter" insert "either", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Roach, the Senate concurred in the House amendment to Senate Bill No. 5477.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5477, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5477, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Brown, Honeyford and West - 3.

SENATE BILL NO. 5477, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5705 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares the following:

(1) Thousands of citizens in the state have disabilities, including blindness or visual impairment, that prevent them from using conventional print material.

(2) Governmental and nonprofit organizations provide access to reading material by specialized means, including books and magazines prepared in braille, audio, and large-type formats.

(3) Access to time-sensitive or local or regional publications, or both, is not feasible to produce through these traditional means and formats.

(4) Lack of direct and prompt access to information included in newspapers, magazines, newsletters, schedules, announcements, and other time-sensitive materials limits educational opportunities, literacy, and full participation in society by people with print disabilities.

(5) Creation and storage of information by computer results in electronic files used for publishing and distribution.

(6) The use of high-speed computer and telecommunications technology combined with customized software provides a practical and cost-effective means to convert electronic text-based information, including daily newspapers, into synthetic speech suitable for statewide distribution by telephone.

(7) Telephonic distribution of time-sensitive information, including daily newspapers, will enhance the state's current efforts to meet the needs of blind and disabled citizens for access to information which is otherwise available in print, thereby reducing isolation and supporting full integration and equal access for such individuals.

Sec. 2. RCW 74.18.010 and 1983 c 194 s 1 are each amended to read as follows:

The purposes of this chapter are to promote ~~((the economic))~~ employment and ~~((social welfare))~~ independence of blind persons in the state of Washington ~~((to relieve blind or visually handicapped persons from the distress of poverty))~~ through their complete integration into society on the basis of equality, and to encourage public acceptance of the abilities of blind persons ~~((and to promote public awareness of the causes of blindness)).~~

Sec. 3. RCW 74.18.020 and 1983 c 194 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means an agency of state government called the department of services for the blind.

(2) "Director" means the director of the ~~((state agency))~~ department of services for the blind. The director is appointed by the governor with the consent of the senate.

(3) ~~(("Advisory council"))~~ "Rehabilitation council for the blind" means the body of members appointed by the governor in accordance with the provisions of RCW 74.18.070 to advise the state agency.

(4) "Blind person" means a person who: (a) Has no vision or whose vision with corrective lenses is so ~~((defective as to prevent the performance of ordinary activities for which eyesight is essential, or who))~~ limited that the individual requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by individuals with normal vision; (b) has an eye condition of a progressive nature which may lead to blindness; or (c) is blind for purposes of the business enterprise program as set forth in RCW 74.18.200 through 74.18.230 in accordance with requirements of the Randolph-Sheppard Act of 1936.

(5) "Telephonic reading service" means audio information provided by telephone, including the acquisition and distribution of daily newspapers and other information of local, state, or national interest.

NEW SECTION. Sec. 4. A new section is added to chapter 74.18 RCW to read as follows:

(1)(a) The director shall provide access to a telephonic reading service for blind and disabled persons.

(b) The director shall establish criteria for eligibility for blind and disabled persons who may receive the telephonic reading services. The criteria may be based upon the eligibility criteria for persons who receive services established by the national library service for the blind and physically handicapped of the library of congress.

(2) The director may enter into contracts or other agreements that he or she determines to be appropriate to provide telephonic reading services pursuant to this section.

(3) The director may expand the type and scope of materials available on the telephonic reading service in order to meet the local, regional, or foreign language needs of blind or visually impaired residents of this state. The director may also expand the scope of services and availability of telephonic reading services by current methods and technologies that may be developed. The director may inform current and potential patrons of the availability of telephonic reading services through appropriate means, including, but not limited to, direct mailings, direct telephonic contact, and public service announcements.

(4) The director may expend moneys from the business enterprises revolving account accrued from vending machine sales in state and local government buildings, as well as donations and grants, for the purpose of supporting the cost of activities described in this section.

Sec. 5. RCW 74.18.050 and 1983 c 194 s 5 are each amended to read as follows:

The director may appoint such personnel as necessary, none of whom shall be members of the ~~((advisory))~~ rehabilitation council for the blind. The director and other personnel who are assigned substantial responsibility for formulating agency policy or directing and controlling a major administrative division, together with their confidential secretaries, up to a maximum of six persons, shall be exempt from the provisions of chapter 41.06 RCW.

Sec. 6. RCW 74.18.060 and 1983 c 194 s 6 are each amended to read as follows:

The department shall:

(1) Serve as the sole agency of the state for contracting for and disbursing all federal and state funds appropriated for programs established by and within the jurisdiction of this chapter, and make reports and render accounting as may be required;

(2) Adopt rules, in accordance with chapter 34.05 RCW, necessary to carry out the purposes of this chapter;

(3) Negotiate agreements with other state agencies to provide services ~~((for individuals who are both blind and otherwise disabled))~~ so that ~~((multiply handicapped persons and the elderly blind))~~ individuals of any age who are blind or are both blind and otherwise disabled receive the most beneficial services.

Sec. 7. RCW 74.18.070 and 2000 c 57 s 1 are each amended to read as follows:

(1) There is hereby created the rehabilitation council for the blind. The rehabilitation council shall consist of the minimum number of voting members to meet the requirements of the rehabilitation council required under the federal rehabilitation act of 1973 as now or hereafter amended. A majority of the voting members shall be blind persons. Rehabilitation council members shall be residents of the state of Washington, and shall ~~((represent))~~ be appointed in accordance with the categories of membership specified in the federal rehabilitation act of 1973 as now or hereafter amended. The director of the department ~~((of services for the blind))~~ shall be an ex officio, nonvoting member.

(2) The governor shall appoint members of the rehabilitation council for terms of three years, except that the initial appointments shall be as follows: (a) Three members for terms of three years; (b) two members for terms of two years; and (c) other members for terms of one year. Vacancies in the membership of the rehabilitation council shall be filled by the governor for the remainder of the unexpired term.

(3) The governor may remove members of the rehabilitation council for cause.

Sec. 8. RCW 74.18.090 and 2000 c 57 s 3 are each amended to read as follows:

The rehabilitation council for the blind may:

(1) Provide counsel to the director in developing, reviewing, making recommendations, and agreeing on the department's state plan for vocational rehabilitation, budget requests, permanent rules concerning services to blind ~~((citizens))~~ persons, and other major policies which impact the quality or quantity of services for ~~((the))~~ blind persons;

(2) Undertake annual reviews with the director of the needs of blind ~~((citizens))~~ persons, the effectiveness of the services and priorities of the department to meet those needs, and the measures that could be taken to improve the department's services;

(3) Annually make recommendations to the governor and the legislature on issues related to the department ~~((of services for the blind))~~, other state agencies, or state laws which have a significant effect on the opportunities, services, or rights of blind ~~((citizens))~~ persons;

(4) Advise and make recommendations to the governor on the criteria and qualifications pertinent to the selection of the director;

(5) Perform additional functions as required by the federal rehabilitation act of 1973 as now or hereafter amended.

Sec. 9. RCW 74.18.110 and 1983 c 194 s 11 are each amended to read as follows:

The department ~~((of services for the blind))~~ may receive, accept, and disburse gifts, grants, conveyances, devises, and bequests from public or private sources, in trust or otherwise, if the terms and conditions thereof will provide services for ~~((the))~~ blind persons in a manner consistent with the purposes of this chapter and with other provisions of law. Any money so received shall be deposited in the state treasury for investment or expenditure in accordance with the conditions of its receipt.

Sec. 10. RCW 74.18.120 and 1989 c 175 s 150 are each amended to read as follows:

~~(1) ((Any person aggrieved by a decision, action, or inaction of the department or its agents may request, and shall receive from the department, an administrative review and redetermination of that decision, action, or inaction.~~

~~(2) After completion of an administrative review,)) An applicant or ((client aggrieved by)) eligible person who is dissatisfied with a decision, action, or inaction ((of)) made by the department or its agents ((may request, and shall be granted,)) regarding that person's eligibility or department services provided to that person is entitled to an administrative hearing. Such administrative hearings shall be conducted pursuant to chapter 34.05 RCW by an administrative law judge.~~

~~((3)) (2) The applicant or eligible individual may appeal final decisions ((of)) issued following administrative hearings ((shall be the subject of appeal)) under RCW 34.05.510 through 34.05.598.~~

~~((4) In the event of an appeal from the final decision of an administrative hearing in which the department has overruled the proposed decision by an administrative law judge, the following terms shall apply for an appeal under RCW 34.05.510 through 34.05.598:~~

~~(a) Upon request a copy of the transcript and evidence from the administrative hearing shall be made available without charge to the appellant; (b) the appellant shall not be required to post bond or pay any filing fee; and (c) an appellant receiving a favorable decision upon appeal shall be entitled to reasonable attorney's fees and costs.)~~

(3) The department shall develop rules governing other processes for dispute resolution as required under the federal rehabilitation act of 1973.

NEW SECTION. Sec. 11. A new section is added to chapter 74.18 RCW to read as follows:

(1) The department shall investigate the conviction records, pending charges, and disciplinary board final decisions of individuals acting on behalf of the department who will or may have unsupervised access to persons with significant disabilities as defined by the federal rehabilitation act of 1973. This includes:

(a) Current employees of the department;

(b) Applicants seeking or being considered for any position with the department; and

(c) Any service provider, contractor, student intern, volunteer, or other individual acting on behalf of the department.

(2) The investigation shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The background check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. If the applicant or service provider has had a background check within the previous two years, the department may waive the requirement.

(3) When necessary, applicants may be employed and service providers may be engaged on a conditional basis pending completion of the background check.

(4) The department shall use the information solely to determine the character, suitability, and competence of employees, applicants, service providers, contractors, student interns, volunteers, and other individuals in accordance with RCW 41.06.475.

(5) The department shall adopt rules addressing procedures for undertaking background checks which shall include, but not be limited to, the following:

(a) The manner in which the individual will be provided access to and review of information obtained based on the background check required;

(b) Assurance that access to background check information shall be limited to only those individuals processing the information at the department;

(c) Action that shall be taken against a current employee, service provider, contractor, student intern, or volunteer who is disqualified from a position because of a background check not previously performed.

(6) The department shall determine who will pay costs associated with the background check.

NEW SECTION. Sec. 12. A new section is added to chapter 74.18 RCW to read as follows:

(1) Personal information and records obtained and retained by the department concerning applicants and eligible individuals are confidential, are not subject to public disclosure, and may be released only in accordance with law or with this provision.

(2) The department shall adopt rules and develop contract language to safeguard the confidentiality of all personal information, including photographs and lists of names. Rules and contract language shall ensure that:

(a) Specific safeguards are established to protect all current and future stored personal information;

(b) Specific safeguards and procedures are established for the release of personal health information in accordance with the health insurance portability and accountability act of 1996, 45 C.F.R. 160 through 45 C.F.R. 164;

(c) All applicants and eligible individuals and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons are informed upon initial intake of the confidentiality of personal information and the conditions for accessing and releasing this information;

(d) All applicants or their representatives are informed about the department's need to collect personal information and the policies governing its use, including: (i) Identification of the authority under which information is collected; (ii) explanation of the principal purposes for which the department intends to use or release the information; (iii) explanation of whether providing requested information to the department is mandatory or voluntary and the effects of not providing requested information; (iv) identification of those situations in which the department requires or does not require informed written consent of the individual before information may be released; and (v) identification of other agencies to which information is routinely released; and

(e) An explanation of department policies and procedures affecting personal information will be provided at intake or on request to each individual in that individual's native language and in an appropriate format including but not limited to braille, audio recording, electronic media, or large print.

Sec. 13. RCW 74.18.130 and 1983 c 194 s 13 are each amended to read as follows:

The department shall provide a program of vocational rehabilitation to assist blind persons to overcome (~~vocational handicaps~~) barriers to employment and to develop skills necessary for (~~self-support~~) employment and (~~self-care~~) independence. Applicants eligible for vocational rehabilitation services shall be blind persons (~~who are blind as defined in RCW 74.18.020 and~~) who also (~~(1) have no vision or limited vision which constitutes or results in a substantial handicap to employment and (2) can reasonably be expected to benefit from vocational rehabilitation services in terms of employability~~) meet eligibility requirements as specified in the federal rehabilitation act of 1973.

Sec. 14. RCW 74.18.140 and 1983 c 194 s 14 are each amended to read as follows:

The department (~~may provide to eligible individuals~~) shall ensure that vocational rehabilitation services (~~(, including medical and vocational diagnosis; vocational counseling, guidance, referral, and placement; rehabilitation training; physical and mental restoration; maintenance and transportation; reader services; interpreter services for the deaf; rehabilitation teaching services; orientation and mobility services; occupational licenses, tools, equipment, and initial stocks and supplies; telecommunications, sensory, and other technological aids and devices; and other goods and services which can be reasonably expected to benefit a client in terms of employability)~~) in accordance with requirements under the federal rehabilitation act of 1973 are available to meet the identified requirements of each eligible individual in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Sec. 15. RCW 74.18.150 and 1996 c 7 s 1 are each amended to read as follows:

The department may grant to eligible participants in the vocational rehabilitation (~~clients~~) program equipment and materials (~~not to exceed the amount allowed by state financial policies and regulations~~) in accordance with the provisions related to transfer of capital assets as set forth by the office of financial management in the state administrative and accounting manual, provided that the equipment or materials are required by the (~~client's~~) individual's (~~written rehabilitation program~~) plan for employment and are used (~~by the client or former client~~) in a manner consistent therewith. The department shall adopt rules to implement this section.

Sec. 16. RCW 74.18.170 and 1983 c 194 s 16 are each amended to read as follows:

The department may establish, construct, and/or operate rehabilitation or habilitation facilities to provide instruction in alternative skills necessary to adjust to blindness or substantial vision loss, to assist blind persons to develop increased confidence and independence, or to provide other services consistent with the purposes of this chapter. The department shall adopt rules concerning selection criteria for participation, services, and other matters necessary for efficient and effective operation of such facilities.

Sec. 17. RCW 74.18.180 and 1983 c 194 s 18 are each amended to read as follows:

(1) The department (~~(, to the extent appropriations are made available,)~~) may provide a program of independent living services for (~~(independent living designed to meet the current and future needs of)~~) blind (~~(individuals)~~) persons who (~~(presently cannot function independently in their living environment, but who may benefit from services that will enable them to maintain contact with society and perform some tasks of daily living independently)~~) are not seeking vocational rehabilitation services.

(2) Independent living services may include, but are not limited to, instruction in adaptive skills of blindness, counseling regarding adjustment to vision loss, and provision of adaptive devices that enable service recipients to participate in the community and maintain or increase their independence.

Sec. 18. RCW 74.18.200 and 1985 c 97 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply in RCW 74.18.200 through 74.18.230.

(1) "Business enterprises program" means a program operated by the department under the federal Randolph-Sheppard Act, 20 U.S.C. Sec. 107 et seq., and under this chapter in support of blind persons operating vending businesses in public buildings.

(2) "Vending facility" means any stand, snack bar, cafeteria, or business at which food, tobacco, sundries, or other retail merchandise or service is sold or provided.

(3) "Vending machine" means any coin-operated machine that sells or provides food, tobacco, sundries, or other retail merchandise or service.

(4) "Blind person" means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual selects.

(5) "Licensee" means a blind person licensed by the state of Washington under the Randolph-Sheppard Act, this chapter, and the rules issued hereunder.

(~~(5)~~) (6) "Public building" means any building and immediately adjacent outdoor space associated therewith, such as a patio or entryway, which is: (a) Owned by the state of Washington or any political subdivision thereof or any space leased by the state of Washington or any political subdivision thereof in any privately-owned building; and (b) dedicated to the administrative functions of the state or any political subdivision (~~(- PROVIDED, That any vending facility or vending machine).~~) However, this term shall not include property under the jurisdiction and control of a local board of education ((shall not be included)) without the consent ((and approval)) of ((that local)) such board.

(7) "Priority" means the department has first and primary right to operate the food service and vending facilities, including vending machines, on federal, state, county, municipal, and other local government property except those otherwise exempted by statute. Such right may, at the sole discretion of the department, be waived in the event that the department is temporarily unable to assert the priority.

Sec. 19. RCW 74.18.210 and 1983 c 194 s 21 are each amended to read as follows:

The department shall maintain or cause to be maintained a business enterprises program for blind persons to operate vending facilities in public buildings. The purposes of the business enterprises program are to implement the Randolph-Sheppard Act and thereby give priority to qualified blind persons in operating vending facilities on federal property, to make similar provisions for vending facilities in public buildings in the state of Washington and thereby increase employment opportunities for blind persons, and to encourage (~~the~~) blind persons to become successful, independent business persons.

Sec. 20. RCW 74.18.230 and 2002 c 71 s 2 are each amended to read as follows:

(1) There is established in the state treasury an account known as the business enterprises revolving account.

(2) The net proceeds from any vending machine operation in a public building, other than an operation managed by a licensee, shall be made payable to the business enterprises program, which will pay only the blind vendors' portion, at the subscriber's rate, for the purpose of funding a plan of health insurance for blind vendors, as provided in RCW 41.05.225. Net proceeds, for purposes of this section, means (~~the~~) gross (~~(amount received)~~) sales less (~~(the costs of the operation, including)~~) state sales tax and a fair minimum return to the vending machine owner or service provider, which return shall (~~not exceed~~) be a reasonable amount to be determined by the department.

(3) All federal moneys in the business enterprises revolving account shall be expended only for development and expansion of locations, equipment, management services, and payments to licensees in the business enterprises program.

(4) The business enterprises program shall be supported by the business enterprises revolving account and by income which may accrue to the department pursuant to the federal Randolph-Sheppard Act.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) RCW 74.18.160 (Vocational rehabilitation--Orientation and training center) and 1983 c 194 s 17; and

(2) RCW 74.18.250 (Specialized medical eye care--Prevention of blindness) and 1983 c 194 s 24."

Correct the Title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Roach, the Senate concurred in the House amendment to Senate Bill No. 5705.
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5705, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5705, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Absent: Senator Hargrove - 1.

Excused: Senators Honeyford and West - 2.

SENATE BILL NO. 5705, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:51 a.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Wednesday, April 23, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDREDTH DAY, APRIL 22, 2003

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

ONE HUNDRED-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 23, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senator West. On motion of Senator Hewitt, Senator West was excused.

The Sergeant at Arms Color Guard, consisting of Pages Laurie Rivera and Itzi Sabanero, presented the Colors. Reverend Jack Keith, senior pastor of the Hoods Canal Community Church in Hoodspport, and a guest of Senator Tim Sheldon, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

GA 9111 MARILYN SHOWALTER, appointed January 2, 2003, for a term ending January 1, 2009, as Chair of the Utilities and Transportation Commission. Reported by Committee on Technology and Communication

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Esser, Chair; Finkbeiner, Vice Chair; Eide, Poulsen, Reardon, Schmidt and Stevens.

Passed to Committee on Rules.

April 22, 2003

GA 9188 JOHN GIESE, appointed March 11, 2003, for a term ending January 1, 2009, as a member of the Forest Practices Appeals Board.
Reported by Committee on Natural Resources, Energy and Water

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Honeyford, Oke and Regala.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

April 3, 2003

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

I have the honor to submit the following reappointment, subject to your confirmation.
Tom Koenninger, reappointed April 3, 2003, for a term ending April 3, 2007, as a member of the State Board for Community and Technical Colleges.

GARY LOCKE, Governor

Referred to Committee on Higher Education.

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

SUBSTITUTE SENATE BILL NO. 5142

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the seal of the state of Washington, this 21st day
of April, 2003.

(Seal) SAM REED

Secretary of State

MESSAGE FROM THE GOVERNOR

April 17, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3, Engrossed Substitute Senate Bill No. 5142 entitled:

“AN ACT Relating to permitting children of certificated and classified school employees to enroll at the school where the employee is assigned;

This bill requires, upon application, that school districts enroll children of their certificated and classified school employees in the school to which the employee is assigned, or to one of the schools in the feeder school system for the school to which the employee is assigned.

Section 3 of this bill would have provided for certain reporting requirements. The veto of this section has been requested by the Superintendent of Public Instruction, and has the concurrence of the bill sponsor and the sponsor of the

Section 3 amendment. Nonetheless, I understand that the Superintendent of Public Instruction intends to provide information regarding the provisions of this bill to the legislature by means of a survey. I support this less burdensome approach.

For these reasons, I have vetoed section 3 of Engrossed Substitute Senate Bill No. 5142.

With the exception of section 3, Engrossed Substitute Senate Bill No. 5142 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MOTION

On motion of Senator Shehan, the partial veto message on Engrossed Substitute Senate Bill No. 5142 was held at the desk.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
SECOND SUBSTITUTE HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1113,
SUBSTITUTE HOUSE BILL NO. 1175,
SUBSTITUTE HOUSE BILL NO. 1442,
HOUSE BILL NO. 1473,
SUBSTITUTE HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,
SUBSTITUTE HOUSE BILL NO. 1634,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,
SUBSTITUTE HOUSE BILL NO. 1694,
HOUSE JOINT RESOLUTION NO. 4206, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001,
SUBSTITUTE HOUSE BILL NO. 1734,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
SUBSTITUTE HOUSE BILL NO. 1755,
SUBSTITUTE HOUSE BILL NO. 1826,
HOUSE BILL NO. 1905,
ENGROSSED HOUSE BILL NO. 2067,
HOUSE BILL NO. 2073,
SUBSTITUTE HOUSE BILL NO. 2094,
SUBSTITUTE HOUSE BILL NO. 2111,
SUBSTITUTE HOUSE BILL NO. 2118,
SUBSTITUTE HOUSE BILL NO. 2132,
ENGROSSED HOUSE BILL NO. 2146,
HOUSE JOINT MEMORIAL NO. 4012, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1250,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,
SECOND SUBSTITUTE HOUSE BILL NO. 1698,
SECOND SUBSTITUTE HOUSE BILL NO. 1973, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

***The Speaker has signed:
ENGROSSED HOUSE BILL NO. 1079,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853, and the same are herewith transmitted.***

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

***ENGROSSED HOUSE BILL NO. 1079,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1853.***

SIGNED BY THE PRESIDENT

The President signed:

***SUBSTITUTE SENATE BILL NO. 5221,
SENATE BILL NO. 5413,
SUBSTITUTE SENATE BILL NO. 5575,
SENATE BILL NO. 5705,
SUBSTITUTE SENATE BILL NO. 5716,
SUBSTITUTE SENATE BILL NO. 5737,
SUBSTITUTE SENATE BILL NO. 5749,
SUBSTITUTE SENATE BILL NO. 5751,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5779,
SUBSTITUTE SENATE BILL NO. 5811,
SUBSTITUTE SENATE BILL NO. 5829,
SENATE BILL NO. 5865,
SECOND SUBSTITUTE SENATE BILL NO. 5890,
SUBSTITUTE SENATE BILL NO. 5912,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,
SENATE BILL NO. 5959,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5977,
SUBSTITUTE SENATE BILL NO. 5995,
SENATE JOINT MEMORIAL NO. 8000,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002.***

SIGNED BY THE PRESIDENT

The President signed:

***SENATE BILL NO. 5011,
ENGROSSED SENATE BILL NO. 5014,
SENATE BILL NO. 5042,
SENATE BILL NO. 5065,
SUBSTITUTE SENATE BILL NO. 5105,
SUBSTITUTE SENATE BILL NO. 5133,
SENATE BILL NO. 5176,
SUBSTITUTE SENATE BILL NO. 5218,
SUBSTITUTE SENATE BILL NO. 5237,
ENGROSSED SENATE BILL NO. 5245,
SUBSTITUTE SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5327,
SUBSTITUTE SENATE BILL NO. 5335,
ENGROSSED SENATE BILL NO. 5343,
ENGROSSED SENATE BILL NO. 5379,
SUBSTITUTE SENATE BILL NO. 5434,
SUBSTITUTE SENATE BILL NO. 5457,***

***SUBSTITUTE SENATE BILL NO. 5473,
SENATE BILL NO. 5477,
SUBSTITUTE SENATE BILL NO. 5509,***

SUBSTITUTE SENATE BILL NO. 5579,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5586,
SUBSTITUTE SENATE BILL NO. 5592,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5602,
SECOND SUBSTITUTE SENATE BILL NO. 5694.

MOTION

On motion of Senator Jacobsen, the following resolution was adopted:

SENATE RESOLUTION 8670

By Senators Jacobsen, Sheahan, Fraser, Kohl-Welles, Rasmussen, McAuliffe and Spanel

WHEREAS, The citizens of Washington value postsecondary education and are supportive of young people who seek to obtain a postsecondary education; and

WHEREAS, The rising cost of postsecondary education makes it difficult for many families to finance such a pursuit; and

WHEREAS, The Dollars for Scholars organization is committed to creating local scholarship opportunities for the students of this state and promoting private sector scholarships; and

WHEREAS, There are one hundred and eight Dollars for Scholars Chapters serving communities across Washington that have already raised over twelve million dollars and awarded seven thousand one hundred and ten scholarships to Washington students since 1987; and

WHEREAS, During 2001, the Dollars for Scholars Chapters in this state awarded over two and one-half million dollars to one thousand four hundred and seventeen Washington students; and

WHEREAS, The National Office of the Dollars for Scholars Program selected Washington as a recipient of funds with which to organize a State Dollars for Scholars Office; and

WHEREAS, A state office aids in strengthening the existing programs and in developing new chapters dedicated to awarding scholarships to our students; and

WHEREAS, The National Dollars for Scholars Program has been rated one of the top education charities by Smart Money Magazine for five years in a row;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate commend the volunteers and staff of the Dollars for Scholars Program for being selected to establish a state office and commend the young Washington scholarship recipients for their hard work and dedication to the pursuit of education; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the National Office of Dollars for Scholars and to the Director of the Washington Dollars for Scholars program.

Senators Jacobsen, Carlson, Shin and Kohl-Welles spoke to Senate Resolution 8670.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Rick Millerick, Executive Director of the Washington Dollars for Scholars Program, who was seated in the back of the Chamber.

PERSONAL PRIVILEGE

Senator Franklin: "A point of personal privilege, Mr. President. Well, this is our one hundred and first day in the Legislature and as we have gone about doing the people's business during the session, there have been moments and times that our patience has been short. We might have said some words that we probably didn't mean. This has been a particularly difficult session, but you know when you stop having fun, then it is time to leave. We are not ready to leave, so we would like to have a little bit of fun.

"With your permission, Mr. President, and the permission of the Senate, I have a poem I would like to read:

*'When I am an old woman, I shall wear purple with a red hat which doesn't go and doesn't suit me.
And I shall spend my pension on brandy and summer gloves and satin sandals, and say we've money for butter.
I shall sit down on the pavement when I'm tired and gobble up samples in shops and press alarm bells, and run my stick along the public railings and make up for the sobriety of my youth.
I shall go out in my slippers in the rain and pick the flowers in other peoples' gardens and learn to spit.*

You can wear terrible shirts and grow more fat and eat three pounds of sausages at a go or only bread and a pickle for a week and hoard pens and pencils and beer mats and things in boxes.

But now we must have clothes that keep us dry and pay our rent and not swear in the street and set a good example for the children.

We must have friends to dinner and read the papers.

But maybe I ought to practice a little now, so people who know me are not too shocked and surprised when suddenly I am old and start to wear purple.'

“Mr. President, and members of the Senate, you see that the women are dressed in purple today. It is red hats and purple day, so with your permission, they shall don their red hats.”

REPLY BY THE PRESIDENT

President Owen: “That is a dandy, Senator.”

REMARKS BY SENATOR McCASLIN

Senator McCaslin: “Mr. President, I would like to nominate Senator Franklin as Poet Laureate of the State Senate.”
MOTION

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

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

Senator Oke moved that Gubernatorial Reappointment No. 9092, Robert L. Parlette, as a member of the Interagency Committee for Outdoor Recreation, be confirmed.

PARLIAMENTARY INQUIRY

Senator Parlette: “Mr. President, a point of inquiry. Am I suppose to vote on this?”

REPLY BY THE PRESIDENT

President Owen: “Senator, the President believes that it is appropriate for you to vote on this confirmation.”

Senators Oke, Parlette and Carlson spoke to the confirmation of Robert L. Parlette as a member of the Interagency Committee for Outdoor Recreation.

The President declared the question before the Senate to be the motion by Senator Oke that the reappointment of Robert Parlette as a member of the Interagency Committee for Outdoor Recreation be confirmed.

The motion by Senator Oke carried and the reappointment of Robert L. Parlette as a member of the Interagency Committee for Outdoor Recreation was approved.

APPOINTMENT OF ROBERT L. PARLETTE

The Secretary called the roll. The reappointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

MOTION

At 10:32 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 11:35 a.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5073, with the following amendment(s).

On page 2, line 25, after "authorize" strike "up to ten percent of"

On page 2, beginning on line 29, strike "Such limitation on expenditures shall not apply to additional revenues for watershed plan implementation that are authorized by voter approval under section 5 of this act."

On page 5, line 23, after "activity." insert "The revenue proposal shall include provisions to ensure that persons or parcels within the watershed plan area will not be taxed or assessed by more than one public agency for a specific watershed management plan project, program, or activity.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate concur in the House amendment on page 5, line 23, but refuse to concur in the House amendments on page 2, lines 25 and 29, and asks the House to recede therefrom.

The President declared the question before the Senate to be the motion by Senator Honeyford to concur in the House amendment on page 5, line 23, but refuse to concur in the House amendments on page 2, lines 25 and 29, to Engrossed Senate Bill No. 5073.

The motion by Senator Honeyford carried and the Senate concurred in the House amendment on page 5, line 23, but refuses to concur in the House amendments on page 2, lines 25 and 29 to Engrossed Senate Bill No. 5073, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8401, with the following amendment(s):

On page 1, strike everything after "WHEREAS," on line 1 and insert the following:

"Collaboration and coordination among all sectors of education including but not limited to prekindergarten, the K-12 system, the community and technical college system, the four-year colleges and universities, and the independent colleges and private career schools are essential to developing an educated citizenry;

WHEREAS, The education and higher education committees of the Washington State Senate and House of Representatives each intend separately to examine issues of strategic planning, coordination, and governance for the K-12 and postsecondary education systems during the 2003 legislative interim; and

WHEREAS, A forum should be created to expand collaboration among educational sectors, starting with the education oversight committees of the Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the Senate committee on education, the Senate committee on higher education, the House of Representatives committee on education, and the House of Representatives committee on higher education shall convene a joint work session along with education and higher education stakeholders before December 31, 2003; and

BE IT FURTHER RESOLVED, That the purpose of the joint work session shall be for the committees and stakeholders to share the findings and recommendations of their interim work on strategic planning, coordination, and governance in K-12 and postsecondary education and to discuss common topics and themes that cross educational sectors, including the readiness of the state's higher education institutions to meet the anticipated needs of students educated in a standards-based K-12 environment; the need for college admissions to be aligned with K-12 standards and assessments; and what changes in the education environment will reduce the need for remediation as students are placed in college courses; and

BE IT FURTHER RESOLVED, At the joint work session, the committees and stakeholders shall discuss opportunities for further collaboration in policy development and oversight of the various educational sectors in Washington.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Carlson, the Senate refuses to concur in the House amendment to Substitute Senate Concurrent Resolution No. 8401 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5389, with the following amendment(s).

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 59.18 RCW to read as follows:

(1) For the purpose of this section, "drug and alcohol free housing" requires a rental agreement and means a dwelling in which:

(a) Each of the dwelling units on the premises is occupied or held for occupancy by at least one tenant who is a recovering alcoholic or drug addict and is participating in a program of recovery;

(b) The landlord is a nonprofit corporation incorporated under Title 24 RCW, a corporation for profit incorporated under Title 23B RCW, or a housing authority created under chapter 35.82 RCW;

(c) The landlord provides:

(I) A drug and alcohol free environment, covering all tenants, employees, staff, agents of the landlord, and guests;
(ii) An employee who monitors the tenants for compliance with the requirements of (d) of this subsection;
(iii) Individual and group support for recovery; and
(iv) Access to a specified program of recovery; and
(d) The rental agreement is in writing and includes the following provisions:
(i) The tenant may not use, possess, or share alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, either on or off the premises;
(ii) The tenant may not allow the tenant's guests to use, possess, or share alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, on the premises;
(iii) The tenant must participate in a program of recovery, which specific program is described in the rental agreement;
(iv) On at least a quarterly basis the tenant must provide written verification from the tenant's program of recovery that the tenant is participating in the program of recovery and the tenant has not used alcohol or illegal drugs;
(v) The landlord has the right to require the tenant to take a urine analysis test regarding drug or alcohol usage, at the landlord's discretion and expense; and
(vi) The landlord has the right to terminate the tenant's tenancy by delivering a three-day notice to terminate with one day to comply, if a tenant living in drug and alcohol free housing uses, possesses, or shares alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription.
(2) For the purpose of this section, "program of recovery" means a verifiable program of counseling and rehabilitation treatment services, including a written plan, to assist recovering alcoholics or drug addicts to recover from their addiction to alcohol or illegal drugs while living in drug and alcohol free housing. A "program of recovery" includes Alcoholics Anonymous, Narcotics Anonymous, and similar programs.
(3) If a tenant living for less than two years in drug and alcohol free housing uses, possesses, or shares alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, the landlord may deliver a written notice to the tenant terminating the tenancy for cause as provided in this subsection. The notice must specify the acts constituting the drug or alcohol violation and must state that the rental agreement terminates in not less than three days after delivery of the notice, at a specified date and time. The notice must also state that the tenant can cure the drug or alcohol violation by a change in conduct or otherwise within one day after delivery of the notice. If the tenant cures the violation within the one-day period, the rental agreement does not terminate. If the tenant does not cure the violation within the one-day period, the rental agreement terminates as provided in the notice. If substantially the same act that constituted a prior drug or alcohol violation of which notice was given reoccurs within six months, the landlord may terminate the rental agreement upon at least three days' written notice specifying the violation and the date and time of termination of the rental agreement. The tenant does not have a right to cure this subsequent violation.
(4) Notwithstanding subsections (1), (2), and (3) of this section, housing that is occupied on other than a transient basis by persons who are required to abstain from possession or use of alcohol or drugs as a condition of occupancy and who pay for the use of the housing on a periodic basis, without regard to whether the payment is characterized as rent, program fees, or other fees, costs, or charges, are covered by this chapter."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Benton, the Senate refuses to concur in the House amendment to Engrossed Senate Bill No. 5389 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 5389 and the House amendments thereto: Senators Benton, Roach and Prentice.

MOTION

On motion of Senator Sheahan, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1028 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate insists on its position regarding the Senate amendment(s) to Substitute House Bill No. 1028 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1380 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Sheahan, the Senate insists on its position regarding the Senate amendment(s) to Substitute House Bill No. 1380 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Each four-year institution of higher education and the state board for community and technical colleges shall develop policies that ensure undergraduate students enrolled in degree or certificate programs complete their programs in a timely manner in order to make the most efficient use of instructional resources and provide capacity within the institution for additional students.

(2) Policies adopted under this section shall address, but not be limited to, undergraduate students in the following circumstances:

(a) Students who accumulate more than one hundred twenty-five percent of the number of credits required to complete their respective baccalaureate or associate degree or certificate programs;

(b) Students who drop more than twenty-five percent of their course load before the grading period for the quarter or semester, which prevents efficient use of instructional resources; and

(c) Students who remain on academic probation for more than one quarter or semester.

(3) Policies adopted under this section may include assessment by the institution of a surcharge in addition to regular tuition and fees to be paid by a student for continued enrollment.

NEW SECTION. Sec. 2. (1) Each public four-year institution of higher education and the state board for community and technical colleges shall report to the higher education coordinating board by January 30, 2004, on the policies developed under section 1 of this act. The report shall include baseline data on the number and characteristics of students affected by the policies. If the policies were adopted before the effective date of this section, the report shall describe the impact of the policies.

(2) In the report, each four-year institution shall also describe policies developed and actions taken by the institution to eliminate barriers to timely completion of degree programs, including reducing the occasions where students cannot enroll in courses needed for their major due to overenrollment. The state board may select a sample of colleges to describe policies and actions to address course scheduling issues.

(3) The higher education coordinating board shall summarize the reports from the institutions and the state board and make a report to the higher education committees of the legislature by March 1, 2004. The report prepared by the higher education coordinating board shall include recommendations for additional legislative action, including whether increased tuition and fees should be uniformly charged to students as an additional incentive for timely

completion of degree and certificate programs."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Carlson moved that the Senate concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5135.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Carlson to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 5135.

The motion by Senator Carlson carried and the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 5135.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5135, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5135, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Shin, Stevens, Swecker and Zarelli - 37.

Voting nay: Senators Brown, Franklin, Fraser, Haugen, Prentice, Regala, Sheldon, B., Sheldon, T., Spanel, Thibaudeau and Winsley - 11.

Excused: Senator West - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5144 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.06.010 and 1951 c 233 s 1 are each amended to read as follows:

The legislature finds and declares that:

(1) Forest insects and forest tree diseases which threaten the permanent timber production of the forested areas of the state of Washington are ~~(hereby declared to be)~~ a public nuisance.

(2) Exotic forest insects or diseases, even in small numbers, can constitute serious threats to native forests. Native tree species may lack natural immunity. There are often no natural control agents such as diseases, predators, or parasites to limit populations of exotic forest insects or diseases. Exotic forest insects or diseases can also outcompete, displace, or destroy habitat of native species. It is in the public interest to identify, control, and eradicate outbreaks of exotic forest insects or diseases that threaten the diversity, abundance, and survivability of native forest trees and the environment.

Sec. 2. RCW 76.06.020 and 2000 c 11 s 2 are each amended to read as follows:

~~((As used in))~~ The definitions in this section apply throughout this chapter(±) unless the context clearly requires otherwise.

(1) "Agent" means the recognized legal representative, representatives, agent, or agents for any owner(±).

(2) "Department" means the department of natural resources(±).

(3) "Owner" means and includes ~~((individuals, partnerships, corporations, and associations;))~~ persons or their agents.

(4) "Timber land" means any land on which there is a sufficient number of trees, standing or down, to constitute, in the judgment of the department, a forest insect or forest disease breeding ground of a nature to constitute a menace, injurious and dangerous to permanent forest growth in the district under consideration.

(5) "Commissioner" means the commissioner of public lands.

(6) "Exotic" means not native to forest lands in Washington state.

(7) "Forest land" means any land on which there are sufficient numbers and distribution of trees and associated species to, in the judgment of the department, contribute to the spread of forest insect or forest disease outbreaks that could be injurious to forest health.

(8) "Forest health" means the condition of a forest being sound in ecological function, sustainable, resilient, and resistant to insects, diseases, fire, and other disturbance, and having the capacity to meet landowner objectives.

(9) "Forest health emergency" means the introduction of, or an outbreak of, an exotic forest insect or disease that poses an imminent danger of damage to the environment by threatening the survivability of native tree species.

(10) "Forest insect or disease" means a living stage of an insect, other invertebrate animal, or disease-causing organism or agent that can directly or indirectly injure or cause disease or damage in trees, or parts of trees, or in processed or manufactured wood, or other products of trees.

(11) "Integrated pest management" means a strategy that uses various combinations of pest control methods, including biological, cultural, and chemical methods, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

(12) "Native" means having populated Washington's forested lands prior to European settlement.

(13) "Outbreak" means a rapidly expanding population of insects or diseases with potential to spread.

(14) "Person" means any individual, partnership, private, public, or municipal corporation, county, federal, state, or local governmental agency, tribes, or association of individuals of whatever nature.

NEW SECTION. Sec. 3. A new section is added to chapter 76.06 RCW to read as follows:

The department is authorized to contribute resources and expertise to assist the department of agriculture in control or eradication efforts authorized under chapter 17.24 RCW in order to protect forest lands of the state.

If either the department of agriculture has not taken action under chapter 17.24 RCW or the commissioner finds that additional efforts are required to control or prevent an outbreak of an exotic forest insect or disease which has not become so habituated that it can no longer be eradicated and that poses an imminent danger of damage to the forested environment by threatening the diversity, abundance, and survivability of native tree species, or both, the commissioner may declare a forest health emergency.

Upon declaration of a forest health emergency, the department must delineate the area at risk and determine the most appropriate integrated pest management methods to control the outbreak, in consultation with other interested agencies, affected tribes, and affected forest landowners. The department must notify affected forest landowners of its intent to conduct control operations.

Upon declaration of a forest health emergency by the commissioner, the department is authorized to enter into agreements with forest landowners,

companies, individuals, tribal entities, and federal, state, and local agencies to accomplish control of exotic forest insects or diseases on any affected forest lands using such funds as have been, or may be, made available.

The department must proceed with the control of the exotic forest insects or diseases on affected nonfederal and nontribal forest lands with or without the cooperation of the owner. The department may reimburse cooperating forest landowners and agencies for actual cost of equipment, labor, and materials utilized in cooperative exotic forest insect or disease control projects, as agreed to by the department.

A forest health emergency no longer exists when the department finds that the exotic forest insect or disease has been controlled or eradicated, that the imminent threat no longer exists, or that there is no longer good likelihood of effective control.

Nothing under this chapter diminishes the authority and responsibility of the department of agriculture under chapter 17.24 RCW.

Sec. 4. RCW 76.09.050 and 2002 c 121 s 1 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW or on lands that have or are being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act, RCW 77.55.100;

(c) Within "shorelines of the state" as defined in RCW 90.58.030;

(d) Excluded from Class II by the board; or

(e) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on lands that have or are being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, (d) involving timber harvesting or road construction on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except where the forest landowner provides: (i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or (ii) a conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application, and/or (e) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology and fish and wildlife, and to the county, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960, as provided in chapter 58.17 RCW; or

(ii) On lands that have or are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b)(i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

(12) Notwithstanding subsections (2) through (5) of this section, forest practices applications or notifications are not required for exotic insect and disease control operations conducted in accordance with RCW 76.09.060(8) where eradication can reasonably be expected.

Sec. 5. RCW 76.09.060 and 1997 c 290 s 3 and 1997 c 173 s 3 are each reenacted and amended to read as follows:

The following shall apply to those forest practices administered and enforced by the department and for which the board shall promulgate regulations as provided in this chapter:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices rules shall specify by whom and under what conditions the notification and application shall be signed or otherwise certified as acceptable. The application or notification shall be delivered in person to the department, sent by first class mail to the department or electronically filed in a form defined by the department. The form for electronic filing shall be readily convertible to a paper copy, which shall be available to the public pursuant to chapter 42.17 RCW. The information required may include, but is not limited to:

- (a) Name and address of the forest landowner, timber owner, and operator;
- (b) Description of the proposed forest practice or practices to be conducted;
- (c) Legal description and tax parcel identification numbers of the land on which the forest practices are to be conducted;
- (d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and major tractor roads;
- (e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;
- (f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices rules;
- (g) Soil, geological, and hydrological data with respect to forest practices;
- (h) The expected dates of commencement and completion of all forest practices specified in the application;
- (I) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources;

(j) An affirmation that the statements contained in the notification or application are true; and

(k) All necessary application or notification fees.

(2) Long range plans may be submitted to the department for review and consultation.

(3) The application for a forest practice or the notification of a Class II forest practice is subject to the three-year reforestation requirement.

(a) If the application states that any such land will be or is intended to be so converted:

(I) The reforestation requirements of this chapter and of the forest practices rules shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices rules issued under RCW 76.09.070 as now or hereafter amended;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as now or hereafter amended as well as the forest practices rules.

(b) Except as provided elsewhere in this section, if the application or notification does not state that any land covered by the application or notification will be or is intended to be so converted:

(I) For six years after the date of the application the county, city, town, and regional governmental entities shall deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(A) The department shall submit to the local governmental entity a copy of the statement of a forest landowner's intention not to convert which shall represent a recognition by the landowner that the six-year moratorium shall be imposed and shall preclude the landowner's ability to obtain development permits while the moratorium is in place. This statement shall be filed by the local governmental entity with the county recording officer, who shall record the documents as provided in chapter 65.04 RCW, except that lands designated as forest lands of long-term commercial significance under chapter 36.70A RCW shall not be recorded due to the low likelihood of conversion. Not recording the statement of a forest landowner's conversion intention shall not be construed to mean the moratorium is not in effect.

(B) The department shall collect the recording fee and reimburse the local governmental entity for the cost of recording the application.

(c) When harvesting takes place without an application, the local governmental entity shall impose the six-year moratorium provided in (b)(I) of this subsection from the date the unpermitted harvesting was discovered by the department or the local governmental entity.

(D) The local governmental entity shall develop a process for lifting the six-year moratorium, which shall include public notification, and procedures for appeals and public hearings.

(E) The local governmental entity may develop an administrative process for lifting or waiving the six-year moratorium for the purposes of constructing a single-family residence or outbuildings, or both, on a legal lot and building site. Lifting or waiving of the six-year moratorium is subject to compliance with all local ordinances.

(F) The six-year moratorium shall not be imposed on a forest practices application that contains a conversion option harvest plan approved by the local governmental entity unless the forest practice was not in compliance with the approved forest practice permit. Where not in compliance with the conversion option harvest plan, the six-year moratorium shall be imposed from the date the application was approved by the department or the local governmental entity;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes; and

(iii) Conversion to a use other than commercial forest product operations within six years after approval of the forest practices without the consent of the county, city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(c) The application or notification shall be signed by the forest landowner and accompanied by a statement signed by the forest landowner indicating his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) Except as provided in RCW 76.09.350(4), the notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of two years from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed. At the option of the applicant, an application or notification may be submitted to cover a single forest practice or a number of forest practices within reasonable geographic or political boundaries as specified

by the department. An application or notification that covers more than one forest practice may have an effective term of more than two years. The board shall adopt rules that establish standards and procedures for approving an application or notification that has an effective term of more than two years. Such rules shall include extended time periods for application or notification approval or disapproval. On an approved application with a term of more than two years, the applicant shall inform the department before commencing operations.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice or as required by local regulations.

(8) Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in section 3 of this act.

(a) For the purposes of this subsection, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(b) In order to minimize adverse impacts to public resources, control measures must be based on integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and forest chemicals, to the extent possible without compromising control objectives.

(c) Agencies conducting or directing control efforts must provide advance notice to the appropriate regulatory staff of the department of the operations that would be subject to exemption from forest practices application or notification requirements.

(d) When the appropriate regulatory staff of the department are notified under (c) of this subsection, they must consult with the landowner, interested agencies, and affected tribes, and assist the notifying agencies in the development of integrated pest management plans that comply with forest practices rules as required under (b) of this subsection.

(e) Nothing under this subsection relieves agencies conducting or directing control efforts from requirements of the federal clean water act as administered by the department of ecology under RCW 90.48.260.

(f) Forest lands where trees have been cut as part of an exotic forest insect or disease control effort under this subsection are subject to reforestation requirements under RCW 76.09.070.

(g) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands have declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

Sec. 6. RCW 17.24.171 and 1991 c 257 s 21 are each amended to read as follows:

(1) If the director determines that there exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, ~~((or))~~ economic well-being, or the environment, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010~~((44))~~ (13). The director's findings shall contain an evaluation of the affect of the emergency measures on public health.

(2) If an emergency is declared pursuant to RCW 43.06.010~~((44))~~ (13), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010~~((44))~~ (13) and this section and make subsequent recommendations to the governor. The committee shall include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals ~~((or))~~, companies, or ~~((both))~~ agencies, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ten days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued.

NEW SECTION. Sec. 7. The legislature finds that since 1995 large numbers of oak and tanoak trees have been dying in the coastal counties of California. The legislature also finds that the disease causing the tree loss, which is commonly referred to as sudden oak death syndrome, has, as of the effective date of this act, been confirmed in twelve California counties, and one Oregon county. The legislature also finds that in addition to affecting several species of oak, this disease has been confirmed to affect several plant species common in Washington's forests, including Douglas Fir, big leaf maple, huckleberry, rhododendron, madrone, and manzanita. The legislature recognizes that the state of California and the United States department of agriculture have adopted restrictions on the movement of articles that may host the disease, and the state of Oregon and the Canadian government have adopted restrictions on the importation of potential host articles. The legislature finds that an introduction of sudden oak death syndrome into Washington could cause potential damage to the state's forest health, leading to both economic and ecological losses.

NEW SECTION. Sec. 8. A new section is added to chapter 17.24 RCW to read as follows:

The department and the department of natural resources shall coordinate their sudden oak death syndrome response efforts with other plant pest agencies and private organizations to exchange information, monitor the confirmed incidences of the disease, and take action as appropriate under existing plant pest control authorities to prevent the introduction of the disease into Washington and to control or eradicate the disease if it is determined to be present in the state."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Morton, the Senate concurred in the House amendment to Substitute Senate Bill No. 5144.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5144, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5144, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 5144, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 13, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5156 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.04.033 and 2002 c 61 s 4 are each amended to read as follows:

The director of the department of personnel is authorized to adopt rules, after consultation with state agencies, institutions of higher education, and employee organizations, to create a Washington state combined fund drive committee and for the operation of the Washington state combined fund drive.

NEW SECTION. Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

The Washington state combined fund drive's powers and duties include but are not limited to the following:

- (1) Raising money for charity, and reducing the disruption to government caused by multiple fund drives;
- (2) Establishing criteria by which a public or private nonprofit organization may participate in the combined fund drive;
- (3) Engaging in or encouraging fund-raising activities including the solicitation and acceptance of charitable gifts, grants, and donations from state employees, retired public employees, corporations, foundations, and other individuals for the benefit of the beneficiaries of the Washington state combined fund drive;
- (4) Requesting the appointment of employees from state agencies and institutions of higher education to lead and manage workplace charitable giving campaigns within state government;
- (5) Engaging in educational activities, including classes, exhibits, seminars, workshops, and conferences, related to the basic purpose of the combined fund drive;
- (6) Engaging in appropriate fund-raising and advertising activities for the support of the administrative duties of the Washington state combined fund drive; and
- (7) Charging an administrative fee to the beneficiaries of the Washington state combined fund drive to fund the administrative duties of the Washington state combined fund drive.

Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law.

NEW SECTION. Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

The Washington state combined fund drive committee may enter into contracts and partnerships with private institutions, persons, firms, or corporations for the benefit of the beneficiaries of the Washington state combined fund drive. Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Roach, the Senate concurred in the House amendment to Senate Bill No. 5156.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5156, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5156, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SENATE BILL NO. 5156, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5713 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"PART 1 - DEFINITIONS

Sec. 101. RCW 19.28.006 and 2002 c 249 s 1 are each amended to read as follows:

The definitions in this section apply throughout this subchapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "Basic electrical work" means the work classified in (a) and (b) of this subsection as class A and class B basic electrical work:

(a) "Class A basic electrical work" means the like-in-kind replacement of a: Contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; ten horsepower or smaller motor; or wiring, appliances, devices, or equipment as specified by rule.

(b) "Class B basic electrical work" means work other than class A basic electrical work that requires minimal electrical circuit modifications and has limited exposure hazards. Class B basic electrical work includes the following:

(i) Extension of not more than one branch electrical circuit limited to one hundred twenty volts and twenty amps each where:

(A) No cover inspection is necessary; and

(B) The extension does not supply more than two outlets;

(ii) Like-in-kind replacement of a single luminaire not exceeding two hundred seventy-seven volts and twenty amps;

(iii) Like-in-kind replacement of a motor larger than ten horsepower;

(iv) The following low voltage systems:

(A) Repair and replacement of devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in one and two-family dwellings;

(B) Repair and replacement of the following devices not exceeding one hundred volt-amperes in Class 2, Class 3, or power limited low voltage systems in other buildings, provided the equipment is not for fire alarm or nurse call systems and is not located in an area classified as hazardous by the national electrical code; or

(v) Wiring, appliances, devices, or equipment as specified by rule.

(3) "Board" means the electrical board under RCW 19.28.311.

~~((3))~~ (4) "Chapter" or "subchapter" means the subchapter, if no chapter number is referenced.

~~((4))~~ (5) "Department" means the department of labor and industries.

~~((5))~~ (6) "Director" means the director of the department or the director's designee.

~~((6))~~ (7) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power and installing and maintaining remote control, signaling, power limited, or communication circuits or systems.

~~((7))~~ (8) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

~~((8))~~ (9) "Equipment" means any equipment or apparatus that directly uses, conducts, insulates, or is operated by electricity but does not mean: Plug-in appliances; or plug-in equipment as determined by the department by rule.

~~((9))~~ (10) "Industrial control panel" means a factory-wired or user-wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices. The panel may include disconnect means and motor branch circuit protective devices.

~~((10))~~ (11) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

~~((11))~~ (12) "Like-in-kind" means having similar characteristics such as voltage requirements, current draw, and function, and being in the same location.

(13) "Master electrician" means either a master journeyman electrician or master specialty electrician.

~~((12))~~ (14) "Master journeyman electrician" means a person who has been issued a master journeyman electrician certificate of competency by the department and who may be designated by an electrical contractor to supervise electrical work and electricians in accordance with rules adopted under this chapter.

~~((13))~~ (15) "Master specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department and who may be designated by an electrical contractor to supervise electrical work and electricians in accordance with rules adopted under this chapter.

~~((14))~~ (16) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

Sec. 102. RCW 18.106.010 and 2002 c 82 s 1 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Advisory board" means the state advisory board of plumbers;

(2) "Contractor" means any person, corporate or otherwise, who engages in, or offers or advertises to engage in, any work covered by the provisions of this chapter by way of trade or business, or any person, corporate or otherwise, who employs anyone, or offers or advertises to employ anyone, to engage in any work covered by the provisions of this chapter;

(3) "Department" means the department of labor and industries;

(4) "Director" means the director of department of labor and industries;

(5) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(6) "Like-in-kind" means having similar characteristics such as plumbing size, type, and function, and being in the same location;

(7) "Medical gas piping" means oxygen, nitrous oxide, high pressure nitrogen, medical compressed air, and medical vacuum systems;

~~((7))~~ (8) "Medical gas piping installer" means a journeyman plumber who has been issued a medical gas piping installer endorsement;

~~((8))~~ (9) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems, liquid waste systems, and medical gas piping systems within a building. Installation in a water system of water softening or water treatment equipment is not within the meaning of plumbing as used in this chapter;

~~((9))~~ (10) "Specialty plumber" means anyone who has been issued a specialty certificate of competency limited to:

(a) Installation, maintenance, and repair of the plumbing of single-family dwellings, duplexes, and apartment buildings that do not exceed three stories; or

(b) Maintenance and repair of backflow prevention assemblies.

PART 2 - BASIC ELECTRICAL WORK

Sec. 201. RCW 19.28.101 and 1996 c 241 s 4 are each amended to read as follows:

(1) The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies except for basic electrical work as defined in this chapter. The department may not require an electrical work permit for class A basic electrical work unless deficiencies in the installation or repair require inspection. The department may inspect class B basic electrical work on a random basis as specified by the department in rule. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010(3).

(2) Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed: PROVIDED, That if the request is for an electrical inspection that relates to a mobile home installation, the applicant shall provide proof of a current building permit issued by the local government agency authorized to issue such permits as a prerequisite for inspection approval or connection of electrical power to the mobile home.

(3) Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter.

(4) The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. At the time of the inspection, electrical wiring or equipment subject to this chapter must be sufficiently accessible to permit the inspector to employ any testing methods that will verify conformance with the national electrical code and any other requirements of this chapter.

(5) Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department.

(6) The director, subject to the recommendations and approval of the board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.05 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

(7) Nothing in this chapter shall authorize the inspection of any wiring, appliance, device, or equipment, or installations thereof, by any utility or by any person, firm, partnership, corporation, or other entity employed by a utility in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of the utility. All work covered by the national electric code not exempted by the 1981 edition of the national electric code 90-2(B)(5) shall be inspected by the department.

Sec. 202. RCW 19.28.141 and 2001 c 211 s 9 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the provisions of RCW 19.28.101 shall not apply:

~~((1))~~ (a) Within the corporate limits of any incorporated city or town which has heretofore adopted and enforced or subsequently adopts and enforces an ordinance requiring an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by this chapter.

~~((2))~~ (b) Within the service area of an electricity supply agency owned and operated by a city or town which is supplying electricity and enforcing a standard of construction and materials outside its corporate limits at the time this act takes effect (~~PROVIDED, That such~~). The city, town, or agency shall (~~henceforth~~) enforce by inspection within its service area outside its corporate limits the same standards of construction and of materials, devices, appliances and equipment as (~~is~~) are enforced by the department of labor and industries under (~~the authority of~~) this chapter (~~PROVIDED FURTHER, That~~). Fees charged (~~henceforth~~) in connection with such enforcement shall not exceed those established in RCW 19.28.101.

~~((3))~~ (c) Within the rights of way of state highways, provided the state department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by RCW 19.28.010 through 19.28.141 and 19.28.311 through 19.28.361.

(2) A city, town, or electrical supply agency is permitted, but not required, to enforce the same permitting and inspection standards applicable to basic electrical work as are enforced by the department of labor and industries.

PART 3 - INCIDENTAL ELECTRICAL WORK

Sec. 301. RCW 19.28.091 and 2001 c 211 s 6 are each amended to read as follows:

(1) No license under the provision of this chapter shall be required from any utility or any person, firm, partnership, corporation, or other entity employed by a utility because of work in connection with the installation, repair, or maintenance of lines, wires, apparatus, or equipment owned by or under the control of a utility and used for transmission or distribution of electricity from the source of supply to the point of contact at the premises and/or property to be supplied and service connections and meters and other apparatus or appliances used in the measurement of the consumption of electricity by the customer.

(2) No license under the provisions of this chapter shall be required from any utility because of work in connection with the installation, repair, or maintenance of the following:

(a) Lines, wires, apparatus, or equipment used in the lighting of streets, alleys, ways, or public areas or squares;

(b) Lines, wires, apparatus, or equipment owned by a commercial, industrial, or public institution customer that are an integral part of a transmission or distribution system, either overhead or underground, providing service to such customer and located outside the building or structure: PROVIDED, That a utility does not initiate the sale of services to perform such work;

(c) Lines and wires, together with ancillary apparatus, and equipment, owned by a customer that is an independent power producer who has entered into an agreement for the sale of electricity to a utility and that are used in transmitting electricity from an electrical generating unit located on premises used by such customer to the point of interconnection with the utility's system.

(3) Any person, firm, partnership, corporation, or other entity licensed under RCW 19.28.041 may enter into a contract with a utility for the performance of work under subsection (2) of this section.

(4) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of the work of installing and repairing ignition or lighting systems for motor vehicles.

(5) No license under the provisions of this chapter shall be required from any person, firm, partnership, corporation, or other entity because of work in connection with the installation, repair, or maintenance of wires and equipment, and installations thereof, exempted in RCW 19.28.010.

(6) The department may by rule exempt from licensing requirements under this chapter work performed on premanufactured electric power generation equipment assemblies and control gear involving the testing, repair, modification, maintenance, or installation of components internal to the power generation equipment, the control gear, or the transfer switch.

(7) An entity that currently holds a valid specialty or general plumbing contractor's registration under chapter 18.27 RCW may employ a certified plumber, a certified residential plumber, or a plumber trainee meeting the requirements of chapter 18.106 RCW to perform electrical work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. A plumber trainee must be supervised by a certified plumber or a certified residential plumber while performing electrical work. The electrical work is subject to the permitting and inspection requirements of this chapter.

Sec. 302. RCW 19.28.261 and 2001 c 211 s 19 are each amended to read as follows:

(1) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his or her residence or farm or place of business or on other property owned by him or her unless the electrical work is on the construction of a new building intended for rent, sale, or lease. However, if the construction is of a new residential building with up to four units intended for rent, sale, or lease, the owner may receive an exemption from the requirement to obtain a license or use a certified electrician if he or she provides a signed affidavit to the department stating that he or she will be performing the work and will occupy one of the units as his or her principal residence. The owner shall apply to the department for this exemption and may only receive an exemption once every twenty-four months. It is intended that the owner receiving this exemption shall occupy the unit as his or her principal residence for twenty-four months after completion of the units.

(2) Nothing in RCW 19.28.161 through 19.28.271 shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a city or town pursuant to RCW 19.28.010(3), except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the electrical construction trade.

(3) RCW 19.28.161 through 19.28.271 shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees.

(4) Nothing in RCW 19.28.161 through 19.28.271 shall be deemed to apply to the installation or maintenance of telephone, telegraph, radio, or television wires and equipment; nor to any electrical utility or its employees in the installation, repair, and maintenance of electrical wiring, circuits, and equipment by or for the utility, or comprising a part of its plants, lines or systems.

(5) The licensing provisions of RCW 19.28.161 through 19.28.271 shall not apply to:

~~((4))~~ (a) Persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer, unless the electrical work is on the construction of a new building intended for rent, sale, or lease;

~~((2))~~ (b) Employees of an employer while the employer is performing utility type work of the nature described in RCW 19.28.091 so long as such employees have registered in the state of Washington with or graduated from a state-approved outside lineman apprenticeship course that is recognized by the department and that qualifies a person to perform such work; ~~((6~~

~~(3))~~ (c) Any work exempted under RCW 19.28.091(6); and

(d) Certified plumbers, certified residential plumbers, or plumber trainees meeting the requirements of chapter 18.106 RCW and performing exempt work under RCW 19.28.091(7).

(6) Nothing in RCW 19.28.161 through 19.28.271 shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing the electrical installation hold themselves out as engaged in the trade or business of electrical installations.

(7) Nothing precludes any person who is exempt from the licensing requirements of this chapter under this section from obtaining a journeyman or specialty certificate of competency if they otherwise meet the requirements of this chapter.

PART 4 - INCIDENTAL PLUMBING WORK

Sec. 401. RCW 18.27.090 and 2001 c 159 s 7 are each amended to read as follows:

The registration provisions of this chapter do not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise that are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property performed by the registered or legal owner, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he or she is a contractor, or that he or she is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry

raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor, except that this exemption shall not deprive the owner of the protections of this chapter against registered and unregistered contractors;

(12) Any person working on his or her own property, whether occupied by him or her or not, and any person working on his or her personal residence, whether owned by him or her or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his or her own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his or her professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his or her license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his or her sole compensation or as an employee with wages as his or her sole compensation;

(16) Contractors on highway projects who have been prequalified as required by RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work;

(17) A mobile/manufactured home dealer or manufacturer who subcontracts the installation, set-up, or repair work to actively registered contractors. This exemption only applies to the installation, set-up, or repair of the mobile/manufactured homes that were manufactured or sold by the mobile/manufactured home dealer or manufacturer;

(18) An entity who holds a valid electrical contractor's license under chapter 19.28 RCW that employs a certified journeyman electrician, a certified residential specialty electrician, or an electrical trainee meeting the requirements of chapter 19.28 RCW to perform plumbing work that is incidentally, directly, and immediately appropriate to the like-in-kind replacement of a household appliance or other small household utilization equipment that requires limited electric power and limited waste and/or water connections. An electrical trainee must be supervised by a certified electrician while performing plumbing work.

Sec. 402. RCW 18.106.150 and 1973 1st ex.s. c 175 s 15 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to require that a person obtain a license or a certified plumber in order to do plumbing work at his or her residence or farm or place of business or on other property owned by him or her. ((Any person performing plumbing work on a farm may do so without having))

(2) A current certificate of competency or apprentice permit is not required for: ((PROVIDED, HOWEVER, That))

(a) Persons performing plumbing work on a farm; or

(b) Certified journeyman electricians, certified residential specialty electricians, or electrical trainees working for an electrical contractor and performing exempt work under RCW 18.27.090(18).

(3) Nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid plumbing code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of plumbing((~~AND PROVIDED FURTHER, That~~)).

(4) This chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees((~~AND PROVIDED FURTHER, That~~)).

(5) Nothing in this chapter shall be construed to apply to any farm, business, industrial plant, or corporation doing plumbing work on premises it owns or operates((~~AND PROVIDED FURTHER, That~~)).

(6) Nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such plumbing hold themselves out as engaged in the trade or business of plumbing.

PART 5 - ELECTRIC APPLIANCE REPAIR

NEW SECTION. Sec. 501. A new section is added to chapter 19.28 RCW under the subchapter heading "provisions applicable to electrical installations" to read as follows:

(1) The repair, maintenance, or replacement of an electric appliance, if performed by an employee of a manufacturer-authorized dealer or service company, is exempt from licensing and certification requirements under RCW 19.28.091 and 19.28.161.

(2) A joint legislative task force is created to review licensing and certification requirements under RCW 19.28.091 and 19.28.161 as they pertain to the repair, maintenance, or replacement of an electric appliance, and as they compare to licensing and certification requirements in other states. The task force membership shall consist of: (a) One member from each caucus of the senate commerce and trade committee, appointed by the president of the senate; (b) one member from each caucus of the house of representatives commerce and labor committee, appointed by the speaker of the house of representatives; and (c) representatives of electrical contractors, journey level electrical workers, appliance repair businesses, appliance repair technicians, and residential consumers, appointed jointly by the president of the senate and the speaker of the house of representatives. The department of labor and industries shall cooperate with the task force and provide such technical expertise as the task force cochairs may reasonably require. The task force shall choose its cochairs from among its membership. The task force shall use legislative facilities and staff from senate committee services and the office of program research. Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed in accordance with RCW 43.03.050 and 43.03.060, such reimbursement to be paid jointly by the senate and the house of representatives. The task force shall report its findings and recommendations for legislation or rule making, if any, to the legislature by December 1, 2003.

(3) For the purposes of this section, "repair, maintenance, or replacement of an electric appliance" means servicing, maintaining, repairing, or replacing household appliances and similar utilization equipment, other than space heating equipment, in a residential occupancy. The appliance or utilization equipment must be self-contained and built to standardized sizes or types. The appliance or utilization equipment must be connected as a single unit to a single source of electrical power limited to a maximum of two hundred fifty volts, sixty amperes, single phase.

(a) "Repair, maintenance, or replacement of an electric appliance" includes the like-in-kind replacement of the appliance or utilization equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. It also includes:

(i) The like-in-kind replacement of electrical components within the appliance or equipment;

(ii) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(iii) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(b) "Repair, maintenance, or replacement of an electric appliance" does not include:

(i) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components; or
(ii) Any work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(4)(a) For the purposes of this section, "electric appliance" means appliances and utilization equipment including, but not limited to, dishwashers, ovens, water heating equipment, cook tops, ranges, instant hot water dispensers, garbage disposers, vent hoods, warming drawers, and grills.

(b) "Electric appliance" does not include systems and equipment such as office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, scales, alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

PART 6 - ELECTRIC EQUIPMENT REPAIR

Sec. 601. RCW 19.28.191 and 2002 c 249 s 5 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journeyman electrician, journeyman electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) Before July 1, 2005, an applicant who possesses a valid journeyman electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journeyman electrician certificate of competency without examination.

(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.

(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:

(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and

(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory-authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.

(d) To be eligible to take the examination for a master journeyman electrician certificate of competency the applicant must have possessed a valid journeyman electrician certificate of competency for four years.

((d)) (e) To be eligible to take the examination for a master specialty electrician certificate of competency the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

((e)) (f) To be eligible to take the examination for a journeyman certificate of competency the applicant must have:

(i) Worked in the electrical construction trade for a minimum of eight thousand hours, of which four thousand hours shall be in industrial or commercial electrical installation under the supervision of a master journeyman electrician or journeyman electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journeyman electrician; or

(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade.

((f)) (g) To be eligible to take the examination for a specialty electrician certificate of competency the applicant must have:

(i) Worked in the residential (as specified in WAC 296-46A-930(2)(a)), pump and irrigation (as specified in WAC 296-46A-930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties as determined by the department in rule under the supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours; or

(ii) Worked in the appliance repair specialty as determined by the department in rule, the equipment repair specialty as determined by the department in rule, or a specialty other than the designated specialties in ((f)) (g)(i) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The initial period must be spent under one hundred percent supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in ((f)) (g)(i) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; or

(iii) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade.

((g)) (h) Any applicant for a journeyman electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW may substitute up to two years of the technical or trade school program for two years of work experience under a master journeyman electrician or journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to take the examination for the journeyman electrician certificate of competency.

((h)) (i) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

((+)) (j) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journeyman electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

((+)) (k) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, full-time basis means two thousand hours.

NEW SECTION. Sec. 602. A new section is added to chapter 19.28 RCW under the subchapter heading "provisions applicable to electrical installations" to read as follows:

(1) The scope of work for the equipment repair specialty involves servicing, maintaining, repairing, or replacing utilization equipment.

(2) "Utilization equipment" means equipment that is: (a) Self-contained on a single skid or frame; (b) factory built to standardized sizes or types; (c) listed or field evaluated by a laboratory or approved by the department under WAC 296-46B-030; and (d) connected as a single unit to a single source of electrical power limited to a maximum of six hundred volts. The equipment may also be connected to a separate single source of electrical control power limited to a maximum of two hundred fifty volts. Utilization equipment does not include devices used for occupant space heating by industrial, commercial, hospital, educational, public, and private commercial buildings, and other end users.

(3) "Servicing, maintaining, repairing, or replacing utilization equipment" includes:

(a) The like-in-kind replacement of the equipment if the same unmodified electrical circuit is used to supply the equipment being replaced;

(b) The like-in-kind replacement or repair of remote control components that are integral to the operation of the equipment;

(c) The like-in-kind replacement or repair of electrical components within the equipment; and

(d) The disconnection, replacement, and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit.

(4) "Servicing, maintaining, repairing, or replacing utilization equipment" does not include:

(a) The installation, repair, or modification of wiring that interconnects equipment and/or remote components, branch circuit conductors, services, feeders, panelboards, disconnect switches, motor control centers, remote magnetic starters/contactors, or raceway/conductor systems interconnecting multiple equipment or other electrical components;

(b) Any work providing electrical feeds into the power distribution unit or installation of conduits and raceways; or

(c) Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations), except for electrical work in sewage pumping stations.

PART 7 - BOILER REPAIR

NEW SECTION. Sec. 701. (1) Until July 1, 2004, the department of labor and industries shall cease to administer and enforce licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.101, as applied only to maintenance work on the electrical controls of a boiler performed by an employee of a service company.

(2) The electrical board and the board of boiler rules shall jointly evaluate whether electrical licensing, certification, inspection, and permitting requirements should apply to maintenance work on the electrical controls of a boiler performed by an employee of a service company. The electrical board shall report their joint findings and recommendations for legislation or rule making, if any, to the commerce and labor committee of the house of representatives and the commerce and trade committee of the senate by December 1, 2003.

(3) This section expires July 1, 2004.

PART 8 - PLUMBING CONTINUING EDUCATION

Sec. 801. RCW 18.106.070 and 1997 c 326 s 6 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination and have paid the fee for the certificate. The certificate shall bear the date of issuance, and shall expire on the birthdate of the holder immediately following the date of issuance. The certificate shall be renewable every other year, upon application, on or before the birthdate of the holder. ~~((A renewal fee shall be assessed for each certificate.))~~ The department shall renew a certificate of competency if the applicant: (a) Pays the renewal fee assessed by the department; and (b) during the past two years has completed sixteen hours of continuing education approved by the department with the advice of the advisory board, including four hours related to electrical safety. If a person fails to renew the certificate by the renewal date, he or she must pay a doubled fee. If the person does not renew the certificate within ninety days of the renewal date, he or she must retake the examination and pay the examination fee.

The journeyman plumber and specialty plumber certificates of competency, the medical gas piping installer endorsement, and the temporary permit provided for in this chapter grant the holder the right to engage in the work of plumbing as a journeyman plumber, specialty plumber, or medical gas piping installer, in accordance with their provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in the work. This section does not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the plumbing construction trade or who is learning the plumbing construction trade may work in the plumbing construction trade if supervised by a certified journeyman plumber or a certified specialty plumber in that plumber's specialty. All apprentices and individuals learning the plumbing construction trade

shall obtain a plumbing training certificate from the department. The certificate shall authorize the holder to learn the plumbing construction trade while under the direct supervision of a journeyman plumber or a specialty plumber working in his or her specialty. The holder of the plumbing training certificate shall renew the certificate annually. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the plumbing construction industry for the previous year and the number of hours worked for each employer. An annual fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the plumbing construction trade shall have their plumbing training certificates in their possession at all times that they are performing plumbing work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued a plumbing training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a journeyman plumber or an appropriate specialty plumber who has an applicable certificate of competency issued under this chapter. Either a journeyman plumber or an appropriate specialty plumber shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter. The ratio of noncertified individuals to certified journeymen or specialty plumbers working on a job site shall be: (a) ~~((From July 28, 1985, through June 30, 1988, not more than three noncertified plumbers working on any one job site for every certified journeyman or specialty plumber; (b) effective July 1, 1988,))~~ Not more than two noncertified plumbers working on any one job site for every certified specialty plumber or journeyman plumber working as a specialty plumber; and ((e) effective July 1, 1988,)) (b) not more than one noncertified plumber working on any one job site for every certified journeyman plumber working as a journeyman plumber.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the plumbing construction trade in a school approved by the work force training and education coordinating board, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(4) An individual who has a current training certificate and who has successfully completed or is currently enrolled in a medical gas piping installer training course approved by the department may work on medical gas piping systems if the individual is under the direct supervision of a certified medical gas piping installer who holds a medical gas piping installer endorsement one hundred percent of a working day on a one-to-one ratio.

(5) The training to become a certified plumber must include not less than sixteen hours of classroom training established by the director with the advice of the advisory board. The classroom training must include, but not be limited to, electrical wiring safety, grounding, bonding, and other related items plumbers need to know to work under RCW 19.28.091.

(6) All persons who are certified plumbers before January 1, 2003, are deemed to have received the classroom training required in subsection (5) of this section.

PART 9 - MISCELLANEOUS

NEW SECTION. Sec. 901. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 902. Sections 501, 601, and 701 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5713.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5713, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5713, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5713, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5935 with the following amendment(s):

On page 4, after line 26, insert the following:

"NEW SECTION. Sec. 5. (1) Because of the possibility of a disaster of unprecedented size and destruction, including acts of domestic terrorism and civil unrest, that requires law enforcement response for the protection of persons or property and preservation of the peace, the need exists to ensure that the state is adequately prepared to respond to such an incident. There is a need to (a) establish a mechanism and a procedure to provide for reimbursement to law enforcement agencies that respond to help others in time of need, and to host law enforcement agencies that experience expenses beyond the resources of the agencies; and (b) generally to protect the public safety, peace, health, lives, and property of the people of Washington.

(2) It is hereby declared necessary to:

- (a) Provide the policy and organizational structure for large-scale mobilization of law enforcement resources in the state, using the incident command system, through creation of the Washington state law enforcement mobilization plan;
- (b) Confer upon the chief of the Washington state patrol the powers provided in this chapter;
- (c) Provide a means for reimbursement to law enforcement jurisdictions that incur expenses when mobilized by the chief under the Washington state law enforcement mobilization plan; and
- (d) Provide for reimbursement of the host law enforcement agency when it has:
 - (i) Exhausted all of its resources; and
 - (ii) Invoked its local mutual aid network and exhausted those resources.

NEW SECTION. Sec. 6. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Agency" means any general purpose law enforcement agency as defined in RCW 10.93.020.
- (2) "Board" means the state law enforcement mobilization policy board.
- (3) "Chief" means the chief of the Washington state patrol.
- (4) "Chief law enforcement officer" means the chief of police or sheriff responsible for law enforcement services in the jurisdiction in which the emergency is occurring.
- (5) "General authority Washington peace officer" means a general authority Washington peace officer as defined in RCW 10.93.020.
- (6) "Host agency" means the law enforcement agency that requests statewide mobilization under sections 6 through 11 of this act.
- (7) "Mobilization" means a redistribution of regional and statewide law enforcement resources in response to an emergency or disaster situation.
- (8) "Mutual aid" means emergency interagency assistance provided without compensation pursuant to an agreement under chapter 39.34 RCW.
- (9) "Resource coordination" means the effort to locate and arrange for the delivery of resources needed by chief law enforcement officers.
- (10) "State law enforcement resource coordinator" means a designated individual or agency selected by the chief to perform the responsibilities of that position.

NEW SECTION. Sec. 7. (1) The state law enforcement mobilization policy board shall be established by the chief and shall have representatives from each of the regions established in section 10 of this act. In carrying out its duty, the board shall consult with and solicit recommendations from representatives of the state and local law enforcement and emergency management organizations, and regional law enforcement mobilization committees.

(2) The board shall establish and make recommendations to the chief on the refinement and maintenance of the Washington state law enforcement mobilization plan, including the procedures to be used during an emergency or disaster response requiring coordination of local, regional, and state law enforcement resources.

(3) The chief shall review the Washington state law enforcement mobilization plan, as submitted by the board, recommend changes as necessary, and may approve the plan. The plan shall be consistent with the Washington state comprehensive emergency management plan. The chief may recommend the plan for inclusion within the state comprehensive emergency management plan established under chapter 38.52 RCW.

NEW SECTION. Sec. 8. (1) Local law enforcement may request mobilization only in response to an emergency or disaster exceeding the capabilities of available local resources and those available through existing mutual aid agreements. Upon finding that the local jurisdiction has exhausted all available resources, it is the responsibility of the chief to determine whether mobilization is the appropriate response to the emergency or disaster and, if so, to mobilize jurisdictions under the Washington state law enforcement mobilization plan.

(2) Upon mobilization, the chief shall appoint a state law enforcement resource coordinator, and an alternate, who shall serve jointly with the chief law enforcement officer from the host agency to command the mobilization effort consistent with incident command system procedures.

(3) Upon mobilization, all law enforcement resources including those of the host agency and those that responded earlier under an existing mutual aid or other agreement shall be mobilized. Mobilization may include the redistribution of regional or statewide law enforcement resources to either direct emergency incident assignments or to assignments in communities where law enforcement resources are needed.

(4) For the duration of the mobilization:

(a) Host agency resources shall become state law enforcement mobilization resources, under the command of the state law enforcement resource coordinator and the chief law enforcement officer from the host agency, consistent with the state law enforcement mobilization plan and incident command system procedures; and

(b) All law enforcement authorities providing resources in response to a mobilization declaration shall be eligible for expense reimbursement as provided by this chapter.

(5) The chief, in consultation with the regional law enforcement resource coordinator, shall determine when mobilization is no longer required and shall then declare the end to the mobilization.

NEW SECTION. Sec. 9. (1) The state law enforcement resource coordinator, or alternate, shall serve in that capacity for the duration of the mobilization.

(2) The duties of the coordinator are to:

(a) Coordinate the mobilization of law enforcement and other support resources within a region;

(b) Be primarily responsible for the coordination of resources in conjunction with the regional law enforcement mobilization committees, in the case of incidents involving more than one region or when resources from more than one region must be mobilized; and

(c) Advise and consult with the chief regarding what resources are required in response to the emergency or disaster and in regard to when the mobilization should end.

NEW SECTION. Sec. 10. (1) Regions within the state are initially established as follows and may be adjusted as necessary by the state law enforcement policy board, but should remain consistent with the Washington state fire defense regions:

(a) Central region - Grays Harbor, Thurston, Pacific, and Lewis counties;

(b) Lower Columbia region - Kittitas, Yakima, and Klickitat counties;

(c) Mid-Columbia region - Chelan, Douglas, and Grant counties;

(d) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Adams, and Lincoln counties;

(e) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and Island counties;

(f) Olympic region - Clallam and Jefferson counties;

(g) South Puget Sound region - Kitsap, Mason, King, and Pierce counties;

(h) Southeast region - Benton, Franklin, Walla Walla, Columbia, Whitman, Garfield, and Asotin counties;

(i) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania counties.

(2) Within each of the regions there is created a regional law enforcement mobilization committee. The committees shall consist of the sheriff of each county in the region, the district commander of the Washington state patrol from the region, a number of police chiefs within the region equivalent to the number of counties within the region plus one, and the director of the counties' emergency management office. The police chief members of each regional committee must include the chiefs of police of each city of ninety-five thousand or more

population, and the number of members of the committee shall be increased if necessary to accommodate such chiefs. Members of each regional mobilization committee shall select a chair, who shall have authority to implement the regional plan, and a secretary as officers. Members serving on the regional mobilization committees shall not be eligible for reimbursement for meeting-related expenses from the state.

(3) The regional mobilization committees shall work with the relevant local government entities to facilitate development of intergovernmental agreements if any such agreements are required to implement a regional law enforcement mobilization plan.

(4) Regional mobilization committees shall develop regional law enforcement mobilization plans that include provisions for organized law enforcement agencies to respond across municipal, county, or regional boundaries. Each regional mobilization plan shall be consistent with the incident command system, the Washington state law enforcement mobilization plan, and regional response plans adopted prior to the effective date of this act.

(5) Each regional plan, adopted under subsection (4) of this section shall be approved by the state law enforcement mobilization policy board before implementation.

NEW SECTION. Sec. 11. The state patrol in consultation with the Washington association of sheriffs and police chiefs and the office of financial management shall develop procedures to facilitate reimbursement to jurisdictions from funds appropriated specifically for this purpose when jurisdictions are mobilized under the Washington state law enforcement mobilization plan.

Nothing in this chapter shall be construed or interpreted to limit the eligibility of any nonhost law enforcement authority for reimbursement of expenses incurred in providing law enforcement resources for mobilization.

NEW SECTION. Sec. 12. Sections 6 through 11 of this act are each added to chapter 43.43 RCW."

Renumber the remaining section consecutively and correct the title and any internal references accordingly., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Roach, the Senate concurred in the House amendment to Senate Bill No. 5935

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5935, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5935, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 48.

Excused: Senator West - 1.

SENATE BILL NO. 5935, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 18, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5787 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

(1) In order to ensure that construction projects involving the use of fill material do not pose a threat to water quality, the department may require that the suitability of potential fill material be evaluated using a leaching test included in the soil clean-up rules adopted by the department under chapter 70.105D RCW in any water quality certification issued under section 401 of the federal clean water act and in any administrative order issued under this chapter, where such certification or administrative order authorizes the placement of fill material, some or all of which will be placed in waters of the state. Any such requirement imposed by the department in a water quality certification or administrative order issued prior to the effective date of this section is ratified and approved by the legislature as a valid and reliable method for determining concentrations of chemical constituents that can be present in fill material without posing an unacceptable risk of violating water quality standards, and shall be in effect as imposed by the department for all work not completed by June 1, 2003.

(2) Nothing in this section limits, in any way, the department's authority under this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

The department shall identify the leaching tests utilized for evaluating the potential impacts to water quality in situations where fill material is imported. The tests may include those identified in the soil clean-up rules adopted by the department under chapter 70.105D RCW. Within existing resources, the department shall assess whether this list of leaching tests provides appropriate methods for analyzing water quality impacts for all types of projects and in all circumstances where fill material is imported. The department shall also identify any gaps in leaching test methodology. The department shall report both the leaching test list and the list of test methodology gaps to the appropriate committees of the legislature by December 31, 2003.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Morton moved that the Senate concur in the House amendment to Substitute Senate Bill No. 5787.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton to concur in the House amendment to Substitute Senate Bill No. 5787.

The motion by Senator Morton carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5787.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5787, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5787, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Deccio, Doumit, Esser, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Carlson, Eide, Fairley, Fraser, Keiser, Kline, Poulsen, Spanel and Thibaudeau - 10.

Excused: Senator West - 1.

SUBSTITUTE SENATE BILL NO. 5787, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Jacobsen, Senator Poulsen was excused.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 5248 and the pending Message from the House regarding the House amendment to the bill, deferred on April 21, after Senator Haugen moved that the Senate do concur in the House amendment.

The President declared the question before the Senate to be the motion by Senator Haugen to concur in the House amendment to Substitute Senate Bill No. 5248.

Debate ensued.

The motion by Senator Haugen carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 5248.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5248, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5248, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Voting nay: Senators Benton, Honeyford, Mulliken, Parlette and Stevens - 5.

Excused: Senators Poulsen and West - 2.

SUBSTITUTE SENATE BILL NO. 5248, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator McCaslin, Senator Hale was excused.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1057 and asks the Senate to recede therefrom, and the same are herewith transmitted.

. CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Oke, the Senate receded from the Senate amendment(s) to Substitute House Bill No. 1057.

MOTIONS

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1057 was returned to second reading and read the second time.

Senator Oke moved that the following amendment by Senators Oke, Doumit and Keiser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1)(a) The legislature finds that existing law as it relates to the suspension of commercial fishing licenses does not take into account the real-life circumstances faced by the state's commercial fishing fleets. The nature of the commercial fishing industry, together with the complexity of fisheries regulations, is such that honest mistakes can be made by well-meaning and otherwise law-abiding fishers. Commercial fishing violations that occur within an acceptable margin of error should not result in the suspension of fishing privileges. Likewise, fishers facing the possibility of license suspension or revocation deserve the opportunity to explain any extenuating circumstances prior to having his or her professional privileges suspended.

(b) The legislature intends, by creating the license suspension review committee, to provide a fisher with the opportunity to explain any extenuating circumstances that led to a commercial fishing violation. The legislature intends for the license suspension review committee to give serious considerations to the case-specific facts and scenarios leading up to a violation, and for license suspensions to issue only when the facts indicate a willful act that undermines the conservation of fish stocks. Frivolous violations should not result in the suspension of privileges, and should be punished only by the criminal sanctions attached to the underlying crime.

(2)(a) The legislature further finds that gross abuses of fish stocks should not be tolerated. Individuals convicted of even one violation that is egregious in nature, causing serious detriment to a fishery or the competitive disposition of other fishers, should have his or her license suspended and revoked.

(b) The legislature intends for the license suspension review committee to take egregious fisheries' violations seriously. When dealing with individuals convicted of only one violation, the license suspension review committee should only consider suspension for individuals that are convicted of violations that are of a severe magnitude and show a wanton disregard for the public's resource.

Sec. 2. RCW 77.15.700 and 2001 c 253 s 46 are each amended to read as follows:

The department shall impose revocation and suspension of privileges upon conviction in the following circumstances:

(1) If directed by statute for an offense;
(2) If the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. Such suspension of privileges may be permanent. ~~This subsection (2) does not apply to violations involving commercial fishing;~~

(3) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game, the department shall order revocation and suspension of all hunting privileges for two years. RCW 77.12.722 or 77.16.050 as it existed before June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;

(4) If a person is convicted three times in ten years of any violation of recreational hunting or fishing laws or rules, the department shall order a revocation and suspension of all recreational hunting and fishing privileges for two years(;

~~(5) If a person is convicted twice within five years of a gross misdemeanor or felony involving unlawful commercial fish or shellfish harvesting, buying, or selling, the department shall impose a revocation and suspension of the person's commercial fishing privileges for one year. A commercial fishery license revoked under this subsection may not be used by an alternate operator or transferred during the period of suspension)).~~

NEW SECTION. Sec. 3. A new section is added to chapter 77.15 RCW to read as follows:

(1) If a person is convicted of two or more qualifying commercial fishing violations within a three-year period, the person's privileges to participate in the commercial fishery to which the violations applied may be suspended by the director for up to one year. A commercial fishery license that is suspended under this section may not be transferred after the director issues a notice of suspension, or used by an alternative operator or transferred during the period of suspension, if the person who is the subject of the suspension notice is the person who owns the commercial fishery license.

(2) For the purposes of this section only, "qualifying commercial fishing violation" means either:

(a) A conviction under RCW 77.15.500, 77.15.510, 77.15.520, 77.15.530, 77.15.550(1)(a), 77.15.570, 77.15.580, or 77.15.590;

(b) A gross misdemeanor or felony involving commercial fish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold fish, other than shellfish, groundfish, or coastal pelagic species of baitfish totals greater than six percent, by weight, of the harvest available for inspection at the time of citation and the cumulative value of the unlawfully harvested fish is more than two hundred fifty dollars at the time of citation;

(c) A gross misdemeanor or felony involving commercial groundfish or coastal pelagic baitfish harvest, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued under this title, if: (i) The quantity of unlawfully harvested, possessed, bought, or sold groundfish or coastal pelagic baitfish totals greater than ten percent, by weight, of the harvest available for inspection at the time of citation and has a cumulative value greater than five hundred dollars; or (ii) the quantity, by weight, of the unlawfully commercially harvested groundfish or coastal pelagic baitfish is ten percent greater than the landing allowances provided under rules adopted by the department for species categorized as over-fished by the national marine fisheries service; or

(d) A gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals greater than six percent of the harvest available for inspection at the time of citation; and (ii) totals fifty or more individual shellfish.

(3)(a) The director may refer a person convicted of one qualifying commercial fishing violation to the license suspension review committee if the director feels that the qualifying commercial fishing violation was of a severe enough magnitude to justify suspension of the individual's license renewal privileges.

(b) The director may refer any person convicted of one egregious shellfish violation to the license suspension review committee.

(c) For the purposes of this section only, "egregious shellfish violation" means a gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals more than twenty percent of the harvest available for inspection at the time of citation; (ii) totals five hundred or more individual shellfish; and (iii) is valued at two thousand five hundred dollars or more.

(4) A person who has a commercial fishing license suspended or revoked under this section may file an appeal with the license suspension review committee pursuant to section 4 of this act. An appeal must be filed within thirty-one days of notice of license suspension or revocation. If an appeal is filed, the suspension or revocation issued by the department does not take effect until after the license suspension review committee has delivered an opinion. If no appeal is filed within thirty-one days of notice of license suspension or revocation, the right to an appeal is considered waived. All suspensions ordered under this section take effect either thirty- one days following the conviction for the second qualifying commercial fishing violation, or upon a decision pursuant to section 4 of this act, whichever is later.

(5) A fishing privilege suspended under this section is in addition to the statutory penalties assigned to the underlying crime.

(6) For the purposes of this section only, the burden is on the state to show the dollar amount or the percent of a harvest that is comprised of unlawfully harvested, bought, or sold individual fish or shellfish.

NEW SECTION. Sec. 4. A new section is added to chapter 77.15 RCW to read as follows:

(1) The license suspension review committee is created. The license suspension review committee may only hear appeals from commercial fishers who have had a license revoked or suspended pursuant to section 3 of this act.

(2)(a) The license suspension review committee is composed of five voting members and up to four alternates.

- (b) Two of the members must be appointed by the director and may be department employees.
- (c) Three members, and up to four alternates, must be peer-group members, who are individuals owning a commercial fishing license issued by the department. If a peer-group member appears before the license suspension review committee because of a qualifying commercial fishing violation, the member must recuse himself or herself from the proceedings relating to that violation. No two voting peer-group members may reside in the same county. All peer-group members must be appointed by the commission, who may accept recommendations from professional organizations that represent commercial fishing interests or from the legislative authority of any Washington county.
- (d) All license suspension review committee members serve a two- year renewable term.
- (e) The commission may develop minimum member standards for service on the license suspension review committee, and standards for terminating a member before the expiration of his or her term.
- (3) The license suspension review committee must convene and deliver an opinion on a license renewal suspension within three months of appeal or of referral from the department. The director shall consider the committee's opinion and make a decision and may issue, not issue, or modify the license suspension.
- (4) The license suspension review committee shall collect the information and hear the testimony that it feels necessary to deliver an opinion on the proper length, if any, of a suspension of a commercial license. The opinion may be based on extenuating circumstances presented by the individual convicted of the qualifying commercial fishing violation or considerations of the type and magnitude of violations that have been committed by the individual. The maximum length of any suspension may not exceed one year.
- (5) All opinions of the license suspension review committee must be by a majority vote of all voting members. Alternate committee members may only vote when one of the voting members is unavailable, has been recused, or has decided not to vote on the case before the committee. Nonvoting alternates may be present and may participate at all license suspension review committee meetings.
- (6) Members of the license suspension review committee serve as volunteers, and are not eligible for compensation other than travel expenses pursuant to RCW 43.03.050 and 43.03.060.
- (7) Staff of the license suspension review committee must be provided by the department.

Sec. 5. RCW 77.65.030 and 2001 c 244 s 2 are each amended to read as follows:

The application deadline for a commercial license or permit established in this chapter is December 31st of the calendar year for which the license or permit is sought. The department shall accept no license or permit applications after December 31st of the calendar year for which the license or permit is sought. The application deadline in this section does not apply to a license or permit that has not been renewed because of the death or incapacity of the license or permit holder. The license or permit holder's surviving spouse, estate, ~~((or))~~ estate beneficiary, attorney in fact, or guardian must be given ~~((a reasonable opportunity))~~ an additional one hundred eighty days to renew the license or permit.

NEW SECTION. Sec. 6. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Oke, Doumit and Keiser to Substitute House Bill No. 1057, under suspension of the rules.

The motion by Senator Oke carried and the striking amendment was adopted under suspension of the rules.

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

On page 1, line 1 of the title, after "violations;" strike the remainder of the title and insert "amending RCW 77.15.700 and 77.65.030; adding new sections to chapter 77.15 RCW; creating a new section; and declaring an emergency."

MOTION

On motion of Senator Oke, the rules were suspended, Substitute House Bill No. 1057, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1057, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1057, as amended by the Senate under suspension of rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Hale, Poulsen and West - 3.

SUBSTITUTE HOUSE BILL NO. 1057, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1108 and asks the Senate to recede therefrom, **and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Esser moved that the Senate recede from the amendment(s) to House Bill No. 1108.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Esser that the Senate recede from its amendment(s) to House Bill No. 1108.

The motion by Senator Esser carried and the Senate receded from its amendment(s) to House Bill No. 1108.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1108, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1108, without the Senate amendment(s) and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Hale, Poulsen and West - 3.

HOUSE BILL NO. 1108, with the Senate amendment(s), having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 21, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056 and asks the Senate to recede therefrom, **and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Roach, the Senate refuses to recede from the Senate amendment(s) to Engrossed Substitute House Bill No. 2056 and requests of the House a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 2056 and the Senate amendments thereto: Senators Roach, Benton and Keiser.

MOTION

On motion of Senator Sheahan, the Conference Committee appointments were confirmed.

PERSONAL PRIVILEGE

Senator Brandland: "Mr. President, a point of personal privilege. In light of the eloquent speech done by Senator Franklin this morning,

I thought it only appropriate that since it appears that only the males have a dress code in the Senate--that we males have our own day. I thought it would be appropriate to have an Ugly Tie Contest and I would nominate my good friend, Senator Carlson, to take a leadership role in that. He consistently wears the ugliest ties I have ever seen. Thank you, Mr. President."

REPLY BY THE PRESIDENT

President Owen: "It doesn't appear that it would be a contest."

MOTION

At 12:35 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Thursday, April 24, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-FIRST DAY, APRIL 23, 2003

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

ONE HUNDRED-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 24, 2003

The Senate was called to order at 10:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MESSAGE FROM THE HOUSE

April 23, 2003

MR PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

**SUBSTITUTE HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1219,
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
HOUSE BILL NO. 1444,
SUBSTITUTE HOUSE BILL NO. 1455,
SUBSTITUTE HOUSE BILL NO. 1470,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
SECOND SUBSTITUTE HOUSE BILL NO. 1725,
SECOND SUBSTITUTE HOUSE BILL NO. 1784.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2003

MR PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1113,
SUBSTITUTE HOUSE BILL NO. 1250,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,
SECOND SUBSTITUTE HOUSE BILL NO. 1698,
HOUSE BILL NO. 1905,
SECOND SUBSTITUTE HOUSE BILL NO. 1973,
SUBSTITUTE HOUSE BILL NO. 2111, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2003

MR PRESIDENT:

The Speaker has signed:
**SUBSTITUTE HOUSE BILL NO. 1036,
SUBSTITUTE HOUSE BILL NO. 1058,
SUBSTITUTE HOUSE BILL NO. 1074,
SUBSTITUTE HOUSE BILL NO. 1075,
HOUSE BILL NO. 1088,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,**

**HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1127,
SUBSTITUTE HOUSE BILL NO. 1128,
SUBSTITUTE HOUSE BILL NO. 1136,
HOUSE BILL NO. 1144,
SUBSTITUTE HOUSE BILL NO. 1189,
HOUSE BILL NO. 1207,
HOUSE BILL NO. 1289,
HOUSE BILL NO. 1379,
HOUSE BILL NO. 1391,
ENGROSSED HOUSE BILL NO. 1403,
HOUSE BILL NO. 1519,
SUBSTITUTE HOUSE BILL NO. 1597,
HOUSE BILL NO. 1753,
SUBSTITUTE HOUSE BILL NO. 1805,
SUBSTITUTE HOUSE BILL NO. 1813,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845,
SUBSTITUTE HOUSE BILL NO. 1854,
SUBSTITUTE HOUSE BILL NO. 1855,
HOUSE BILL NO. 1878,
SECOND SUBSTITUTE HOUSE BILL NO. 1887,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904,
SUBSTITUTE HOUSE BILL NO. 1909,
HOUSE BILL NO. 1937,
HOUSE BILL NO. 1993,
SUBSTITUTE HOUSE BILL NO. 2007,
SECOND SUBSTITUTE HOUSE BILL NO. 2012,
SUBSTITUTE HOUSE BILL NO. 2027,
HOUSE BILL NO. 2063,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076,
SUBSTITUTE HOUSE BILL NO. 2202,
HOUSE JOINT MEMORIAL NO. 4014,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2003

MR PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009,
ENGROSSED HOUSE BILL NO. 1010,
SUBSTITUTE HOUSE BILL NO. 1059,
HOUSE BILL NO. 1073,
HOUSE BILL NO. 1084,
HOUSE BILL NO. 1106,
SUBSTITUTE HOUSE BILL NO. 1202,
HOUSE BILL NO. 1205,
HOUSE BILL NO. 1246,
SUBSTITUTE HOUSE BILL NO. 1269,
HOUSE BILL NO. 1292,
HOUSE BILL NO. 1352,
SUBSTITUTE HOUSE BILL NO. 1409,
HOUSE BILL NO. 1420,
HOUSE BILL NO. 1430,
SUBSTITUTE HOUSE BILL NO. 1512,
ENGROSSED HOUSE BILL NO. 1561,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,
SUBSTITUTE HOUSE BILL NO. 1605,
SUBSTITUTE HOUSE BILL NO. 1609,
SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1635,
ENGROSSED HOUSE BILL NO. 1726,
HOUSE BILL NO. 1882, and the same are herewith transmitted.

SIGNED BY THE PRESIDENT

The President has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1076,
SUBSTITUTE HOUSE BILL NO. 1113,
SUBSTITUTE HOUSE BILL NO. 1250,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1640,
SECOND SUBSTITUTE HOUSE BILL NO. 1698,
HOUSE BILL NO. 1905,
SECOND SUBSTITUTE HOUSE BILL NO. 1973,
SUBSTITUTE HOUSE BILL NO. 2111.

SIGNED BY THE PRESIDENT

The President has signed:
SUBSTITUTE HOUSE BILL NO. 1036,
SUBSTITUTE HOUSE BILL NO. 1058,
SUBSTITUTE HOUSE BILL NO. 1074,
SUBSTITUTE HOUSE BILL NO. 1075,
HOUSE BILL NO. 1088,
SECOND SUBSTITUTE HOUSE BILL NO. 1095,
HOUSE BILL NO. 1102,
SUBSTITUTE HOUSE BILL NO. 1127,
SUBSTITUTE HOUSE BILL NO. 1128,
SUBSTITUTE HOUSE BILL NO. 1136,
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SUBSTITUTE HOUSE BILL NO. 1805,
SUBSTITUTE HOUSE BILL NO. 1813,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845,
SUBSTITUTE HOUSE BILL NO. 1854,
SUBSTITUTE HOUSE BILL NO. 1855,
HOUSE BILL NO. 1878,
SECOND SUBSTITUTE HOUSE BILL NO. 1887,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1904,
SUBSTITUTE HOUSE BILL NO. 1909,
HOUSE BILL NO. 1937,
HOUSE BILL NO. 1993,
SUBSTITUTE HOUSE BILL NO. 2007,
SECOND SUBSTITUTE HOUSE BILL NO. 2012,
SUBSTITUTE HOUSE BILL NO. 2027,
HOUSE BILL NO. 2063,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2076,
SUBSTITUTE HOUSE BILL NO. 2202,
HOUSE JOINT MEMORIAL NO. 4014.

SIGNED BY THE PRESIDENT

The President has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1009,
ENGROSSED HOUSE BILL NO. 1010,

SUBSTITUTE HOUSE BILL NO. 1059,
HOUSE BILL NO. 1073,
HOUSE BILL NO. 1084,
HOUSE BILL NO. 1106,
SUBSTITUTE HOUSE BILL NO. 1202,
HOUSE BILL NO. 1205,
HOUSE BILL NO. 1246,
SUBSTITUTE HOUSE BILL NO. 1269,
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SUBSTITUTE HOUSE BILL NO. 1409,
HOUSE BILL NO. 1420,
HOUSE BILL NO. 1430,
SUBSTITUTE HOUSE BILL NO. 1512,
ENGROSSED HOUSE BILL NO. 1561,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1592,
SUBSTITUTE HOUSE BILL NO. 1605,
SUBSTITUTE HOUSE BILL NO. 1609,
SUBSTITUTE HOUSE BILL NO. 1619,
SUBSTITUTE HOUSE BILL NO. 1624,
HOUSE BILL NO. 1635,
ENGROSSED HOUSE BILL NO. 1726,
HOUSE BILL NO. 1882.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135,
SUBSTITUTE SENATE BILL NO. 5144,
SENATE BILL NO. 5156,
SUBSTITUTE SENATE BILL NO. 5248,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5713,
SUBSTITUTE SENATE BILL NO. 5787,
SENATE BILL NO. 5935.

MOTION

On motion of Senator Mulliken, the following resolution was adopted:

SENATE RESOLUTION 8664

By Senators Mulliken, Parlette, Fraser and Sheahan

WHEREAS, The men and women of the Washington Army National Guard's 1161st Transportation Company continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in Ephrata, Washington, and elsewhere across the state, volunteer their time and personal efforts to serve the needs of the people of Washington State; and

WHEREAS, The Washington Army National Guard's 1161st Transportation Company continues to be prepared to answer the state's call in response to floods, fires, civil disturbances, and all other natural or manmade emergencies and disasters; and

WHEREAS, The Washington Army National Guard's 1161st Transportation Company has provided additional security at our state's airports, at our international borders, and at numerous locations across the globe in protection of our state and nation in answer to the war on terrorism and response to the horrific terrorist attacks on our nation on September 11, 2001; and

WHEREAS, The Washington Army National Guard's 1161st Transportation Company continues its promoting of positive lifestyles and activities for Washington's youth through involvement and support in highly effective programs with school aged children and community based organizations; and

WHEREAS, The Washington Army National Guard's 1161st Transportation Company continues an active participation in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment in support of many local, state, and federal law enforcement agencies; and

WHEREAS, Select members of the Washington Army National Guard's 1161st Transportation Company are now called upon to serve in critical missions supporting the nation in the war on terrorism with dedication, valor, and courage, and at great personal risk and sacrifice;

NOW, THEREFORE, BE IT RESOLVED, That the Senate express its thanks and appreciation to the devoted families and dedicated employers of our Washington Army National Guard's 1161st Transportation Company soldiers for their support without which the 1161st Transportation Company missions could not be successful; and

BE IT FURTHER RESOLVED, That the Senate specifically and particularly recognize the value and dedication of a strong Washington Army National Guard's 1161st Transportation Company to the viability, economy, safety, security, and well-being of this state. This also includes the outstanding performance of its state emergency and disaster relief mission, and the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Commanding officer of the 1161st Transportation Company, The Adjutant General of the Washington National Guard, the Governor of the state of Washington, the Secretaries of the Army and Air Force, and the President of the United States.

Senators Mulliken, Fraser and the President spoke to Senate Resolution 8664.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the men and women of the Washington Army National Guard's 1161st Transportation Company who were seated in the back of the Chamber.

MOTION

At 10:12 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 10:24 a.m. by President Owen.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8671

By Senators Thibaudeau, Deccio, Winsley, Swecker, Fraser, Keiser, McCaslin and Franklin

WHEREAS, The Western Institutional Review Board (WIRB) is an impartial review panel that safeguards the rights and welfare of human research subjects, ensuring risks are both minimized and disclosed fairly to study participants; and

WHEREAS, WIRB, an ethical review board for clinical research studies, reviews federally regulated and industry-sponsored research for both large and small institutions in every medical discipline; and

WHEREAS, Founded in 1968 by Dr. Angela Bowen and headquartered in Olympia, Washington, WIRB is the oldest and most experienced independent institutional review board in America, providing research services for more than 10,000 investigators in more than thirty countries and in all fifty states; and

WHEREAS, The Association for the Accreditation of Human Research Protection Programs Inc. (AAHRPP) is a nonprofit organization offering accreditation to institutions engaged in research involving human participants; and

WHEREAS, WIRB has received accreditation by AAHRPP, thereby establishing a "gold seal," signifying adherence to rigorous standards for human protection, ensuring consistency and uniformity among all institutions conducting biomedical, behavioral, and social sciences research; and

WHEREAS, WIRB strives to ensure that risks of scientific advancement never outweigh the value of human life, follow tradition while embracing new technologies and practices, maintain ethical conduct and regulatory compliance, and honor and respect all persons; and

WHEREAS, WIRB provides continuing education for investigators of medical research in governing regulations, drug development process, and ethical, regulatory, legal, and human-subject protection responsibilities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Western Institutional Review Board as a leader in clinical research reviews that makes every effort to protect all research parties from any conflicts of interest; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Western Institutional Review Board President Angela J. Bowen, M.D., Senior Vice President Ron Warren, and William C. Jacobs, Chairman.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8674

By Senator Horn

WHEREAS, It is the policy of the Legislature to honor excellence in every field of endeavor; and
WHEREAS, The Mercer Island High School Girls' Water Polo Team won their fifth consecutive Washington State Water Polo Championship in 2002, having won their five tournament games by an average score of fourteen to four; and
WHEREAS, The 2002 Mercer Island High School Girls' Water Polo Championship Team Members were Caity Connolly, Kate Barach, Whitney Benz, Julie Chung, Blaire Wyatt, Christina Wensman, Krissy Orkney, Rendy Lynn Opdycke, Brie Richmond, Ashley Massmann, and Jesse Riebe; and
WHEREAS, The Mercer Island Water Polo Players have exemplified to their classmates the success that is possible when clear goals are established and when persistent effort is made toward those goals;
NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Mercer Island High School Girls' Water Polo Team for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and
BE IT FURTHER RESOLVED, That Head Coach Jeff Lowell and Assistant Coach Eric Bartleson be recognized for their dedication, sacrifice, and leadership; and
BE IT FURTHER RESOLVED, That Christina Wensman be recognized for being named the Washington State Tournament MVP; and
BE IT FURTHER RESOLVED, That Ashley Massmann be recognized for being named the Washington State Tournament Defensive MVP; and
BE IT FURTHER RESOLVED, That Christina Wensman and Ashley Massmann be recognized for being named to the All Tournament First Team; and
BE IT FURTHER RESOLVED, That Rendy Lynn Opdycke be recognized for being named to the All Tournament Second Team; and
BE IT FURTHER RESOLVED, That Whitney Benz and Caity Connolly be recognized for being named to the All Tournament Third Team; and
BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the team members be recognized for the important part they played in helping these student athletes excel; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mercer Island High School Principal, Athletic Director, and to each of the coaches and members of the Mercer Island High School 2002 Girls' Varsity Water Polo Team.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8675

By Senator Horn

WHEREAS, It is the policy of the legislature to honor excellence in every field of endeavor; and
WHEREAS, The Mercer Island High School Boys' Water Polo Team won the 2002 Washington State Water Polo Championship, having outscored their opponents one hundred forty-two to thirty-four in five tournament games; and
WHEREAS, The 2002 Mercer Island High School Boys' Water Polo Championship Team Members were John Jacobson, Tony Rona, John Wensman, Alex Strand, Davey Wes, Greg Trowbridge, Adam Massmann, Kevin Smith, Colin Sterling, Mike Smith-Bronstein, Mike Sturgis, Bill Gorin, David Myre, and Ben Easton; and
WHEREAS, The Mercer Island Water Polo Players have exemplified to their classmates the success that is possible when clear goals are established and when persistent effort is made toward those goals;
NOW, THEREFORE, BE IT RESOLVED, That the Senate honor and congratulate the Mercer Island High School Boys' Water Polo Team for their hard work, dedication, and sacrifice in achieving this significant accomplishment; and
BE IT FURTHER RESOLVED, That Head Coach Tim Reed and Assistant Coach John Riess be recognized for their dedication, sacrifice, and leadership; and
BE IT FURTHER RESOLVED, That Mike Sturgis be recognized for being named the Washington State Tournament MVP; and
BE IT FURTHER RESOLVED, That Tony Rona, Mike Sturgis, and Ben Easton be recognized for being named to the All Tournament First Team; and
BE IT FURTHER RESOLVED, That Davey Wes and Alex Strand be recognized for being named to the All Tournament Second Team; and
BE IT FURTHER RESOLVED, That David Myre and Kevin Smith be recognized for being named to the All Tournament Third Team; and
BE IT FURTHER RESOLVED, That Coach Tim Reed be recognized for being named the Washington State High School Coach of the Year; and
BE IT FURTHER RESOLVED, That the teachers, classmates, and parents of the team members be recognized for the important part they played in helping these student athletes excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Mercer Island High School Principal, Athletic Director, and to each of the coaches and members of the Mercer Island High School 2002 Boys' Varsity Water Polo Team.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8673

By Senators Eide and Fraser

WHEREAS, The Washington State Legislature values and encourages excellence in all fields of endeavor; and
WHEREAS, Participation in athletics inspires students to develop attitudes and skills necessary for scholastic and life success, such as perseverance, teamwork, and sportsmanship; and
WHEREAS, Ten high school seniors have been chosen as the top female gymnasts from Washington State; and
WHEREAS, These gymnasts, Mickey McNeel of Mountain View High School, Liz Giles of Issaquah High School, Kelly Miller of Decatur High School, Holly Baeder of Kentridge High School, Robin Luedke of Federal Way High School, Helen Wong of Sammamish High School, Kacie Long of Columbia River High School, Kolbie Pearsall and Valorie Darling of Lewis and Clark High School, and Amy Aspenleiter of North Central High School, have each excelled throughout their gymnastic careers and have proven their dedication and commitment to their sport; and
WHEREAS, The countless hours of training and the outstanding commitment to gymnastics have culminated in these ten gymnasts representing our great state; and
WHEREAS, Under the coaching and supervision of Bob Fenton, Jan Urfer, and Karen McQuiston, the team will compete at the National High School Gymnastics Championships on May 23, 2003, in Las Vegas, Nevada;
NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington recognize and honor the 2003 Washington State Gymnastics team and Coaches for their outstanding accomplishments and hard work and wish them good luck and continued success at the National High School Gymnastics Championships in Las Vegas, Nevada, on May 24, 2003; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Coach Bob Fenton, Jan Urfer, Karen McQuiston, and the members of the 2003 Washington State Gymnastics Team.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8677

By Senators Hewitt and Fraser

WHEREAS, April 2003 is designated Math Awareness Month in the United States of America; and
WHEREAS, This nationally celebrated event is sponsored by great institutions like the American Mathematical Society, the Mathematical Association of America, and the Society for Industrial and Applied Mathematics; and
WHEREAS, The connection between mathematics and art goes back thousands of years; and
WHEREAS, The ancient Greeks and Romans used mathematics in sculptures and to aesthetically design buildings;
and
WHEREAS, In the 15th century, Leonardo da Vinci wrote, "Let no one read me who is not a mathematician"; and
WHEREAS, In the 16th century, Durer employed mathematics to introduce perspective in drawings; and
WHEREAS, In the 18th and 19th centuries, mathematics was extensively used in the design of Gothic cathedrals, Rose windows, mosaics, and tiles; and
WHEREAS, In the 20th century, geometric forms were fundamental to the cubists and many abstract expressionists;
NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington encourage all residents to celebrate Math Awareness Month, April of 2003; and
BE IT FURTHER RESOLVED, That schools, teachers, and families will continue to teach children the fundamentals of mathematics; and
BE IT FURTHER RESOLVED, That this resolution be dedicated to the memory of those who have taught and used mathematics for the benefit of others; and
BE IT FURTHER RESOLVED, That a copy of the resolution be immediately transmitted to Columbia Basin College for its strong support of mathematics.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House receded from its amendment to SENATE BILL NO. 5410 and passed the bill without the House amendment, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5410.

MOTION

At 10:27 a.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Friday, April 25, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-SECOND DAY, APRIL 24, 2003

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

ONE HUNDRED -THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 25, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Horn, McAuliffe, Mulliken and West. On motion of Senator Hewitt, Senators Horn, Mulliken and West were excused. On motion of Senator Eide, Senator McAuliffe was excused.

The Sergeant at Arms Color Guard, consisting of Pages Matthew Irwin and Olivia Libbey, presented the Colors. Reverend John Shaffer, pastor of the Stanwood United Methodist Church, and a guest of Senator Haugen, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 23, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on April 23, 2003, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5425

Relating to the total outstanding indebtedness of the higher education facilities authority.

Senate Bill No. 5429

Relating to the Performance Registration Information Systems Management Program.

Substitute Senate Bill No. 5452

Relating to check cashers and sellers.

Substitute Senate Bill No. 5561

Relating to restrictions on assignments under Article 9A of the uniform commercial code.

Senate Bill No. 5651

Relating to urban industrial land banks in counties with low population densities.

Senate Bill No. 5720

Relating to identifying users of credit and debit cards.

Substitute Senate Bill No. 5780

Relating to the municipal criminal justice assistance account.

Engrossed Substitute Senate Bill No. 6074

Relating to vessels.

Sincerely,
Jennifer Joly, General Counsel

MESSAGE FROM THE GOVERNOR
VETO MESSAGE ON SENATE BILL NO. 5632

April 23, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Senate Bill No. 5632 entitled:

"AN ACT Relating to utility relocation costs;"

This bill amends 81.112 RCW, enabling legislation for the Regional Transit Authority (RTA), to provide that the costs to relocate utility facilities required for construction of rail fixed guideway systems is a cost of the projects and must be paid by the RTA. It also provides that the RTA must negotiate the engineering, design, and route selection of the system with affected utilities.

Under traditional common law and under current state statute, when local governments make improvements to rights-of-way, utilities displaced by those improvements are required in most instances to pay the costs of relocation. Sound

Transit and local governments properly relied on this existing law in preparing their budgets and design plans for the Tacoma and Central Link light rail projects.

Construction, including utility relocation, of the Tacoma and Central Links projects is already under way. To shift relocation costs from the utilities to Sound Transit at this late date would potentially disrupt or delay transportation projects that are vital to the Puget Sound region. I also have concerns with the provisions of the bill that could be interpreted as requiring utilities' approval of engineering, design, and route selection of the system.

Although I am vetoing Senate Bill No. 5632, the proponents have raised some important issues. Telecommunications and energy utilities provide services that are no less critical to our state's economy than transportation. When transportation projects impose obligations on utilities that cause their costs to increase, those increased costs must be borne by businesses, homes, schools, and government institutions in the form of higher utility rates or reduced investments in needed telecommunications or energy infrastructure. I believe it is appropriate for regulatory bodies to acknowledge the added costs of utility relocation in rate-setting proceedings.

Citizens are both taxpayers and utility ratepayers. Whether the costs of transit projects are paid by taxpayers or by utility ratepayers, they are paid by citizens. I would support thoughtful, comprehensive legislation on utility relocation that addresses both public and private utilities, and encompasses projects sponsored by state government, local government, regional transit authorities, and other public or quasi-public entities. Such legislation should also address reported inequities and inconsistencies in current utility relocation policies.

Utility relocation, whether assumed by the project sponsor or utility, is clearly one of the costs of building or improving public infrastructure. The public interest is best served by a fair and uniform policy to minimize these costs whenever possible.

For these reasons, I have vetoed Senate Bill No. 5632 in its entirety.

Respectfully submitted,
GARY LOCKE, Governor

MOTION

On motion of Senator Sheahan, the veto message on Senate Bill No. 5632 was held at the desk.

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

April 7, 2003

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

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

James Garrison, reappointed April 3, 2003, for a term ending April 3, 2007, as a member of the State Board for Community and Technical Colleges.

GARY LOCKE, Governor

Referred to Committee on Higher Education.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed:
SUBSTITUTE HOUSE BILL NO. 1693,
SUBSTITUTE HOUSE BILL NO. 2192,
HOUSE BILL NO. 2238,
SUBSTITUTE HOUSE BILL NO. 2257, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 1057,
HOUSE BILL NO. 1356,
HOUSE BILL NO. 1361,
SUBSTITUTE HOUSE BILL NO. 1380,
HOUSE BILL NO. 1858,
HOUSE BILL NO. 1972,
HOUSE BILL NO. 1980,
HOUSE BILL NO. 2001,
HOUSE BILL NO. 2186. CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056. The Speaker has appointed the following members as Conferees:
Representatives Haigh, Kirby, Armstrong.

CYNTHIA ZEHNDER, Chief Clerk

April 24, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills as amended by the Senate:
SUBSTITUTE HOUSE BILL NO. 1028,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6082 by Senators Parlette, Doumit and Rasmussen

AN ACT Relating to expanding the criteria for habitat conservation programs; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, and 79A.15.080; reenacting and amending RCW 43.84.092; adding new sections to chapter 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new section to chapter 79.71 RCW; and providing an effective date.
Referred to Committee on Parks, Fish and Wildlife.

SJM 8025 by Senators Parlette, Deccio, Winsley, Reardon, Brandland, Keiser, Benton, Carlson, Shin, Esser, Mulliken, Hale, Finkbeiner, Horn, Schmidt, Johnson, Doumit, Zarelli, McCaslin, Oke and Rasmussen

Urging Congress to repeal certain federal laws regarding prescription drug pricing.

Referred to Committee on Health and Long-Term Care.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1693 by House Committee on Appropriations (originally sponsored by Representatives Cody, Skinner, Clibborn and Morrell
(by request of Department of Social and Health Services)

Revising the provision for increasing the direct care component rate allocation for residents with exceptional care needs.

HOLD.

SHB 2192 by House Committee on Finance (originally sponsored by Representatives Cody and Clements)

Taxing parimutuel machines.

Referred to Committee on Commerce and Trade.

HB 2238 by Representative Quall

Eliminating the communication portion of the WASL.

Referred to Committee on Education.

SHB 2257 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Fromhold and Moeller)

Concerning the treatment of income and resources for institutionalized persons receiving medical assistance.

HOLD.

MOTION

On motion of Senator Sheahan, Senate Bill No. 6082 was referred to the Committee on Parks, Fish and Wildlife.

MOTIONS

On motion of Senator Sheahan, the rules were suspended and Substitute House Bill No. 1693 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Sheahan, the rules were suspended and Substitute House Bill No. 2257 was advanced to second reading and placed on the second reading calendar.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9106, Bruce Romanish, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF BRUCE ROMANISH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Horn, McAuliffe, Mulliken and West - 4.

MOTION

On motion of Senator Prentice, the following resolution was adopted:

SENATE RESOLUTION 8667

By Senators Prentice, T. Sheldon, Jacobsen, Swecker and Winsley

WHEREAS, In 1855 the Wenatchi Tribe was party to the 1855 Walla Walla Treaty which guaranteed the tribe fishing, hunting, and gathering rights; and

WHEREAS, Article 10 of the 1855 Treaty authorized a reservation of approximately 20,000 acres for the Wenatchis near the mouth of the Icicle River; and

WHEREAS, The United States Senate ratified said treaty on March 8, 1859; and

WHEREAS, The United States failed to survey and establish said reservation and remove it from the public domain; and

WHEREAS, In 1894 the United States again ratified an agreement which guaranteed to the Wenatchi Indians both their rights under the 1855 treaty and at least 20,000 acres of lands in the Icicle River area; and

WHEREAS, As before, the United States failed to take the necessary action to deliver said lands to the Wenatchi Indians; and

WHEREAS, Wenatchi leaders have continuously worked throughout the twentieth century to have the United States recognize their rights and reservation; and

WHEREAS, There still remain more than 100,000 acres of National Forest lands in the area where the Wenatchis' reservation should have been set aside; and

WHEREAS, Today the Wenatchi Tribe is one of the twelve aboriginal tribes of the Colville Confederated Tribes on the Colville Indian Reservation located in the state of Washington; and

WHEREAS, The Colville Confederated Tribes have been widely recognized for the prowess of their stewardship and programs for the management of forest lands; and

WHEREAS, Putting a tract of forest lands in the Icicle area under Colville Confederated Tribes management for the benefit of the Wenatchi could improve the local economy for both Indians and non-Indians in the area;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor the efforts of the Colville Confederated Tribes to have the United States Congress enact legislation that would allow the conveyance of approximately 20,000 acres of National Forest lands in the area of the Icicle River to the Colville Confederated Tribes, to be managed for the benefit of the Wenatchi people.

Senators Prentice, Swecker, Tim Sheldon and Parlette spoke to Senate Resolution 8667.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Joe Pakoota, Chair of the Colville Business Council and Mathew Dick, Chair of the Wenatchi Advisory Board and great grandson of the late Wenatchi Chief, who were seated on the rostrum. With permission of the Senate, business was suspended to permit Mr. Pakoota to address the Senate.

INTRODUCTION OF ADDITIONAL GUESTS

The President welcomed and introduced Margie Hutchinson, Mike Marchand and Gene Joseph, members of the Colville Business Council, and John St. Pierre, Gloria Atkins and Phil Grunlose, members of the Wenatchi Advisory Board, and also William Dick, Vice Chair of the Wenatchi Advisory Board and great grandson of the last Wenatchi Chief.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM HOUSE

April 21, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1841 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate receded from its amendment(s) to Second Substitute House Bill No. 1841.

MOTION

On motion of Senator Stevens, the rules were suspended, Second Substitute House Bill No. 1841 was returned to second reading and read the second time.

MOTION

On motion of Senator Stevens, the following striking amendment by Senators Stevens and Hargrove was adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

The legislature finds that investment in effective prevention and early intervention services: (1) Produces immediate and long-term improvements for children and families; and (2) avoids future public costs in education, child welfare, substance abuse, health, and mental health treatment, law enforcement, the courts, and juvenile and adult corrections. The legislature further finds that state agencies receiving funds for prevention and early intervention services should contract for or operate services that have a strong likelihood of achieving expected program outcomes.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of this section, "prevention and early intervention services and programs" are the following state-operated or contracted programs or their successors:

- (a) Alternate response system;
- (b) Family reconciliation services;
- (c) Family preservation services;
- (d) Intensive family preservation services;
- (e) Continuum of care;
- (f) Parent trust program;
- (g) Public health nurse early intervention program; and

(h) Other prevention and early intervention services and programs in the department of social and health services, children's administration, as identified by the secretary.

(2) The department of social and health services in consultation with the family policy council, created in chapter 70.190 RCW, shall, by March 1, 2004, identify criteria for funding prevention and early intervention services and programs in the children's administration that are either state-operated or contracted. The criteria must require that funded programs, at a minimum: (a) Define clear, measurable outcomes; (b) identify research that may be applicable; (c) identify anticipated cost benefits; (d) describe broad community involvement, support, and partnerships; and (e) provide data related to program outcomes and cost benefits.

(3) The department shall incorporate the funding criteria into contracts and operating procedures beginning January 1, 2005, within existing resources.

(4) The department shall begin providing the family policy council program outcome data required under subsection (2) of this section not later than June 1, 2005.

(5) The family policy council shall begin analyzing the program outcome and cost benefit data required under subsection (2) of this section July 1, 2005.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

Nothing in this act creates:

(1) An entitlement to services;

(2) Judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable, or the child or family is not eligible for such services; or

(3) A private right of action or claim on the part of any individual, entity, or agency against any state agency or contractor.

NEW SECTION. Sec. 4. A new section is added to chapter 70.190 RCW to read as follows:

The council shall: Beginning with its 2005 annual report and each subsequent report, list the prevention and early intervention services to which the funding criteria established in section 2(2) of this act are applied; and beginning with its 2006 annual report and in each subsequent annual report, include the outcome and cost benefit data collected under section 2(5) of this act and provide an analysis of the success and cost benefit program outcomes.

In the 2006 annual report and in each subsequent annual report the council shall identify and recommend other services, programs, and state agencies to which the funding criteria may apply."

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

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; and adding a new section to chapter 70.190 RCW."

MOTION

On motion of Senator Stevens, the rules were suspended, Second Substitute House Bill No. 1841, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1841, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1841, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Absent: Senators Hargrove - 1.

Excused: Senator s McAuliffe and West - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 1841, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Jacobsen, Senators Brown, Eide and Keiser were excused.

MESSAGE FROM HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Thibaudeau, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 1827.

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute House Bill No. 1827 was returned to second reading and read the second time.

MOTION

On motion of Senator Thibaudeau, the following striking amendment by Senators Thibaudeau and Deccio was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) Except for community and technical colleges, each degree- granting public or private postsecondary residential campus that provides on-campus or group housing shall provide information on meningococcal disease to each enrolled matriculated first-time student.

Community and technical colleges must provide the information only to those students who are offered on-campus or group housing. The information about meningococcal disease shall include:

(a) Symptoms, risks, especially as the risks relate to circumstances of group living arrangements, and treatment; and
(b) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(2) This section shall not be construed to require the department of health or the postsecondary educational institution to provide the vaccination to students.

(3) The department of health shall be consulted regarding the preparation of the information materials provided to the first-time students.

(4) If institutions provide electronic enrollment or registration to first-time students, the information required by this section shall be provided electronically and acknowledged by the student before completion of electronic enrollment or registration.

(5) This section does not create a private right of action.

NEW SECTION. Sec. 2. This act takes effect July 1, 2004."

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

On page 1, line 3 of the title, after "institutions;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and providing an effective date."

MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute House Bill No. 1827, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1827, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1827, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Excused: Senators Brown, Eide, Keiser and West - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM HOUSE

April 21, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1571 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate receded from its amendment(s) to Substitute House Bill No. 1571.

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1571 was returned to second reading and read the second time.

MOTION

On motion of Senator Stevens, the following striking amendment by Senators Stevens and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is an urgent need for vigorous enforcement of child support obligations. The legislature further finds that the duty of child support to provide for the needs of dependent children, including their necessary food, clothing, shelter, education, and health care, should not be avoided because of where an obligor resides. A person owing a duty of child support who chooses to engage in behaviors that result in the person becoming incarcerated should not be able to avoid child support obligations.

The legislature also finds the current system of child support collections due from persons confined in state correctional facilities does not facilitate family preservation nor does it promote the best interests of children. Unless otherwise proscribed by federal law or court order, the legislature intends that, particularly in instances of very low payment levels, child support deductions go directly to the person or persons in whose custody the child is and who is responsible for the daily support of the child. The legislature does not intend the child support system to be a mechanism for the support of government, but rather to directly assist children in need of support.

Sec. 2. RCW 72.09.111 and 2002 c 126 s 2 are each amended to read as follows:

(1) The secretary shall deduct from the gross wages or gratuities of each inmate working in correctional industries work programs, taxes and legal financial obligations. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages and gratuities.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(I) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(I) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration; ~~(and)~~

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

~~(c) ((The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration-~~

~~(d)) The formula shall include the following minimum deductions from class III gratuities:~~

~~(I) Five percent for the purpose of crime victims' compensation; and~~

~~(ii) Fifteen percent for any child support owed under a support order.~~

(d) The formula shall include the following minimum deduction from class IV gross gratuities:

(I) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under (a)(ii) or (b)(ii) of this subsection.

The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

In the event that the offender worker's wages or gratuity is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(2) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(3) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(4) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

(5) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(6) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

Sec. 3. RCW 72.09.480 and 1999 c 325 s 1 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsection ~~((6))~~ (7) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions ~~((in RCW 72.09.111(1)(a)))~~ and the priorities established in chapter 72.11 RCW:

(a) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent to the department to contribute to the cost of incarceration;

(d) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(e) Fifteen percent for any child support owed under a support order.

(3) When an inmate, except as provided in subsection (7) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

~~((3))~~ (4) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

~~((4))~~ (5) The deductions required under subsection (2) of this section shall not apply to funds received by the department on behalf of an offender for payment of one fee-based education or vocational program that is associated with an inmate's work program or a placement decision made by the department under RCW 72.09.460 to prepare an inmate for work upon release.

An inmate may, prior to the completion of the fee-based education or vocational program authorized under this subsection, apply to a person designated by the secretary for permission to make a change in his or her program. The secretary, or his or her designee, may approve the application based solely on the following criteria: (a) The inmate has been transferred to another institution by the department for reasons unrelated to education or a change to a higher security classification and the offender's current program is unavailable in the offender's new placement; (b) the inmate entered an academic program as an undeclared major and wishes to declare a major. No inmate may apply for more than one change to his or her major and receive the exemption from deductions specified in this subsection; (c) the educational or vocational institution is terminating the inmate's current program; or (d) the offender's training or education has demonstrated that the current program is not the appropriate program to assist the offender to achieve a placement decision made by the department under RCW 72.09.460 to prepare the inmate for work upon release.

~~((5))~~ (6) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

~~((6))~~ (7) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds in addition to his or her gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation ~~(and)~~ twenty percent to the department to contribute to the cost of incarceration, and fifteen percent to child support payments.

~~((7))~~ (8) When an inmate sentenced to life imprisonment without possibility of release or parole, or to death under chapter 10.95 RCW, receives any funds from a settlement or award resulting from a legal action in addition to his or her gratuities, the additional funds shall be subject to: Deductions of five percent to the public safety and education account for the purpose of crime victims' compensation and twenty percent to the department to contribute to the cost of incarceration.

(9) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(10) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action."

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

On page 1, line 1 of the title, after "payments;" strike the remainder of the title and insert "amending RCW 72.09.111 and 72.09.480; and creating a new section."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1571, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1571, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1571, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Eide, Keiser and West - 3.

SUBSTITUTE HOUSE BILL NO. 1571, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1712 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate receded from its amendment(s) to House Bill No. 1712.

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1712 was returned to second reading and read the second time.

MOTION

On motion of Senator Stevens, the following striking amendment by Senators Stevens and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 9A.44.130 and 2002 c 31 s 1 are each amended to read as follows:

(1) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. In addition, any such adult or juvenile: (a) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution; (b) who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or (c) whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution. Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, must notify the county sheriff immediately. The sheriff shall notify the institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private institution of higher education.

(3)(a) The person shall provide the following information when registering: (I) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (I) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(I) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of correction's active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not

a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section. If the crime was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor."

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

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 9A.44.130."

MOTION

On motion of Senator Stevens, the rules were suspended, House Bill No. 1712, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1712, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1712, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Eide, Keiser and West - 3.

HOUSE BILL NO. 1712, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, House Bill No. 1712, as amended by the Senate under suspension of the rules, was ordered to be immediately transmitted to the House of Representatives.

MOTION

At 10:59 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 11:59 a.m. by President Owen.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5363, and the same is herewith transmitted:

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed:

SENATE BILL NO. 6057,

SUBSTITUTE SENATE BILL NO. 6073, and the same are herewith transmitted:

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 5363.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5891,

ENGROSSED SUBSTITUTE SENATE BILL NOL 6023,

SENATE BILL NO. 6057,

SUBSTITUTE SENATE BILL NO. 6073.

MOTION

On motion of Senator Sheahan, Senate Rule 20 was suspended for the remainder of the day.

EDITOR'S NOTE: Rule 20 states, 'The Senate shall consider no more than one floor resolution per day in session.'

MOTION

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

MOTIONS

On motions of Senators Deccio and Haugen, the following comments of Senate Resolution 8678 will be spread upon the Journal.

MOTION

Senator McCaslin: "It is with a great deal of honor that I move that Senate Resolution be adopted by the Senate."

SENATE RESOLUTION 8678

By Senators West, Brown, Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, The legislative process requires an accurate and timely reflection of the events which transpire during each legislative day, and the actions of the State Senate are recorded in the Senate Journal of the State of Washington, the official record of the Senate; and

WHEREAS, Mary Wiley is a most noble and gracious daughter of her native state of Kansas, having been born in Tampa, Kansas, and having followed, Ken, her dearly departed husband of 53 years, to Centralia, Washington; and

WHEREAS, Mary Wiley has served Washington State for almost twenty-four memorable years and the Washington State Senate for twenty of those years, beginning her legislative career in 1979 as a secretary in Lieutenant Governor John A. Cherberg's office, moving on to the Senate in 1983; and

WHEREAS, Mary Wiley has served with three Lieutenant Governors and six Secretaries of the Senate and, as Senate Journal Clerk and Minute Secretary, compiled 19 Senate Journals; and

WHEREAS, Mary's unflinching attention to detail, her unwavering dedication to each debate both large and small, as well as her imperturbable air of calm have kept the Senate's President, members, and staff on time and on track – lending each action civility and credibility; and

WHEREAS, Mary's humble and steadfast presence at the rostrum of the Senate has enabled this and past Presidents of the Senate and leaders from both sides of the aisle to confidently utter phrases like, "If Mary says that's where we're at, then that's where we're at." and "If Mary says that's what we did, then that's what we did."; and

WHEREAS, Mary has decided to retire after this session of the 58th Legislature and her twentieth Senate Journal, unannounced and without fanfare, from her position as Senate Journal Clerk where her excellent listening and transcribing skills and diligent transcription of the events of this institution for posterity will be long remembered and sorely missed; and

WHEREAS, Mary, exemplifying the helpfulness, the service, and the commitment to excellence that is the hallmark of Senate staff, has also been active in her community, serving on the Centralia School Board for 23 years and volunteering for a variety of meaningful activities and organizations within Lewis County; and

WHEREAS, Mary's late husband, Ken, and children, Jim Wiley, Jo Allen, Julie Mann, Linda Wiley, and Jon Wiley, as well as her nearly ten grandchildren, shared Mary with the Senate as she worked through numerous late-night sessions, weekend work, and other assignments as needed;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate duly honor and recognize Mary Wiley for her longstanding contribution to the Senate and the state of Washington; and

BE IT FURTHER RESOLVED, That the Senate wish for Mary the same amount of satisfaction and success from her future endeavors and offer its heartfelt gratitude for her diligent and oft-needed efforts to make each Lieutenant Governor and Senator and other speakers on the Senate Floor read as wise and profound for future generations as they thought they sounded in this one; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Mary Wiley and her family.

MOTION

On motions of Senators Deccio and Haugen, the following remarks on Senate Resolution 8678 are to be spread across the Journal.

REMARKS BY SENATOR McCASLIN

Senator McCaslin: "Thank you, Mr. President. I have looked upon her beautiful face now for twenty-three years. I apologize that I haven't reciprocated. Mary has been here so long she remembers when I had hair. I think the resolution says it all. She is just a super, super, super individual. She has always been courteous and helpful and like the resolution says, 'If Mary says that is where it is,' that is where it is. May God Bless You and your family in your retirement. We will miss you terribly."

REMARKS BY SENATOR SPANEL

Senator Spanel: "I, too, want to thank Mary for her long work in the Senate. The resolution says it all, because she does it in a quiet manner and makes sure this place is recorded in the right way and has done an excellent job. So, I thank you very, very much and wish you well in your retirement. I think the other paragraph that really caught my eye is that we all spend weekends here, late nights, and a lot of time away from our families. Our staff does too, and especially Mary, as she has had to write those Journals. So, thank you for all the time that you have given to the Washington State Senate."

REMARKS BY SENATOR DECCIO

Senator Deccio: "The first time that I laid eyes on Mary Wiley was in the 1981 Session. She worked so quietly and so efficiently that it took me two years to figure out who she was. I would like to add my remarks along with Senator McCaslin. You have been a great image for the Senate in the way you have done your work. As kind as you have been, some of us, sometimes, deserve a kick in the pants, rather than the kindness that you have shown and I also want to express my appreciation for all you have done for us."

REMARKS BY SENATOR HALE

Senator Hale: "Thank you, Mr. President. I, too, would like to rise to offer a heartfelt thanks and best wishes to Mary on your retirement. You know, Mary is a wonderful example of the quiet unsung heroes—the people who really make the Legislature go. They don't always receive the accolades they deserve, but Mary, they are yours, my dear, and best of luck to you."

REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. Well, Mary, I have to know that your diligence and your work here probably compare favorably to the things that you did at home, because I am a good friend of your son, Jon and his family, and your grandchildren. I can tell you that they are spectacular and that you did as much good there as you did here. So, we thank you."

REMARKS BY SENATOR FRANKLIN

Senator Franklin: "Thank you Mr. President. I would like to also add my voice of support and thank-yous for what Mrs. Wiley has done for us these many years. I have watched her very closely—the quietness and the efficiency by which she does her work is really an example for all of us. I don't think I have ever heard her say more than two words, because she is so quiet and so concentrated on what she is doing. We certainly appreciate all that you have done.

"Then, we want to thank your family for allowing you to be here and to share you for these many years, because I am sure with these late night hours that you have worked, you have not been able to spend that much time with them. You will have time with them now. I wish you well in your retirement, but I bet you won't retire. I will bet that you will find something else to do. Good luck!"

The President declared the question before the Senate to be the adoption of Senate Resolution 8678.
The motion by Senator McCaslin carried and Senate Resolution 8678 was adopted.

REMARKS BY PRESIDENT OWEN

President Owen: "Mary, I have the pleasure at this time of being able to actually sign a resolution. They even let me put my name on it, too, as well as the Secretary of the Senate. With your indulgence and your permission, the President would like to make a couple of comments. First off, there are a couple of you who should have stood up and apologized. I say that because there have been a couple of sessions where something happened that inspired you to have the words 'spread upon the Journal,' of some brilliant remark that some Senator has made, which went on for fifteen or twenty minutes. I don't know if you know, but Mary has to transcribe that by hand. She has done that faithfully.

"You may have noticed that I will once in awhile lean over like this---that is asking those questions like, 'Mary, where are we--what are actually on--what motion or has this motion been made,' and she has it all right there. I can't tell you how dedicated that she has been to this place over the years. It has been a pleasure and an honor and a sense of relief for me to have--and for all of us to have her sitting in that chair there.

"I also have learned something else. That is, what the look means--do you ever notice--the look means you screwed up. She is right every time, so it has been a great pleasure. We are going to miss you. So that you don't forget us, we have a couple of gifts for you from the Senate and from some of the staff up here and myself. To start with, this bouquet of flowers is in crystal vase with the Seal of the state of Washington on it. Here is another little gift we would like to give to you and we would be happy to have you open it so the Senators can see it. Again, it is crystal, a jewelry box with the Seal of the state of Washington on it with a nice inscription, which reads, 'Mary Wiley, we thank you, The Washington State Senate.' In addition to that, we do have a gift certificate to you for *Anthony's*, and I am available this evening—I don't know, six o'clock?"

REMARKS BY MARY WILEY

Mary Wiley: "Well, this is quite a surprise! When I told Milt, before the session started, that this would be my last Journal--and no one has really said much about it, I thought that maybe it was not going to happen. I didn't know, but I was still planning to retire after I finished the Journal this year. I do thank you for all your cooperation and all the kind words today. I wish they were all true. I have enjoyed every minute I have been here and it has been a challenge at times, but the Journals have been printed and I thank you all again.

"I see my family back there. What a nice surprise to have them here! I saw them a few days ago at Easter and get to see them again a couple of days later. They are here with the grandchildren and I will talk to them later."

REMARKS BY PRESIDENT OWEN

President Owen: "I probably shouldn't have announced out loud that you had that gift certificate for dinner, since they are all here. I suspect someone will probably stand up and make a motion to spread upon the Journal all the words of this resolution. Senator Deccio--"

REMARKS BY SENATOR DECCIO

Senator Deccio: "I move that the remarks by Mary Wiley be entered into the Journal. Thank you."

REMARKS BY SENATOR HAUGEN

Senator Haugen: "Yes, Mr. President, I think we need to have the words said about her also be entered in the Journal--not just her words."

REPLY BY THE PRESIDENT

President Owen: "I accept that as a friendly amendment. Mary, are you getting this down?"
The President declared the motion before the Senate to be the motion, as amended, to have the words of this resolution be spread upon the Journal.
The motion carried and the words on Resolution 8678 will be spread upon the Journal.

REMARKS BY THE PRESIDENT

President Owen: "Mary, will you get right to work on that? It is a great privilege and honor for the President to be able to introduce the wonderful family of Mary Wiley that is here with us today. Hopefully, I have everybody--I am not sure, but I do have Jim Wiley, her eldest son; her eldest daughter, Linda Wiley and her son--Mary's grandson, Evan Wiley; her daughter, Jo Allen; and her son Jon Wiley and his wife Nicole and their children--Mary's grandchildren--Lauren, Blake, Laurissa and Tessa Wiley. Welcome to the Washington State Senate and thank you for sharing her with us for twenty-five years.

"I am suppose to announce that there is going to be a reception for Mary in the Reception Room directly after recess or adjournment."

At 12:16 p.m., on motion of Senator Sheahan, the Senate recessed until 2:00 p.m.

The Senate was called to order at 2:00 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:

**SENATE BILL NO. 5049,
SUBSTITUTE SENATE BILL NO. 5051,
SUBSTITUTE SENATE BILL NO. 5062,
SECOND SUBSTITUTE SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5120,
SUBSTITUTE SENATE BILL NO. 5204,
SENATE BILL NO. 5211,
SUBSTITUTE SENATE BILL NO. 5226,
SUBSTITUTE SENATE BILL NO. 5358,
SUBSTITUTE SENATE BILL NO. 5409,
SENATE BILL NO. 5507,
SENATE BILL NO. 5662, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5135,
SUBSTITUTE SENATE BILL NO. 5221,
SENATE BILL NO. 5413,
SUBSTITUTE SENATE BILL NO. 5575,**

**SENATE BILL NO. 5705,
SUBSTITUTE SENATE BILL NO. 5716,
SUBSTITUTE SENATE BILL NO. 5737,
SUBSTITUTE SENATE BILL NO. 5749,
SUBSTITUTE SENATE BILL NO. 5751,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5779,
SUBSTITUTE SENATE BILL NO. 5811,**

**SUBSTITUTE SENATE BILL NO. 5829,
SENATE BILL NO. 5865,
SECOND SUBSTITUTE SENATE BILL NO. 5890, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:

**SUBSTITUTE SENATE BILL NO. 5912,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5942,
SENATE BILL NO. 5959,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5977,
SUBSTITUTE SENATE BILL NO. 5995,
SENATE JOINT MEMORIAL NO. 8000,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:

**SENATE BILL NO. 5011,
ENGROSSED SENATE BILL NO. 5014,
SENATE BILL NO. 5042,
SENATE BILL NO. 5065,
SUBSTITUTE SENATE BILL NO. 5105,
SUBSTITUTE SENATE BILL NO. 5133,
SENATE BILL NO. 5176,
SUBSTITUTE SENATE BILL NO. 5218,
SUBSTITUTE SENATE BILL NO. 5237,
ENGROSSED SENATE BILL NO. 5245,
SUBSTITUTE SENATE BILL NO. 5305,
SUBSTITUTE SENATE BILL NO. 5327,
SUBSTITUTE SENATE BILL NO. 5335,
ENGROSSED SENATE BILL NO. 5343,
ENGROSSED SENATE BILL NO. 5379,
SUBSTITUTE SENATE BILL NO. 5434,
SUBSTITUTE SENATE BILL NO. 5457,
SUBSTITUTE SENATE BILL NO. 5473,
SENATE BILL NO. 5477,
SUBSTITUTE SENATE BILL NO. 5509,
SUBSTITUTE SENATE BILL NO. 5579,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5586,
SUBSTITUTE SENATE BILL NO. 5592,
SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5602,
SECOND SUBSTITUTE SENATE BILL NO. 5694, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:
SENATE BILL NO. 5094,
SENATE BILL NO. 5134,
ENGROSSED SENATE BILL NO. 5256,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5299,
SUBSTITUTE SENATE BILL NO. 5396,
SUBSTITUTE SENATE BILL NO. 5407,
SUBSTITUTE SENATE BILL NO. 5786,
SUBSTITUTE SENATE BILL NO. 5868,
SUBSTITUTE SENATE BILL NO. 5933,
SENATE BILL NO. 5970,
SUBSTITUTE SENATE BILL NO. 5996, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5144,
SENATE BILL NO. 5156,
SUBSTITUTE SENATE BILL NO. 5189,
ENGROSSED SENATE BILL NO. 5210,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5223,
SUBSTITUTE SENATE BILL NO. 5236,
SUBSTITUTE SENATE BILL NO. 5248,
SUBSTITUTE SENATE BILL NO. 5274,
SENATE BILL NO. 5284,
SENATE BILL NO. 5410,
SENATE BILL NO. 5512,
SENATE BILL NO. 5515,
SUBSTITUTE SENATE BILL NO. 5600,
SUBSTITUTE SENATE BILL NO. 5601,
SUBSTITUTE SENATE BILL NO. 5616,
SUBSTITUTE SENATE BILL NO. 5641,
SENATE BILL NO. 5654,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5713,
SENATE BILL NO. 5726,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5766,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5785,
SUBSTITUTE SENATE BILL NO. 5787,
SUBSTITUTE SENATE BILL NO. 5824,
SENATE BILL NO. 5893,
SENATE BILL NO. 5898,
SENATE BILL NO. 5935,
SENATE JOINT MEMORIAL NO. 8003,
SENATE JOINT MEMORIAL NO. 8012,
SENATE JOINT MEMORIAL NO. 8015, **and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Hewitt, Senators Finkbeiner and Horn were excused.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Poulsen, Gubernatorial Appointment No. 9157, Carla Maulden, as a member of the Higher Education Facilities Authority, was confirmed.

Senators Poulsen and Carlson spoke to the confirmation of Carla Maulden as a member of the Higher Education Facility Authority.

APPOINTMENT OF CARLA MAULDEN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Doumit and Roach - 2.

Excused: Senators Finkbeiner and Horn - 2.

MOTION

On motion of Senator Hewitt, Senator Roach was excused.

MOTION

On motion of Senator Eide, Senator Doumit was excused.

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9169, Dave Fisher, as a member of the Academic Achievement and Accountability Commission, was confirmed.

APPOINTMENT OF DAVE FISHER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Doumit, Finkbeiner, Horn and Roach - 4.

INTRODUCTION OF FORMER GOVERNORS

The President welcomed and introduced former Governor Booth Gardner and former Governor Dan Evans, who were standing in the back of the Chamber.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 16, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5974, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.60.135 and 1997 c 323 s 2 are each amended to read as follows:

(1) The charter use of Washington State Ferry vessels when established route operations and normal user requirements are not disrupted is permissible. In establishing chartering agreements, Washington State Ferries shall consider the special needs of local communities and interested parties. Washington State Ferries shall use sound business judgment and be sensitive to the interests of existing private enterprises.

(2) Consistent with the policy as established in subsection (1) of this section, the (~~general manager~~) chief executive officer of the Washington State Ferries may approve agreements for the chartering of Washington State Ferry vessels to groups or individuals, including hazardous material transporters, in accordance with the following:

(a) Vessels may be committed to charter only when established route operation and normal user requirements are not disrupted or inconvenienced. If a vessel is engaged in the transport of hazardous materials, the transporter shall pay for all legs necessary to complete the charter, even if the vessel is simultaneously engaged in an operational voyage on behalf of Washington State Ferries.

(b) Charter rates for vessels must be established at actual vessel operating costs plus (~~fifty percent of such actual costs rounded to the nearest fifty dollars~~) a market-rate profit margin. Actual vessel operating costs include, but are not limited to, all labor, fuel, and vessel maintenance costs incurred due to the charter agreement, including deadheading and standby.

(c) (~~Recognizing the need for stabilized charter rates in order to encourage use of vessels, rates must be established and revised July 1st of each year and must remain fixed for a one-year period unless actual vessel operating costs increase five percent or more within that year, in which case the charter rates must be revised in accordance with (b) of this subsection.~~

~~(d) All charter agreements must be in writing and substantially in the form of (e) of this subsection and available, with calculations, for inspection by the legislature and the public.~~

~~(e)) Parties chartering Washington State Ferry vessels shall comply with all applicable laws, rules, and regulations during the charter voyage, and failure to so comply is cause for immediate termination of the charter voyage.~~

~~(("CHARTER CRUISE AGREEMENT~~

~~On this day of , , Washington State Ferries (WSF) and , hereinafter called Lessee, enter into this agreement for rental of a ferry vessel for the purpose of a charter voyage to be held on , the parties agree as follows:~~

~~1. WSF agrees to supply the vessel (subject to change) for the use of the Lessee from the period from to on (date).~~

~~2. The maximum number of passengers; or in the case of hazardous materials transports, trucks and trailers; that will be accommodated on the assigned vessel is This number MAY NOT be exceeded.~~

~~3. The voyage will originate at , and the route of travel during the voyage will be as follows:~~

~~4. The charge for the above voyage is dollars (\$. . .) plus a property damage deposit of \$350 for a total price of \$, to be paid by cashier's check three working days before the date of the voyage at the offices of the WSF at Seattle Ferry Terminal, Pier 52, Seattle, Washington 98104. The Lessee remains responsible for property damage in excess of \$350.~~

~~5. WSF is responsible only for the navigational operation of the chartered ferry and in no way is responsible for directing voyage activities, providing equipment, or any food service.~~

~~6. Other than for hazardous materials transport, the voyage activities must be conducted exclusively on the passenger decks of the assigned ferry. Voyage patrons will not be permitted to enter the pilot house or the engine room, nor shall the vehicle decks be used for any purpose other than loading or unloading of voyage patrons or hazardous materials.~~

~~7. If the Lessee or any of the voyage patrons will possess or consume alcoholic beverages aboard the vessel, the Lessee must obtain the appropriate licenses or permits from the Washington State Liquor Control Board. The Lessee must furnish copies of any necessary licenses or permits to WSF at the same time payment for the voyage is made. Failure to comply with applicable laws, rules, and regulations of appropriate State and Federal agencies is cause for immediate termination of the voyage, and WSF shall retain all payments made as liquidated damages.~~

~~8. WSF is not obligated to provide shoreside parking for the vehicles belonging to voyage patrons.~~

~~9. The Lessee recognizes that the primary function of the WSF is for the cross-Sound transportation of the public and the maintaining of the existing schedule. The Lessee recognizes therefore the right of WSF to cancel a voyage commitment without liability to the Lessee due to unforeseen circumstances or events that require the use of the chartered vessel on its scheduled route operations. In the event of such a cancellation, WSF agrees to refund the entire amount of the charter fee to the Lessee.~~

~~10. The Lessee agrees to hold WSF harmless from, and shall process and defend at its own expense, all claims, demands, or suits at law or equity, of whatever nature brought against WSF arising in whole or in part from the performance of provisions of this agreement. This indemnity provision does not require the Lessee to defend or indemnify WSF against any action based solely on the alleged negligence of WSF.~~

~~11. This writing is the full agreement between the parties.~~

~~.WASHINGTON STATE FERRIES~~

~~Lessee~~

~~By:—~~

~~By:—~~

~~General Manager"))~~

Sec. 2. RCW 47.60.140 and 1995 1st sp.s. c 4 s 2 are each amended to read as follows:

(1) The department is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue-producing and self-liquidating undertaking. The department has full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation, and maintenance of the ferry system, including toll bridges, approaches, and roadways incidental thereto that may be authorized by the department, including the collection of tolls and other charges for the services and facilities of the undertaking. The department has the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches, parking lots, and landings, including the selling of commercial advertising space and licenses to use the Washington State Ferries trademarks, but, except as provided in subsection (2) of this section, no such leases or contracts may be entered into for more than ten years, nor without a competitive contract process, except as otherwise provided in this section. The competitive process shall be either an invitation for bids in accordance with the process established by chapter 43.19 RCW, or a request for proposals in accordance with the process established by RCW 47.56.030. All revenues from commercial advertising, concessions, parking, leases, and contracts must be deposited in the Puget Sound ferry operations account in accordance with RCW 47.60.150.

(2) As part of a joint development agreement under which a public or private developer constructs or installs improvements on ferry system property, the department may lease all or part of such property and improvements to such developers for that period of time, not to exceed fifty-five years, or not to exceed thirty years for those areas located within harbor areas, which the department determines is necessary to allow the developer to make reasonable recovery on its initial investment. Any lease entered into as provided for in this subsection that involves state aquatic lands shall conform with the Washington state Constitution and applicable statutory requirements as determined by the department of natural resources. That portion of the lease rate attributable to the state aquatic lands shall be distributed in the same manner as other lease revenues derived from state aquatic lands as provided in RCW 79.24.580.

(3) The department shall include in the strategic planning and performance assessment process, as required by RCW 43.88.090, an analysis of the compatibility of public and private partnerships with the state ferry system's core business, and the department's efforts to maximize nonfarebox revenues and provide benefit to the public users of the ferry system facilities. The department shall include an assessment of the need for an open solicitation to identify and select possible public or private partnerships in order to maximize the value of projects and the state's investment in current and future ferry system operations.

(a) When the department determines that an open solicitation is necessary, a request for proposal shall be released, consisting of an open solicitation outlining functional specifications to be used as the basis for selecting partnerships in the project.

(b) Any responses to the request for proposal shall be evaluated, at a minimum, on the basis of compatibility with the state ferry system's core business, potential to maximize nonfarebox revenue, longevity of the possible partnership commitment, and benefit to the public users of the ferry system facilities.

(c) If no responses are received, or those that are received are incompatible with ferry system operations, or do not meet the criteria stated in (b) of this subsection, the state ferry system may proceed with state ferry system operating strategies designed to achieve state ferry system objectives without established partnerships.

Sec. 3. RCW 47.60.150 and 1999 c 94 s 26 are each amended to read as follows:

Subject to the provisions of RCW 47.60.326, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the commission so that the tolls and other revenues deposited in the Puget Sound ferry operations account for maintenance and operation, and all moneys in the Puget Sound capital construction account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance, and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: PROVIDED, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging, or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected by the ferry system from any source shall be paid to the state treasurer for the account of the department and deposited into the Puget Sound ferry operations account. Nothing in this section requires tolls on the Hood Canal bridge except as may be required by any bond covenants.

Sec. 4. RCW 47.60.326 and 2001 1st sp.s. c 1 s 1 are each amended to read as follows:

(1) In order to maintain an adequate, fair, and economically sound schedule of charges for the transportation of passengers, vehicles, and commodities on the Washington state ferries, the department of transportation each year shall conduct a full review of such charges.

(2) Prior to February 1st of each odd-numbered year the department shall transmit to the transportation commission a report of its review together with its recommendations for the revision of a schedule of charges for the ensuing biennium. The commission on or before July 1st of that year shall adopt as a rule, in the manner provided by the Washington administrative procedure act, a schedule of charges for the Washington state ferries for the ensuing biennium commencing July 1st. The schedule may initially be adopted as an emergency rule if necessary to take effect on, or as near as possible to, July 1st.

(3) The department in making its review and formulating recommendations and the commission in adopting a schedule of charges may consider any of the following factors:

(a) The amount of subsidy available to the ferry system for maintenance and operation;

(b) The time and distance of ferry runs;

(c) The maintenance and operation costs for ferry runs with a proper adjustment for higher costs of operating outmoded or less efficient equipment;

(d) The efficient distribution of traffic between cross-sound routes;

(e) The desirability of reasonable commutation rates for persons using the ferry system to commute daily to work;

(f) The effect of proposed fares in increasing walk-on and vehicular passenger use;

(g) The effect of proposed fares in promoting all types of ferry use during nonpeak periods;

(h) The estimated revenues that are projected to be earned by the ferry system from commercial advertisements, parking, contracts, leases, and other sources;

(i) Such other factors as prudent managers of a major ferry system would consider.

(4) If at any time during the biennium it appears that projected revenues from the Puget Sound ferry operations account and any other operating subsidy available to the Washington state ferries will be less than the projected total cost of maintenance and operation of the Washington state ferries for the biennium, the department shall forthwith undertake a review of its schedule of charges to ascertain whether or not the schedule of charges should be revised. The department shall, upon completion of its review report, submit its recommendation to the transportation commission which may in its sound discretion revise the schedule of charges as required to meet necessary maintenance and operation expenditures of the ferry system for the biennium or may defer action until the regular annual review and revision of ferry charges as provided in subsection (2) of this section.

(5) The provisions of RCW 47.60.330 relating to public participation shall apply to the process of revising ferry tolls under this section.

(6) Under RCW 43.135.055, the transportation commission may increase ferry tolls included in the schedule of charges adopted under this section by a percentage that exceeds the fiscal growth factor.

(7) Notwithstanding the provisions of this section and chapter 81.28 RCW, and using sound business judgment, the chief executive officer of the ferry system may authorize the use of promotional, discounted, and special event fares to the general public and commercial enterprises for the purpose of maximizing capacity use and the revenues collected by the ferry system. The department shall report to the transportation commission a summary of the promotional, discounted, and special event fares offered during each fiscal year and the financial results from these activities.

Sec. 5. RCW 47.60.330 and 1983 c 15 s 26 are each amended to read as follows:

(1) Before a substantial expansion or curtailment in the level of service provided to ferry users, or a revision in the schedule of ferry tolls or charges, the department of transportation shall consult with affected ferry users. The consultation shall be: (a) By public hearing in affected local communities; (b) by

review with the affected ferry advisory committees pursuant to RCW 47.60.310; (c) by conducting a survey of affected ferry users; or (d) by any combination of (a) through (c). Promotional, discount, and special event fares that are not part of the published schedule of ferry charges or tolls are exempt. The department shall report an accounting of all exempt revenues to the transportation commission each fiscal year.

(2) There is created a ferry system productivity council consisting of a representative of each ferry advisory committee empanelled under RCW 47.60.310, elected by the members thereof, and two representatives of employees of the ferry system appointed by mutual agreement of all of the unions representing ferry employees, which shall meet from time to time with ferry system management to discuss means of improving ferry system productivity.

(3) Before increasing ferry tolls the department of transportation shall consider all possible cost reductions with full public participation as provided in subsection (1) of this section and, consistent with public policy, shall consider adapting service levels equitably on a route-by-route basis to reflect trends in and forecasts of traffic usage. Forecasts of traffic levels shall be developed by the bond covenant traffic engineering firm appointed under the provisions of RCW 47.60.450. Provisions of this section shall not alter obligations under RCW 47.60.450. Before including any toll increase in a budget proposal by the commission, the department of transportation shall consult with affected ferry users in the manner prescribed in (1)(b) of this section plus the procedure of either (1) (a) or (c) of this section."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Benton, the Senate concurred in the House amendment to Substitute Senate Bill No. 5974.

POINT OF INQUIRY

Senator Haugen: "Senator Sheahan, does the House amendment require an open solicitation for public and private partnerships for the procurement of vessels?"

Senator Sheahan: "No, Senator, the House amendment applies to the procurement of terminals and for other activities--not vessels. It does not mandate that an open solicitation must occur."

Senator Haugen: "Thank you, Senator."

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5974, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5974, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Finkbeiner and Horn - 2.

SUBSTITUTE SENATE BILL NO. 5974, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM HOUSE

April 23, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, with the following amendment(s):

On page 2, line 8, after "(4)" insert "Members of the house of representatives and the senate;"

Renumber the remaining subsections consecutively

On page 2, line 23, after "(14)" strike all material through "representatives;" on line 26

Renumber the remaining subsections consecutively., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate concurred in the House amendments to Substitute Senate Concurrent Resolution No. 8402.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Concurrent Resolution No. 8402, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8402, as amended by the House, and the concurrent resolution passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senator Poulsen - 1.

Absent: Senator Kline - 1.

Excused: Senators Finkbeiner and Horn - 2.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5676, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.101.005 and 1990 c 288 s 2 are each amended to read as follows:

The legislature finds that many individuals in the state of Washington have attended college and received an associate of arts or associate of science degree, or ~~((its))~~ the equivalent, but are placebound.

The legislature intends to establish an educational opportunity grant program for placebound students who have completed an associate of arts or associate of science degree, or ~~((its))~~ the equivalent, in an effort to increase their participation in and completion of upper-division programs.

Sec. 2. RCW 28B.101.010 and 1990 c 288 s 3 are each amended to read as follows:

The educational opportunity grant program is hereby created ~~((as a demonstration project))~~ to serve placebound financially needy students by assisting them to obtain a baccalaureate degree at public and private institutions of higher education ~~((which have the capacity to accommodate such students within existing educational programs and facilities))~~ approved for participation by the higher education coordinating board.

Sec. 3. RCW 28B.101.020 and 1990 c 288 s 4 are each amended to read as follows:

(1) For the purposes of this chapter, "placebound" means unable to ~~((relocate to))~~ complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) To be eligible for an educational opportunity grant, applicants must be placebound residents of the state of Washington as defined in RCW 28B.15.012(2) (a) through (d), who: (a) Are needy students as defined in RCW 28B.10.802(3); and ~~((who))~~ (b) have completed the associate of arts or associate of science degree or ~~((its))~~ the equivalent. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to ~~((attend an institution that has existing unused capacity rather than attend a branch campus established pursuant to chapter 28B.45 RCW))~~ complete a baccalaureate degree at an eligible institution. An eligible placebound applicant is further defined as a person ~~((whose residence is located in an area served by a branch campus who, because of family or employment commitments, health concerns, monetary need, or other similar factors,))~~ who would be unable to complete ~~((an upper-division))~~ a baccalaureate course of study but for receipt of an educational opportunity grant.

Sec. 4. RCW 28B.101.040 and 2002 c 186 s 3 are each amended to read as follows:

Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that is accredited by an accrediting association recognized by rule of the higher education coordinating board for the program and that ~~((has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW))~~ complies with eligibility criteria established by rule of the higher education coordinating board. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study. ~~((Resident students as defined in RCW 28B.15.012(2)(f) are not eligible for grants under this chapter.))~~

Sec. 5. RCW 28B.119.010 and 2002 c 204 s 2 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW ~~((and)),~~ students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, ~~((and))~~ students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Carlson moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5676.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Carlson that the Senate concur in the House amendment to Engrossed Senate Bill No. 5676, as amended by the House.

The motion by Senator Carlson carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5676.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5676, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5676, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Hargrove, Hewitt, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West and Zarelli - 36.

Voting nay: Senators Franklin, Fraser, Haugen, Honeyford, Jacobsen, Mulliken, Oke, Poulsen, Regala, Spanel, Thibaudeau and Winsley - 12.

Excused: Senator McAuliffe - 1.

ENGROSSED SENATE BILL NO. 5676, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6054, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the enactment of chapter 236, Laws of 1988 amended the definition of employer under the industrial welfare act, chapter 49.12 RCW, to ensure that the family care provisions of that act applied to the state and political subdivisions. The legislature further finds that this amendment of the definition of employer may be interpreted as creating an ambiguity as to whether the other provisions of chapter 49.12 RCW have applied to the state and its political subdivisions. The purpose of this act is to make retroactive, remedial, curative, and technical amendments to clarify the intent of chapter 49.12 RCW and chapter 236, Laws of 1988 and resolve any ambiguity. It is the intent of the legislature to establish that, prior to the effective date of this act, chapter 49.12 RCW and the rules adopted thereunder did not apply to the state or its agencies and political subdivisions except as expressly provided for in RCW 49.12.265 through 49.12.295, 49.12.350 through 49.12.370, 49.12.450, and 49.12.460.

Sec. 2. RCW 49.12.005 and 1998 c 334 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) ~~((The term))~~ "Department" means the department of labor and industries.

(2) ~~((The term))~~ "Director" means the director of the department of labor and industries, or the director's designated representative.

(3) ~~((The term))~~ (a) Before the effective date of this act, "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees (and) but does not include the state, any state institution, any state agency, political subdivision of the state, or any municipal corporation or quasi-municipal corporation. However, for the purposes of RCW ((49.12.270)) 49.12.265 through 49.12.295 ((and)), 49.12.350 through 49.12.370, 49.12.450, and 49.12.460 only, "employer" also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(b) On and after the effective date of this act, "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees, and includes the state, any state institution, state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation. However, this chapter and the rules adopted thereunder apply to these public employers only to the extent that this chapter and the rules adopted thereunder do not conflict with: (I) Any state statute or rule; and (ii) respect to political subdivisions of the state and any municipal or quasi-municipal corporation, any local resolution, ordinance, or rule adopted under the authority of the local legislative authority before April 1, 2003.

(4) ~~((The term))~~ "Employee" means an employee who is employed in the business of the employee's employer whether by way of manual labor or otherwise.

(5) ~~((The term))~~ "Conditions of labor" ~~((shall))~~ means and includes the conditions of rest and meal periods for employees including provisions for personal privacy, practices, methods and means by or through which labor or services are performed by employees and includes bona fide physical qualifications in employment, but shall not include conditions of labor otherwise governed by statutes and rules and regulations relating to industrial safety and health administered by the department.

(6) For the purpose of chapter 16, Laws of 1973 2nd ex. sess. a minor is defined to be a person of either sex under the age of eighteen years.

Sec. 3. RCW 49.12.187 and 1973 2nd ex. s. c 16 s 18 are each amended to read as follows:

This chapter shall not be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment.

Employees of public employers may enter into collective bargaining contracts, labor/management agreements, or other mutually agreed to employment agreements that specifically vary from or supersede, in part or in total, rules adopted under this chapter regarding appropriate rest and meal periods.

Sec. 4. RCW 49.12.360 and 1989 1st ex. s. c 11 s 23 are each amended to read as follows:

(1) An employer must grant an adoptive parent or a stepparent, at the time of birth or initial placement for adoption of a child under the age of six, the same leave under the same terms as the employer grants to biological parents. As a term of leave, an employer may restrict leave to those living with the child at the time of birth or initial placement.

(2) An employer must grant the same leave upon the same terms for men as it does for women.

(3) The department shall administer and investigate violations of this section. Notices of infraction, penalties, and appeals shall be administered in the same manner as violations under RCW 49.12.285.

(4) ~~((For purposes of this section, "employer" includes all private and public employers listed in RCW 49.12.005(3).))~~

(5)) For purposes of this section, "leave" means any leave from employment granted to care for a newborn or a newly adopted child at the time of placement for adoption.

((6)) (5) Nothing in this section requires an employer to:

(a) Grant leave equivalent to maternity disability leave; or

(b) Establish a leave policy to care for a newborn or newly placed child if no such leave policy is in place for any of its employees.

Sec. 5. RCW 49.12.460 and 2001 c 173 s 1 are each amended to read as follows:

(1) An employer may not discharge from employment or discipline a volunteer fire fighter because of leave taken related to an alarm of fire or an emergency call.

(2)(a) A volunteer fire fighter who believes he or she was discharged or disciplined in violation of this section may file a complaint alleging the violation with the director. The volunteer fire fighter may allege a violation only by filing such a complaint within ninety days of the alleged violation.

(b) Upon receipt of the complaint, the director must cause an investigation to be made as the director deems appropriate and must determine whether this section has been violated. Notice of the director's determination must be sent to the complainant and the employer within ninety days of receipt of the complaint.

(c) If the director determines that this section was violated and the employer fails to reinstate the employee or withdraw the disciplinary action taken against the employee, whichever is applicable, within thirty days of receipt of notice of the director's determination, the volunteer fire fighter may bring an action against the employer alleging a violation of this section and seeking reinstatement or withdrawal of the disciplinary action.

(d) In any action brought under this section, the superior court shall have jurisdiction, for cause shown, to restrain violations under this section and to order reinstatement of the employee or withdrawal of the disciplinary action.

(3) For the purposes of this section:

(a) "Alarm of fire or emergency call" means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

(b) "Employer" means (~~any person~~) an employer who had twenty or more full-time equivalent employees in the previous year.

(c) "Reinstatement" means reinstatement with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(d) "Withdrawal of disciplinary action" means withdrawal of disciplinary action with back pay, without loss of seniority or benefits, and with removal of any related adverse material from the employee's personnel file, if a file is maintained by the employer.

(e) "Volunteer fire fighter" means a fire fighter who:

(i) Is not paid;

(ii) Is not already at his or her place of employment when called to serve as a volunteer, unless the employer agrees to provide such an accommodation; and

(iii) Has been ordered to remain at his or her position by the commanding authority at the scene of the fire.

(4) The legislature declares that the public policies articulated in this section depend on the procedures established in this section and no civil or criminal action may be maintained relying on the public policies articulated in this section without complying with the procedures set forth in this section, and to that end all civil actions and civil causes of action for such injuries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this section.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "employers;" strike the remainder of the title and insert "amending RCW 49.12.005, 49.12.187, 49.12.360, and 49.12.460; creating a new section; and declaring an emergency.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Rossi, the Senate concurred in the House amendments to Substitute Senate Bill No. 6054.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6054, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6054, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McAuliffe - 1.

SUBSTITUTE SENATE BILL NO. 6054, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Eide, Senator Kastama was excused.

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5179 with the following amendment(s): Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.12 RCW to read as follows:

(1) The legislature finds that a professionally managed and regulated trapping program is not only vital to the health of Washington's wildlife populations, but is also consistent with the state's obligations to manage all natural resources in trust for the common good of all citizens.

(2) The legislature further finds that it is in the interest of all of the citizens of Washington to ensure that all trapping is done in accordance with sound scientific wildlife management principles using humane methods as set forth in this act. It is the legislature's intent to implement a sound furbearer management program, administered using sound science by the department of fish and wildlife, that addresses an animal problem as defined in RCW 77.08.010.

(3) The legislature further finds that humanely regulated trapping practices used to control animal problems contribute positively to the economic well-being of the state of Washington, to public health and welfare by assisting to control the spread of animal-borne disease, and to the protection of private and public property from damage resulting from uncontrolled animal populations.

(4) The legislature further finds that the sale, trade, or barter of wild animal pelts is consistent with the legislature's intent not to waste a valuable wildlife resource.

(5) The legislature recognizes that among the choices available for the trapping of animals, some may cause pain and suffering in the animals captured. The legislature further recognizes that some trapping methods can capture animals that are not targeted, including pets. It is the policy of the state of Washington to minimize the use of indiscriminate or painful traps and to use all traps humanely. When lethal trapping methods are used, such methods must be used in the most humane way that accomplishes the goal of reducing animal problems. All trappers in the state should use all practicable means necessary to avoid the capture of a nontargeted animal.

Sec. 2. RCW 77.08.010 and 2002 c 281 s 2 are each amended to read as follows:

As used in this title or rules adopted under this title, unless the context clearly requires otherwise:

(1) "Director" means the director of fish and wildlife.

(2) "Department" means the department of fish and wildlife.

(3) "Commission" means the state fish and wildlife commission.

(4) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(6) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(11) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(12) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(17) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(18) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(19) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(21) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(24) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(25) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(26) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

(28) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(29) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(30) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(31) "Senior" means a person seventy years old or older.

(32) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(33) "Saltwater" means those marine waters seaward of river mouths.

(34) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(35) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(36) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(37) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(38) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

(39) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(40) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(41) "Commercial" means related to or connected with buying, selling, or bartering.

(42) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(43) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(44) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(45) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(47) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(48) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(49) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(50) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(51) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(52) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(53) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(54) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(55) "Body-gripping trap" means a steel trap that grips an animal's body or body part, including steel-jawed foothold trap, neck snare, or foot snare.

(56) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(57) "Animal problem" means damage, injury, or reasonable threat of damage or injury, caused by furbearing mammals, unclassified wildlife, or deleterious exotic wildlife to: Public or private property or resources; livestock or other domestic animals; or human health or safety.

(58) "Nuisance wildlife" means moles, mice, rats, mountain beavers, gophers, nutria, and other wildlife so designated by the commission by rule.

(59) "Nuisance bird problem" means damage, injury, or reasonable threat of damage or injury, caused by avian species to: Public or private property or resources; human health; or public safety.

(60) "Programmatic trapping permit" means a permit issued by the director for the following purposes: (a) For furbearer management unit purposes; (b) to prevent damage or injury, or a reasonable threat of damage or injury, to (i) public or private property or resources; (ii) livestock or other domestic animals; (iii) agricultural, timber, and horticultural resources; (iv) human health or safety; or (v) other purposes so designated by the commission by rule.

(61) "Conditional use trapping permit" means an emergency permit, limited to specific times, purposes, and areas, issued by the director to address unanticipated and immediate damage or injury to public or private property or resources or other purposes designated by the commission by rule.

(62) "Restricted use trapping permit" means a permit issued by the director to protect either sensitive or endangered species and habitat, or both, or other purposes designated by the commission by rule.

Sec. 3. RCW 77.15.194 and 2001 c 1 s 3 are each amended to read as follows:

It is the duty of every trapper to ensure that all trapping is done humanely. To ensure that this goal is met, all trappers must abide by the following:

(1) It is unlawful to use or authorize the use of any ((steel-jawed leghold trap, neck snare, or other)) body-gripping trap to capture any mammal ((for recreation or commerce in fur)) without a permit issued by the director, except no trap with teeth or serrated edges may be permitted. The director may only issue a permit under this section for the purposes of addressing an animal problem, nuisance bird problem, capturing live raptors for falconry, for furbearer management program needs, or for conducting scientific research.

(2) It is unlawful to knowingly buy, sell, barter, or otherwise exchange, or offer to buy, sell, barter, or otherwise exchange the raw fur of a mammal or a mammal that has been trapped in ((this state with a steel-jawed leghold trap or any other body-gripping trap, whether or not pursuant to permit.

(3) It is unlawful to use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal, except as provided in subsections (4) and (5) of this section.

(4) Nothing in this section prohibits the use of a Conibear trap in water, a padded leghold trap, or a nonstrangling type foot snare with a special permit granted by [the] director under (a) through (d) of this subsection. Issuance of the special permits shall be governed by rules adopted by the department and in accordance with the requirements of this section. Every person granted a special permit to use a trap or device listed in this subsection shall check the trap or device at least every twenty-four hours.

(a) Nothing in this section prohibits the director, in consultation with the department of social and health services or the United States department of health and human services from granting a permit to use traps listed in this subsection for the purpose of protecting people from threats to their health and safety.

~~(b) Nothing in this section prohibits the director from granting a special permit to use traps listed in this subsection to a person who applies for such a permit in writing, and who establishes that there exists on a property an animal problem that has not been and cannot be reasonably abated by the use of nonlethal control tools, including but not limited to guard animals, electric fencing, or box and cage traps, or if such nonlethal means cannot be reasonably applied. Upon making a finding in writing that the animal problem has not been and cannot be reasonably abated by nonlethal control tools or if the tools cannot be reasonably applied, the director may authorize the use, setting, placing, or maintenance of the traps for a period not to exceed thirty days.~~

~~(c) Nothing in this section prohibits the director from granting a special permit to department employees or agents to use traps listed in this subsection where the use of the traps is the only practical means of protecting threatened or endangered species as designated under RCW 77.08.010.~~

~~(d) Nothing in this section prohibits the director from issuing a permit to use traps listed in this subsection, excluding Conibear traps, for the conduct of legitimate wildlife research.~~

~~(5) Nothing in this section prohibits the United States fish and wildlife service, its employees or agents, from using a trap listed in subsection (4) of this section where the fish and wildlife service determines, in consultation with the director, that the use of such traps is necessary to protect species listed as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.)) violation of subsection (1) of this section. To prevent wastage, nothing in this section prohibits the sale, barter, or trade of an animal carcass or pelt, or the donation of an animal carcass or pelt for scientific research or public health training lawfully taken under this title.~~

~~(3)(a) All trapping of wild animals using body-gripping traps must be conducted by trappers licensed by the department under RCW 77.65.450, under a permit from the director, and in accordance with the rules developed by the commission as they relate to wildlife trapping. However, nothing in this section prohibits the use of commonly used traps by public or private property owners or their agents operating on their property to control the following nuisance wildlife: Moles, mice, rats, mountain beavers, gophers, and nutria.~~

~~(b) Furbearing mammals may not be taken from the wild and held alive for sale or personal use. All trapping of furbearing mammals must be conducted in furtherance of a wildlife trapping program being implemented by the department for an animal problem, for scientific research, or for mammal population management as defined by the commission by rule.~~

~~(c) Wildlife unintentionally trapped while trapping to manage an animal problem, or while conducting scientific research, must, if possible, be released unharmed immediately upon discovery. The commission may adopt by rule or guideline procedures for the handling of any animal that is unable to be released unharmed.~~

~~(d) Lawfully trapped wild animals, if not intended for release, must be humanely dispatched, or if intended for release, must be either immediately released or immediately taken to a rehabilitation center, if necessary. The commission may adopt by rule or guideline procedures for the humane dispatch of captured animals.~~

~~(4)(a) It is unlawful for a licensed trapper to fail to complete and submit to the department a report of catch postmarked on or before April 20th of each year. The report must be submitted to the department regardless of trapping success, and indicate the number, general location, and species of all animals captured, including those animals captured that were not part of an animal problem. The report must also include details for domestic pets captured in traps, the circumstances for each specific incident, and if the domestic pet was injured or released unharmed. Trappers who fail to submit an accurate report of catch shall have their trapping privileges suspended for one year. False reports are considered failure to report. It is the responsibility of each licensed trapper to obtain and submit a report of catch on forms provided by the department.~~

~~(b) The department shall maintain and analyze all catch reports received pursuant to (a) of this subsection. Data collected on catch reports must be presented to the appropriate legislative committees by November 30th of each year.~~

~~(5) Federal wildlife management agencies and their employees and agents, while acting lawfully within the scope of their authority, are not subject to the provisions of this section.~~

NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW to read as follows:

The commission shall adopt appropriate rules regarding the types of traps and bait for use in capturing wildlife to ensure the humane treatment of captured animals. In adopting these rules, the commission may take into consideration the effectiveness of various trap sizes, approved best management practices, and the habitats in which the traps may be used. These rules must address the time intervals during which specific traps must be checked and animals removed. These rules may not allow for the use of traps with teeth or serrated edges or a neck or body snare attached to a spring pole or any spring pole type device. The commission must also adopt rules for the appropriate disposal of carcasses.

NEW SECTION. Sec. 5. A new section is added to chapter 77.12 RCW to read as follows:

The department shall institute a furbearer management program that addresses animal problems and shall only issue programmatic trapping, conditional use, or restricted use trapping permits, as those terms are defined in RCW 77.08.010, and trapping licenses or propose rules consistent with this program.

Sec. 6. RCW 77.65.450 and 1991 sp.s. c 7 s 3 are each amended to read as follows:

A state trapping license in combination with a programmatic trapping permit, conditional use trapping permit, or restricted use trapping permit from the director allows the holder to trap fur-bearing animals throughout the state in accordance with the rules adopted by the commission under section 4 of this act; however, a trapper may not place traps on public or private property without permission of the owner, lessee, or tenant where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner. A state trapping license is void on April 1st following the date of issuance. The fee for this license is thirty-six dollars for residents sixteen years of age or older, ~~((fifteen))~~ twenty dollars for residents under sixteen years of age, and ~~((one))~~ two hundred ~~((eighty))~~ dollars for nonresidents. Licensed trappers age fifteen years and younger must be under the direct supervision of a licensed adult trapper when engaged in trapping activities. The fee for a programmatic trapping permit for residents sixteen years of age or older and nonresidents, for animal problems as that term is defined in RCW 77.08.010, is twelve dollars and fifty cents. A trapping license is valid for using body-gripping traps in combination with a permit for the control of animal problems, as that term is defined in RCW 77.08.010, or for scientific research. The live capture of raptors for falconry, or scientific research, by use of a foot snare or other body-gripping trap may also be authorized by rule of the commission.

Sec. 7. RCW 77.65.460 and 1987 c 506 s 82 are each amended to read as follows:

All persons purchasing a state trapping license ~~((for the first time))~~ after April 1, 2003, shall ~~((present certification of completion of))~~ complete a course of instruction in safe, humane, and proper trapping techniques or pass an examination to establish that the applicant has the requisite knowledge. Licensed trappers who have been active in state-regulated trapping since November 2000 are exempt from this provision.

The director shall establish a program for training persons in trapping techniques and responsibilities in urban, suburban, and rural settings, including the use of trapping devices designed to painlessly capture or instantly kill. The director shall cooperate with ~~((national and state animal, humane))~~ recognized Washington state based animal shelters, wildlife rehabilitation centers, and similar entities providing animal care and rehabilitation services, hunter education, and Washington state based trapping organizations in the development and instruction of ~~((a curriculum))~~ trapper training. Upon successful completion of the course, trainees shall receive a trapper's training certificate signed by an authorized instructor. This certificate is evidence of compliance with this section.

Sec. 8. RCW 77.32.545 and 1998 c 190 s 121 are each amended to read as follows:

A property owner, lessee, or tenant may remove a trap placed on the owner's, lessee's, or tenant's posted or fenced property by a trapper. A property owner, lessee, or tenant who discovers a trap placed on any portion of his or her property that is not authorized by the

owner, lessee, or tenant, may report the finding to the department, including whether a live animal is captured in the trap. The commission may adopt by rule or guideline procedures for the handling of live animals discovered in such traps.

Trappers shall attach to the chain of their traps or devices a legible metal tag with either the department identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

When a property owner, lessee, or tenant presents a trapper identification number to the department for a trap found upon the property of the owner, lessee, or tenant and requests identification of the trapper, the department shall provide the requestor with the name and address of the trapper. Prior to disclosure of the trapper's name and address, the department shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed.

Sec. 9. RCW 77.15.198 and 2001 c 1 s 5 are each amended to read as follows:

Any person who violates RCW 77.15.194 or 77.15.196 is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke the trapping license of any person convicted of a repeat violation of RCW 77.15.194 or 77.15.196. The director shall not issue the violator a trapping license for a period of five years following the revocation. ~~((Following a subsequent conviction for a violation of RCW 77.15.194 or 77.15.196 by the same person, the director shall not issue a trapping license to the person at any time))~~ A person may not be granted a new trapping license following a revocation under this section unless that person completes the education program outlined in RCW 77.65.460 not more than one year before a new license is granted.

~~NEW SECTION.~~ **Sec. 10.** RCW 77.15.192 (Definitions) and 2001 c 1 s 2 are each repealed.

~~NEW SECTION.~~ **Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Oke, the Senate concurred in the House amendment to Substitute Senate Bill No. 5179.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5179, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Spanel, Stevens, Swecker, West, Winsley and Zarelli - 35.

Voting nay: Senators Eide, Esser, Fairley, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Sheldon, B., Shin and Thibaudeau - 13.

Excused: Senator Kastama - 1.

SUBSTITUTE SENATE BILL NO. 5179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6052 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.660.020 and 2001 c 158 s 3 are each amended to read as follows:

(1) Each district or consortia of school districts applying for ~~((state funds through this))~~ the alternative route certification program shall submit a proposal to the Washington professional educator standards board specifying:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs that are partnering with the district or consortia of districts;

(d) An assurance of district provision of adequate training for mentor teachers either through participation in a state mentor training academy or district-provided training that meets state-established mentor-training standards specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; and

(g) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(I) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. For route one and two candidates, before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the higher education teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision. For route three candidates, the mentor of the teacher candidate shall make the decision;

- (ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the state board of education;
- (iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;
- (iv) A description of strategies for assessing candidate performance on the benchmarks;
- (v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; and
- (vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program.

~~(2) ((Districts may apply for program funds to pay stipends to both mentor teachers and interns during their mentored internship. For both intern stipends and accompanying mentor stipends, the per intern district request for funds may not exceed the amount designated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships and mentorships that last less than a full school year. Interns in the program for a full year shall be provided a stipend of at least eighty percent of the amount generated by the BA+0 cell on the statewide teacher salary allocation schedule. This amount shall be prorated for internships that last less than a full school year)) To the extent funds are appropriated for this purpose, districts may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend shall not exceed five hundred dollars.~~

Sec. 2. RCW 28A.660.030 and 2001 c 158 s 4 are each amended to read as follows:

(1) The professional educator standards board, with support from the office of the superintendent of public instruction, shall select school districts and consortia of school districts to receive partnership grants from funds appropriated by the legislature for this purpose. Factors to be considered in selecting proposals include, but are not limited to:

- (a) The degree to which the district, or consortia of districts in partnership, are currently experiencing teacher shortages;
 - (b) The degree to which the proposal addresses criteria specified in RCW 28A.660.020 and is in keeping with specifications of program routes in RCW 28A.660.040;
 - (c) The cost-effectiveness of the proposed program; and
 - (d) Any demonstrated district and in-kind contributions to the program.
- (2) Selection of proposals shall also take into consideration the need to ensure an adequate number of candidates for each type of route in order to evaluate their success.

(3) Funds appropriated for the partnership grant program in this chapter shall be administered by the office of the superintendent of public instruction.

Sec. 3. RCW 28A.660.050 and 2001 c 158 s 6 are each amended to read as follows:

The alternative route conditional scholarship program is created under the following guidelines:

(1) The program shall be administered by the higher education coordinating board. In administering the program, the higher education coordinating board has the following powers and duties:

- (a) To adopt necessary rules and develop guidelines to administer the program;
- (b) To collect and manage repayments from participants who do not meet their service obligations; and
- (c) To accept grants and donations from public and private sources for the program.

(2) Participation in the alternative route conditional scholarship program is limited to ~~((classified staff in routes one and two))~~ interns of the partnership grant programs under RCW 28A.660.040. The Washington professional educator standards board shall select ~~((classified staff))~~ interns to receive conditional scholarships.

(3) In order to receive conditional scholarship awards, recipients shall be accepted and maintain enrollment in alternative certification routes through the partnership grant program, as provided in RCW 28A.660.040. Recipients must continue to make satisfactory progress towards completion of the alternative route certification program and receipt of a residency teaching certificate.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients that fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) To the extent funds are appropriated for this specific purpose, the annual amount of the scholarship is the annual cost of tuition for the alternative route certification program in which the recipient is enrolled, not to exceed ~~((four))~~ eight thousand dollars. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(7) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the student loan account authorized in RCW 28B.102.060."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Johnson moved that the Senate concur in the House amendment to Senate Bill No. 6052.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Johnson that the Senate concur in the House amendment to Senate Bill No. 6052, as amended by the House.

The motion by Senator Johnson carried and the Senate concurred in the House amendment to Senate Bill No. 6052.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6052, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6052, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 6052, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate reverted to the third order of business to consider the Governor's Veto Message on Substitute Senate Bill No. 5240, which was held on the desk April 21, 2003.

MOTION

Senator Zarelli moved that the Senate pass Substitute Senate Bill No. 5240 notwithstanding the Governor's veto. Debate ensued.

The President declared the question before the Senate to be the motion by Senator Zarelli to pass Substitute Senate Bill No. 5240 notwithstanding the Governor's veto.

The motion by Senator Zarelli carried.

The President declared the question before the Senate to the roll call on the final passage of Substitute Senate Bill No. 5240 notwithstanding the Governor's veto. The President declared a vote 'yea' will override the Governor's veto and a vote 'nay' will sustain the veto. The President declared that a two-thirds majority of those present is required to override the veto.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5240 notwithstanding the Governor's veto, and the vote was the following: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5240, notwithstanding the Governor's veto, having received the constitutional two-thirds majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Substitute Senate Bill No 5240, notwithstanding the Governor's veto, was ordered to be immediately transmitted to the House of Representatives.

EDITOR'S NOTE: The House took no action on the Veto Override on Substitute Senate Bill No. 5240.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1085 and asks the Senate to recede therefrom., and the same are herewith transmitted.

CINDY ZEHNDER, Chief Clerk

MOTION

On motion of Senator Benton, the Senate refuses to recede from the Senate amendment(s) to Substitute House Bill No. 1085 and asks the House to concur therein

MOTION

On motion of Senator Eide, Senator McAuliffe was excused.

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 1126 and asks the Senate to recede therefrom., and the same are herewith transmitted.

CINDY ZEHNDER, Chief Clerk

MOTION

On motion of Senator Swecker, the Senate receded from its amendment(s) to House Bill No. 1126.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1126, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1126, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McAuliffe - 1.

HOUSE BILL NO. 1126, without the Senate amendment(s), was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Oke: "A personal privilege, Mr. President. I wonder if Mary could listen to this, too. I just received on my desk the Legislative Manual and I am assuming that on page four hundred and seventy-four that everything is correct. They have me born in 1949. My Mother said it was 1940, but can I go by 1949?"

REPLY BY THE PRESIDENT

President Owen: "You can be assured that Mary didn't do that--didn't make that error. Oh, I see. We will take it under advisement."

PERSONAL PRIVILEGE

Senator Tim Sheldon: "A point of personal privilege. Since it does relate to me personally, you are looking at the book that has aged me by nine years. I would like to have that corrected."

PERSONAL PRIVILEGE

Senator Honeyford: "A point of personal privilege, Mr. President. I don't know if it is a question or a point, but I believe that we should eliminate that out of our book, in that people who wish to steal your identity, once they know your date of birth and state of birth, they can obtain all kinds of information and should be something we should look out at to remove."

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1173 and asks the Senate to recede therefrom., and the same are herewith transmitted.

CINDY ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate receded from its amendment(s) to Substitute House Bill No. 1173.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1173, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1173, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Hargrove - 1.

Excused: Senator McAuliffe - 1.

SUBSTITUTE HOUSE BILL NO. 1173, without the Senate amendment(s), was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1204 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CINDY ZEHNDER, Chief Clerk

MOTION

On motion of Senator Carlson, the Senate receded from its amendment(s) to Substitute House Bill No. 1204.

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 1204 was returned to second reading and read the second time.

MOTION

On motion of Senator Carlson, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

(1) The select committee on pension policy is created. The select committee consists of:

(a) Four members of the senate appointed by the president of the senate, two of whom are members of the majority party and two of whom are members of the minority party. At least three of the appointees shall be members of the senate ways and means committee;

(b) Four members of the house of representatives appointed by the speaker, two of whom are members of the majority party and two of whom are members of the minority party. At least three of the appointees shall be members of the house of representatives appropriations committee;

(c) Four active members or representatives from organizations of active members of the state retirement systems appointed by the governor for staggered three-year terms, with no more than two appointees representing any one employee retirement system;

(d) Two retired members or representatives of retired members' organizations of the state retirement systems appointed by the governor for staggered three-year terms, with no two members from the same system;

(e) Four employer representatives of members of the state retirement systems appointed by the governor for staggered three-year terms; and

(f) The directors of the department of retirement systems and office of financial management.

(2)(a) The term of office of each member of the house of representatives or senate serving on the committee runs from the close of the session in which he or she is appointed until the close of the next regular session held in an odd-numbered year. If a successor is not appointed during a session, the member's term continues until the member is reappointed or a successor is appointed. The term of office for a committee member who is a member of the house of representatives or the senate who does not continue as a member of the senate or house of representatives ceases upon the convening of the next session of the legislature during the odd-numbered year following the member's appointment, or upon the member's resignation, whichever is earlier. All vacancies of positions held by members of the legislature must be filled from the same political party and from the same house as the member whose seat was vacated.

(b) Following the terms of members and representatives appointed under subsection (1)(d) of this section, the retiree positions shall be rotated to ensure that each system has an opportunity to have a retiree representative on the committee.

(3) The committee shall elect a chairperson and a vice-chairperson. The chairperson shall be a member of the senate in even-numbered years and a member of the house of representatives in odd-numbered years and the vice-chairperson shall be a member of the house of representatives in even-numbered years and a member of the senate in odd-numbered years.

(4) The committee shall establish an executive committee of five members, including the chairperson, the vice-chairperson, one member from subsection (1)(c) of this section, one member from subsection (1)(e) of this section, and one member from subsection (1)(f) of this section, with the directors of the department of retirement systems and the office of financial management serving in alternate years.

(5) Nonlegislative members of the select committee serve without compensation, but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(6) The office of state actuary under chapter 44.44 RCW shall provide staff and technical support to the committee.

NEW SECTION. Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

(1) The select committee on pension policy may form three function-specific subcommittees, as set forth under subsection (2) of this section, from the members under section 1(1) (a) through (e) of this act, as follows:

(a) A public safety subcommittee with one member from each group under section 1(1) (a) through (e) of this act;

(b) An education subcommittee with one member from each group under section 1(1) (a) through (e) of this act; and

(c) A state and local government subcommittee, with one retiree member under section 1(1)(d) of this act and two members from each group under section 1(1) (a) through (c) and (e) of this act.

The retiree members may serve on more than one subcommittee to ensure representation on each subcommittee.

(2)(a) The public safety subcommittee shall focus on pension issues affecting public safety employees who are members of the law enforcement officers' and fire fighters' and Washington state patrol retirement systems.

(b) The education subcommittee shall focus on pension issues affecting educational employees who are members of the public employees', teachers', and school employees' retirement systems.

(c) The state and local government subcommittee shall focus on pension issues affecting state and local government employees who are members of the public employees' retirement system.

Sec. 3. RCW 41.50.110 and 1998 c 341 s 508 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department ~~((and))~~, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, ~~((and))~~ 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060((2)) (3) shall be paid pursuant to subsection (1) of this section.

Sec. 4. RCW 44.44.040 and 1987 c 25 s 3 are each amended to read as follows:

The office of the state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. ~~((Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.))~~

(2) Advise the legislature and the governor regarding pension benefit provisions, and funding policies and investment policies of the state investment board.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time.

(6) Provide staff and assistance to the committee established under ~~((RCW 46.44.050))~~ section 1 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 41.04 RCW to read as follows:

The select committee on pension policy has the following powers and duties:

(1) Study pension issues, develop pension policies for public employees in state retirement systems, and make recommendations to the legislature;

(2) Study the financial condition of the state pension systems, develop funding policies, and make recommendations to the legislature;

(3) Consult with the chair and vice-chair on appointing members to the state actuary appointment committee upon the convening of the state actuary appointment committee established under section 13 of this act; and

(4) Receive the results of the actuarial audits of the actuarial valuations and experience studies administered by the pension funding council pursuant to RCW 41.45.110. The select committee on pension policy shall study and make recommendations on changes to assumptions or contribution rates to the pension funding council prior to adoption of changes under RCW 41.45.030, 41.45.035, or 41.45.060.

Sec. 6. RCW 41.32.570 and 2001 2nd sp.s. c 10 s 3 and 2001 c 317 s 1 are each reenacted and amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every seven hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred forty hours per month. Any monthly benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2) Any retired teacher or retired administrator who enters service in any public educational institution in Washington state and who has satisfied the break in employment requirement of subsection (1) of this section shall cease to receive pension payments while engaged in such service, after the retiree has rendered service for more than one thousand five hundred hours in a school year. When a retired teacher or administrator renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that fiscal year.

(3) The department shall collect and provide the state actuary with information relevant to the use of this section for the ~~((joint))~~ select committee on pension policy.

(4) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five hundred twenty-five hours per year without a reduction of his or her pension.

Sec. 7. RCW 41.40.037 and 2001 2nd sp.s. c 10 s 4 are each amended to read as follows:

(1)(a) If a retiree enters employment with an employer sooner than one calendar month after his or her accrual date, the retiree's monthly retirement allowance will be reduced by five and one-half percent for every eight hours worked during that month. This reduction will be applied each month until the retiree remains absent from employment with an employer for one full calendar month.

(b) The benefit reduction provided in (a) of this subsection will accrue for a maximum of one hundred sixty hours per month. Any benefit reduction over one hundred percent will be applied to the benefit the retiree is eligible to receive in subsequent months.

(2)(a) A retiree from plan 1 who has satisfied the break in employment requirement of subsection (1) of this section and who enters employment with an employer may continue to receive pension payments while engaged in such service for up to one thousand five hundred hours of service in a calendar year without a reduction of pension. When a plan 1 member renders service beyond eight hundred sixty-seven hours, the department shall collect from the employer the applicable employer retirement contributions for the entire duration of the member's employment during that calendar year.

(b) A retiree from plan 2 or plan 3 who has satisfied the break in employment requirement of subsection (1) of this section may work up to eight hundred sixty-seven hours in a calendar year in an eligible position, as defined in RCW 41.32.010, 41.35.010, or 41.40.010, or as a fire fighter or law enforcement officer, as defined in RCW 41.26.030, without suspension of his or her benefit.

(3) If the retiree opts to reestablish membership under RCW 41.40.023(12), he or she terminates his or her retirement status and becomes a member. Retirement benefits shall not accrue during the period of membership and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180. However, if the right to retire is exercised to become effective before the member has rendered two uninterrupted years of service, the retirement formula and survivor options the member had at the time of the member's previous retirement shall be reinstated.

(4) The department shall collect and provide the state actuary with information relevant to the use of this section for the ~~((joint))~~ select committee on pension policy.

(5) The legislature reserves the right to amend or repeal this section in the future and no member or beneficiary has a contractual right to be employed for more than five months in a calendar year without a reduction of his or her pension.

Sec. 8. RCW 41.45.020 and 2002 c 26 s 4 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Council" means the pension funding council created in RCW 41.45.100.

(2) "Department" means the department of retirement systems.

(3) "Law enforcement officers' and fire fighters' retirement system plan 1" and "law enforcement officers' and fire fighters' retirement system plan 2" means the benefits and funding provisions under chapter 41.26 RCW.

(4) "Public employees' retirement system plan 1," "public employees' retirement system plan 2," and "public employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.40 RCW.

(5) "Teachers' retirement system plan 1," "teachers' retirement system plan 2," and "teachers' retirement system plan 3" mean the benefits and funding provisions under chapter 41.32 RCW.

(6) "School employees' retirement system plan 2" and "school employees' retirement system plan 3" mean the benefits and funding provisions under chapter 41.35 RCW.

(7) "Washington state patrol retirement system" means the retirement benefits provided under chapter 43.43 RCW.

(8) "Unfunded liability" means the unfunded actuarial accrued liability of a retirement system.

(9) "Actuary" or "state actuary" means the state actuary employed under chapter 44.44 RCW.

(10) "State retirement systems" means the retirement systems listed in RCW 41.50.030.

(11) "Classified employee" means a member of the Washington school employees' retirement system plan 2 or plan 3 as defined in RCW 41.35.010.

(12) "Teacher" means a member of the teachers' retirement system as defined in RCW 41.32.010(15).

(13) "Select committee" means the select committee on pension policy created in section 1 of this act.

Sec. 9. RCW 41.45.090 and 1998 c 283 s 7 are each amended to read as follows:

The department shall collect and keep in convenient form such data as shall be necessary for an actuarial valuation of the assets and liabilities of the state retirement systems, and for making an actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of those systems. The department and state actuary shall enter into a memorandum of understanding regarding the specific data the department will collect, when it will be collected, and how it will be maintained. The department shall notify the state actuary of any changes it makes, or intends to make, in the collection and maintenance of such data.

At least once in each six-year period, the state actuary shall conduct an actuarial experience study of the mortality, service, compensation and other experience of the members and beneficiaries of each state retirement system, and into the financial condition of each system. The results of each investigation shall be filed with the department, the office of financial management, the budget writing committees of the Washington house of representatives and senate, the select committee on pension policy, and the pension funding council. Upon the basis of such actuarial investigation the department shall adopt such tables, schedules, factors, and regulations as are deemed necessary in the light of the findings of the actuary for the proper operation of the state retirement systems.

Sec. 10. RCW 41.45.110 and 1998 c 283 s 3 are each amended to read as follows:

The pension funding council shall solicit and administer a biennial actuarial audit of the actuarial valuations used for rate-setting purposes. This audit will be conducted concurrent with the actuarial valuation performed by the state actuary. At least once in each six-year period, the pension funding council shall solicit and administer an actuarial audit of the results of the experience study required in RCW 41.45.090. Upon receipt of the results of the actuarial audits required by this section, the pension funding council shall submit the results to the select committee on pension policy.

NEW SECTION. Sec. 11. RCW 41.54.061 is decodified.

Sec. 12. RCW 44.04.260 and 2001 c 259 s 1 are each amended to read as follows:

The joint legislative audit and review committee, the legislative transportation committee, the ~~((joint))~~ select committee on pension policy, the legislative evaluation and accountability program committee, and the joint legislative systems committee are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

NEW SECTION. Sec. 13. (1) The state actuary appointment committee is created. The committee shall consist of: (a) The chair and ranking minority member of the house of representatives appropriations committee and the chair and ranking minority member of the senate ways and means committee; and (b) four members of the select committee on pension policy appointed jointly by the chair and vice-chair of the select committee, at least one member representing state retirement systems active or retired members, and one member representing state retirement system employers.

(2) The state actuary appointment committee shall be jointly chaired by the chair of the house of representatives appropriations committee and the chair of the senate ways and means committee.

(3) The state actuary appointment committee shall appoint or remove the state actuary by a two-thirds vote of the committee. When considering the appointment or removal of the state actuary, the appointment committee shall consult with the director of the department of retirement systems, the director of the office of financial management, and other interested parties.

(4) The state actuary appointment committee shall be convened by the chairs of the house of representatives appropriations committee and the senate ways and means committee (a) whenever the position of state actuary becomes vacant, or (b) upon the written request of any four members of the appointment committee.

Sec. 14. RCW 44.44.030 and 2001 c 259 s 11 are each amended to read as follows:

(1) Subject to RCW 44.04.260, the state actuary shall have the authority to select and employ such research, technical, clerical personnel, and consultants as the actuary deems necessary, whose salaries shall be fixed by the actuary and approved by the ~~((joint committee on pension policy))~~ the state actuary appointment committee, and who shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

(2) All actuarial valuations and experience studies performed by the office of the state actuary shall be signed by a member of the American academy of actuaries. If the state actuary is not such a member, the state actuary, after approval by the select committee, shall contract for a period not to exceed two years with a member of the American academy of actuaries to assist in developing actuarial valuations and experience studies.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) RCW 44.44.015 (Administration) and 2001 c 259 s 10;

(2) RCW 44.44.050 (Joint committee on pension policy--Membership, terms, leadership) and 1987 c 25 s 4; and
(3) RCW 44.44.060 (Joint committee on pension policy--Powers and duties) and 1987 c 25 s 5."

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

On page 1, line 1 of the title, after "policy;" strike the remainder of the title and insert "amending RCW 41.50.110, 44.44.040, 41.40.037, 41.45.020, 41.45.090, 41.45.110, 44.04.260, and 44.44.030; reenacting and amending RCW 41.32.570; adding new sections to chapter 41.04 RCW; creating a new section; decodifying RCW 41.54.061; and repealing RCW 44.44.015, 44.44.050, and 44.44.060."

MOTION

On motion of Senator Carlson, the rules were suspended, Substitute House Bill No. 1204, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1204, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1204, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Fraser - 1.

SUBSTITUTE HOUSE BILL NO. 1204, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Substitute House Bill No. 1204, as amended by the Senate under suspension of the rules, was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1233 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CINDY ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate receded from its amendment(s) to Substitute House Bill No. 1233.

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1233 was returned to second reading and read the second time.

MOTION

On motion of Senator Stevens, the following striking amendment by Senators Stevens and Hargrove was adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department shall request that the juvenile court require parents to disclose to the department all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department shall encourage the parents to disclose to the department all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

NEW SECTION. Sec. 2. (1) The department of social and health services shall collaborate with one or more nonprofit community-based agencies to develop a grant proposal for submission to potential funding sources, including governmental entities and private foundations, to establish a minimum of two pilot projects to assist kinship caregivers with understanding and navigating the system of services for children in out-of-home care. The proposal must seek to establish at least one project in eastern Washington and one project in western Washington, each project to be managed by a participating community-based agency.

(2) The kinship care navigators funded through the proposal shall be responsible for at least the following:

(a) Understanding the various state agency systems serving kinship caregivers;

(b) Working in partnership with local community service providers;

(c) Tracking trends, concerns, and other factors related to kinship caregivers; and

(d) Assisting in establishing stable, respectful relationships between kinship caregivers and department staff.

(3) Implementation of the kinship care navigator pilot projects is contingent upon receipt of nonstate or private funding for that purpose.

(4) For the purposes of this section, "kinship" has the same meaning as "kin" given in section 1(1) of this act.

(5) This section expires January 1, 2007.

NEW SECTION. Sec. 3. (1) The department of social and health services shall report to the legislature and the governor on the implementation of the kinship care navigator pilot projects with recommendations on statewide implementation of the pilot projects one year following implementation of the pilot projects. The report shall: Include data that demonstrates whether the pilot project reduced actual barriers to access to services; identify statutory and administrative barriers for kin who give care; and recommend ways to reduce or eliminate the barriers without adverse consequences to children placed with kin.

(2) This section expires January 1, 2007.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood or marriage, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more program or service would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor the implementation of recommendations contained in the 2002 kinship care report;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(3) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(4) The kinship care oversight committee shall report to the legislature and the governor on the status of kinship care issues by December 1, 2004.

(5) This section expires January 1, 2005."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Stevens and Hargrove to Substitute House Bill No. 1233, under suspension of the rules.

The motion by Senator Stevens carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "caregivers;" strike the remainder of the title and insert "adding new sections to chapter 74.13 RCW; creating new sections; and providing expiration dates."

MOTION

On motion of Senator Stevens, the rules were suspended, Substitute House Bill No. 1233, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1233, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1233, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Kline - 1.

SUBSTITUTE HOUSE BILL NO. 1233, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House concurs in the Senate amendment on page 10, beginning on line 35, to SUBSTITUTE HOUSE BILL NO. 1829, but refuses to concur in the Senate amendments on page 10, lines 33 and 35 (audit) and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Carlson, the Senate receded from its amendments on page 10, lines 33 and 35 (after audit), to Substitute House Bill No. 1829.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1829, without the Senate amendments on page 10, lines 33 and 35.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1829, without the Senate amendments on page 10, lines 33 and 35, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 38.

Voting nay: Senators Benton, Brandland, Deccio, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Parlette and Zarelli - 11.

SUBSTITUTE HOUSE BILL NO. 1829, without the Senate amendments on page 10, lines 33 and 35, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Zarelli: "A point of personal privilege, Mr. President. I am going to try and hold things together here a little bit. In the course of my time in this body, I haven't taken a lot of these privileges, but I am going to share one with you today, if I could. This morning I got a call from my daughter as she was packing up and heading back from school from the Redding, California area. She was all excited about getting back home at the end of her second year.

"Then over lunch today, when we were all out enjoying our lunch, I get a frantic phone call from my daughter, who was just in a very serious accident. She was stuck in the Siskiyou. There was a freak snow storm that came through and just powdered the area and she lost control on the ice and went, going about forty-five miles an hour, into a concrete wall and crushed the automobile. Her air bag failed to disperse and she went right into the steering wheel. She was just frantic; I didn't know what to do. I am up here and couldn't get down there to be with her. I made a phone call to the State Patrol and I am going to tell you that they were wonderful in trying to help me and trying to find out where she was, because she was in the middle of nowhere. If any of you know that area, there is just nothing around and she is out there in the middle in severe pain and nobody there to help her.

"There is an amazing side to this story and that is the piece I wanted to share. Somebody came along and helped her get out of the car and to the hospital. The amazing thing is that the State Patrol was fantastic in assisting me and trying to find

out where she was and to get her help. I believe, firmly, that not by the grace of God that young lady would be in very serious condition today.

“That is the point I want to make and I am going to get into a little bit of trouble, Mr. President, but I am going to take this privilege as I have stood up and I want to remind this body that it is that same grace that is going to keep our good friend and colleague, Senator Jim West, with us a little bit longer than he would like to. In that, I would like to ask for fervent prayer in behalf of him, and I just know today, folks, that if it had not been by his grace, my daughter would not have walked away from the type of accident she was in and is just fine today in a hospital in the Redding, California, area. Thank you, Mr. President.”

PERSONAL PRIVILEGE

Senator Brown: “Mr. President, a point of personal privilege. Well, I know that I speak for all of us in the Legislature and in the Senate, in particular, in welcoming back my colleague and neighbor from Spokane, Senator West. We don’t live very far away from each other. We noted your absence; we are concerned. We are very pleased to have you back with us. We are counting on you to help get the job done in the next few days. We are really looking forward to you being able to marshal your energy and recover your health as soon as possible. We just want to reiterate our respect for your great work and dedication to the people of Washington. Of course, on this floor, we get to know each other pretty well and we have been able to observe and admire you. So, thank you Jim. We are glad to have you back with us.”

PERSONAL PRIVILEGE

Senator West: “A point of personal privilege, Mr. President. Bear with me, Sir. First of all, I want to thank everybody. I have received lots of cards and letters and phone calls and expressions of support and love. We are family. We have our differences and we argue about different points and things, but we are family and I appreciate that.

“I also want to let you know that the rumors of my eminent demise are greatly exaggerated--much to the dismay of my political enemies. I just want you to know that I have a new red book and people in this Chamber know what that means. A red book in my hand can be dangerous. I intend to be around for a long time using this. I figure that I can milk this thing for about five or six years or maybe ten years--not the book, the illness. You know, you guys are going to feel sorry for me. This is a good thing. Thank you very much.

“Again, I do appreciate your prayers and that really is the strength. That is the important thing. Lots of people have called and asked what they could do---pray. What I really want is prayers for my doctors, so that they have the knowledge and skill and that their hands are guided well--and pray to give me the strength that I will need to get through this all. I appreciate each and every one of you. Thank you very much.”

PERSONAL PRIVILEGE

Senator Franklin: “A point of personal privilege. I can’t say that I am the matriarch of this body--”

REMARKS BY SENATOR WEST

Senator West: “Before the gentle lady begins, I have to tell you a little story. I am sitting in Spokane on Wednesday. Now, I don’t know what came over me, but Spokane--by the way when Comcast took over for AT &T, they did a great thing. We now have a dedicated channel to TVW, so we actually see it without waiting until three o’clock in the morning. I don’t know what came over me, but at ten o’clock on Wednesday, I clicked on and there was the Senate and what was the first thing I see, but the good lady standing up reading a great poem. By the way, whoever wrote it and if it was you, that was fabulous. Then she goes on about the purple stuff and everything and then everyone is putting on red hats. I said, ‘My God, I have to get back to that place--there is no way that it is going to be working.’ Senator Franklin, because of you, I am standing right here today.”

FURTHER REMARKS BY SENATOR FRANKLIN

Senator Franklin: “When you said that, we were certainly glad to share that fun with you. We are certainly glad to have you back. What I wanted to say, Mr. President, and ladies and gentlemen of the Senate, that I did offer my services to the good Senator. I said that I

would special him at no cost. He has not taken me up on that yet. Maybe, he doesn’t want to trust me. The other is that, certainly, prayers work. They really work, so we will be doing a lot of that for you.”

PRESIDENT’S REMARKS

President Owen: “Senator West, it is great to have you back and we are very pleased with your vigor, your enthusiasm and your positive attitude. It is great to have you here, not just because of your skill and as much as all love you as a colleague, but from my stand point, when you pick up the little red book, you make my job a lot more interesting.”

MESSAGE FROM HOUSE

April 24, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED HOUSE BILL NO. 1376, and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Morton moved that the Senate refuse to recede from its amendment(s) to Engrossed House Bill No. 1376 and asks the House to concur therein.

MOTION

Senator Keiser moved that the Senate recede from its amendment(s) to Engrossed House Bill No. 1376.

The President declared the question before the Senate to be the positive motion by Senator Keiser to recede from the Senate amendment(s) to Engrossed House Bill No. 1376.

Debate ensued

The motion by Senator Keiser to recede from the Senate amendment(s) failed and the Senate will now consider the motion by Senator Morton to refuse to recede and ask the House to concur therein

The motion by Senator Morton carried and the Senate refuses to recede from the Senate amendment(s) to Engrossed House Bill No. 1376 and asks the House to concur therein.

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:

**ENGROSSED HOUSE BILL NO. 1037,
SUBSTITUTE HOUSE BILL NO. 1061,
ENGROSSED HOUSE BILL NO. 1090,
HOUSE BILL NO. 1114,
HOUSE BILL NO. 1150,
HOUSE BILL NO. 1154,
HOUSE BILL NO. 1200,
HOUSE BILL NO. 1206,
SUBSTITUTE HOUSE BILL NO. 1213,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1222,
SUBSTITUTE HOUSE BILL NO. 1232,
HOUSE BILL NO. 1294,
ENGROSSED HOUSE BILL NO. 1388,
ENGROSSED HOUSE BILL NO. 1427,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1463,
HOUSE BILL NO. 1612,
SUBSTITUTE HOUSE BILL NO. 1675,
SUBSTITUTE HOUSE BILL NO. 1707,
SUBSTITUTE HOUSE BILL NO. 1785,
HOUSE BILL NO. 1786,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,
HOUSE BILL NO. 1815,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844,
SUBSTITUTE HOUSE BILL NO. 1943,
SUBSTITUTE HOUSE BILL NO. 2033,
HOUSE BILL NO. 2183,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

**ENGROSSED HOUSE BILL NO. 1037,
SUBSTITUTE HOUSE BILL NO. 1061,
ENGROSSED HOUSE BILL NO. 1090,
HOUSE BILL NO. 1114,
HOUSE BILL NO. 1150,
HOUSE BILL NO. 1154,
HOUSE BILL NO. 1200,
HOUSE BILL NO. 1206,
SUBSTITUTE HOUSE BILL NO. 1213,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1218,
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SUBSTITUTE HOUSE BILL NO. 1707,
SUBSTITUTE HOUSE BILL NO. 1785,
HOUSE BILL NO. 1786,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1787,
HOUSE BILL NO. 1815,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1844,
SUBSTITUTE HOUSE BILL NO. 1943,
SUBSTITUTE HOUSE BILL NO. 2033,
HOUSE BILL NO. 2183,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004.**

MESSAGE FROM HOUSE

April 18, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5437 with the following amendment(s):

Strike everything after the enacting clause and insert the following: "**Sec. 1.** RCW 28A.315.205 and 1999 c 315 s 402 are each amended to read as follows:

(1) The chair of the regional committee shall schedule a hearing on the proposed transfer of territory at a location in the educational service district within sixty calendar days of being notified under RCW 28A.315.195 (7) or (8).

(2) Within thirty calendar days of the hearing under subsection (1) of this section, or final hearing if more than one is held by the committee, the committee shall issue its written findings and decision to approve or disapprove the proposed transfer of territory. The educational service district superintendent shall transmit a copy of the committee's decision to the superintendents of the affected school districts within ten calendar days.

(3) In carrying out the purposes of RCW 28A.315.015 and in making decisions as authorized under RCW 28A.315.095(1), the regional committee shall base its judgment upon whether and to the extent the proposed change in school district organization complies with RCW 28A.315.015(2) and rules adopted by the state board under chapter 34.05 RCW.

(4) State board rules under subsection (3) of this section shall provide for giving consideration to all of the following:

(a) ~~((The annual school performance reports required under RCW 28A.320.205 in the affected districts and improvement of the educational opportunities of pupils in the territory proposed for a change in school district organization;~~

~~(b)) Student educational opportunities as measured by the percentage of students performing at each level of the statewide mandated assessments and data regarding student attendance, graduation, and dropout rates;~~

(b) The safety and welfare of pupils. For the purposes of this subsection, "safety" means freedom or protection from danger, injury, or damage and "welfare" means a positive condition or influence regarding health, character, and well-being;

(c) The history and relationship of the property affected to the students and communities affected, including, for example, inclusion within a single school district, for school attendance and corresponding tax support purposes, of entire master planned communities that were or are to be developed pursuant to an integrated commercial and residential development plan with over one thousand dwelling units;

(d) Whether or not geographic accessibility warrants a favorable consideration of a recommended change in school district organization, including remoteness or isolation of places of residence and time required to travel to and from school; and

(e) All funding sources of the affected districts, equalization among school districts of the tax burden for general fund and capital purposes through a reduction in disparities in per pupil valuation when all funding sources are considered, improvement in the economies in the administration and operation of schools, and the extent the proposed change would potentially reduce or increase the individual and aggregate transportation costs of the affected school districts.

(5)(a)(i) A petitioner or school district may appeal a decision by the regional committee ~~((to approve a change in school district organization))~~ to the state board based on the claim that the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner. Any such appeal shall be based on the record and the appeal must be filed within thirty days of the final decision of the regional committee.

(ii) If the state board finds that all applicable procedures were not followed or that the regional committee acted in an arbitrary and capricious manner, it shall refer the matter back to the regional committee with an explanation of the board's findings. The regional committee shall rehear the proposal.

(iii) If the state board finds that all applicable procedures were followed or that the regional committee did not act in an arbitrary and capricious manner, depending on the appeal, the educational service district shall be notified and directed to implement the changes.

(b) Any school district or citizen petitioner affected by a final decision of the regional committee may seek judicial review of the committee's decision in accordance with RCW 34.05.570.

Sec. 2. RCW 28A.315.195 and 1999 c 315 s 401 are each amended to read as follows:

(1) A proposed change in school district organization by transfer of territory from one school district to another may be initiated by a petition in writing presented to the educational service district superintendent:

(a) Signed by at least ~~((ten))~~ fifty percent plus one of the active registered voters residing in the territory proposed to be transferred; or

(b) Signed by a majority of the members of the board of directors of one of the districts affected by a proposed transfer of territory.

(2) The petition shall state the name and number of each district affected, describe the boundaries of the territory proposed to be transferred, and state the reasons for desiring the change and the number of children of school age, if any, residing in the territory.

(3) The educational service district superintendent shall not complete any transfer of territory under this section that involves ten percent or more of the common school student population of the entire district from which the transfer is proposed, unless the educational service district superintendent has first called and held a special election of the voters of the entire school district from which the transfer of territory is proposed. The purpose of the election is to afford those voters an opportunity to approve or reject the proposed transfer. A simple majority shall determine approval or rejection.

(4) The state board may establish rules limiting the frequency of petitions that may be filed pertaining to territory included in whole or in part in a previous petition.

(5) Upon receipt of the petition, the educational service district superintendent shall notify in writing the affected districts that:

(a) Each school district board of directors, whether or not initiating a proposed transfer of territory, is required to enter into negotiations with the affected district or districts;

(b) In the case of a citizen-initiated petition, the affected districts must negotiate on the entire proposed transfer of territory;

(c) The districts have ninety calendar days in which to agree to the proposed transfer of territory;

(d) The districts may request and shall be granted by the educational service district superintendent one thirty-day extension to try to reach agreement; and

(e) Any district involved in the negotiations may at any time during the ninety-day period notify the educational service district superintendent in writing that agreement will not be possible.

(6) If the negotiating school boards cannot come to agreement about the proposed transfer of territory, the educational service district superintendent, if requested by the affected districts, shall appoint a mediator. The mediator has thirty days to work with the affected school districts to see if an agreement can be reached on the proposed transfer of territory.

(7) If the affected school districts cannot come to agreement about the proposed transfer of territory, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, either district may file with the educational service district superintendent a written request for a hearing by the regional committee.

(8) If the affected school districts cannot come to agreement about the proposed transfer of territory initiated by citizen petition, and the districts do not request the services of a mediator or the mediator was unable to bring the districts to agreement, the district in which the citizens who filed the petition reside shall file with the educational service district superintendent a written request for a hearing by the regional committee, unless a majority of the citizen petitioners request otherwise.

(9) Upon receipt of a notice under subsection (7) or (8) of this section, the educational service district superintendent shall notify the chair of the regional committee in writing within ten days.

(10) Costs incurred by school districts under this section shall be reimbursed by the state from such funds as are appropriated for this purpose."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Benton, the Senate concurred in the House amendment to Senate Bill No. 5437.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5437, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 46.

Voting nay: Senator Winsley - 1.

Absent: Senator Horn - 1.

Excused: Senator Kastama - 1.

SENATE BILL NO. 5437, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

Under suspension of the rules, SUBSTITUTE SENATE BILL NO. 5039 was returned to second reading for purpose of an amendment and passed the House with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) The secretary of health shall design a state plan for education efforts concerning hepatitis C and the prevention and management of the disease by January 1, 2004. In developing the plan, the secretary shall consult with:

- (a) The public;
- (b) Patient groups and organizations;
- (c) Relevant state agencies that have functions that involve hepatitis C or provide services to persons with hepatitis C;
- (d) Local health departments;
- (e) Public health and clinical laboratories;
- (f) Providers and suppliers of services to persons with hepatitis C;
- (g) Research scientists;
- (h) The University of Washington; and
- (i) Relevant health care associations.

(2) The plan shall include implementation recommendations in the following areas:

(a) Hepatitis C virus prevention and treatment strategies for groups at risk for hepatitis C with an emphasis towards those groups that are disproportionately affected by hepatitis C, including persons infected with HIV, veterans, racial or ethnic minorities that suffer a higher incidence of hepatitis C, and persons who engage in high-risk behavior, such as intravenous drug use;

(b) Educational programs to promote public awareness about hepatitis C and knowledge about risk factors, the value of early detection, screening, services, and available treatment options for hepatitis C, which may be incorporated in public awareness programs concerning bloodborne infections;

(c) Education curricula for appropriate health and health-related providers covered by the uniform disciplinary act, chapter 18.130 RCW;

(d) Training courses for persons providing hepatitis C counseling, public health clinic staff, and any other appropriate provider, which shall focus on disease prevention, early detection, and intervention;

(e) Capacity for voluntary hepatitis C testing programs to be performed at facilities providing voluntary HIV testing under chapter 70.24 RCW;

(f) A comprehensive model for an evidence-based process for the prevention and management of hepatitis C that is applicable to other diseases; and

(g) Sources and availability of funding to implement the plan.

(3) The secretary of health shall develop the state plan described in subsections (1) and (2) of this section only to the extent that, and for as long as, federal or private funds are available for that purpose, including grants. Funding for this act shall not come from state sources.

(4) The board of health may adopt rules necessary to implement subsection (2)(b) of this section.

(5) The secretary of health shall submit the completed state plan to the legislature by January 1, 2004. After the initial state plan is submitted, the department shall update the state plan biennially and shall submit the plan to the governor and make it available to other interested parties. The update and progress reports are due December 1, 2004, and every two years thereafter.

(6) The state plan recommendations described in subsection (2)(b) of this section shall be implemented by the secretary of health only to the extent that, and for as long as, federal or private funds are available for that purpose, including grants.

(7) This section expires June 30, 2007.

Sec. 2. RCW 49.60.172 and 1988 c 206 s 903 are each amended to read as follows:

(1) No person may require an individual to take an HIV test, as defined in chapter 70.24 RCW, or hepatitis C test, as a condition of hiring, promotion, or continued employment unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification for the job in question.

(2) No person may discharge or fail or refuse to hire any individual, or segregate or classify any individual in any way which would deprive or tend to deprive that individual of employment opportunities or adversely affect his or her status as an employee, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment on the basis of the results of an HIV test or hepatitis C test unless the absence of HIV or hepatitis C infection is a bona fide occupational qualification of the job in question.

(3) The absence of HIV or hepatitis C infection as a bona fide occupational qualification exists when performance of a particular job can be shown to present a significant risk, as defined by the board of health by rule, of transmitting HIV or hepatitis C infection to other persons, and there exists no means of eliminating the risk by restructuring the job.

(4) For the purpose of this chapter, any person who is actually infected with HIV or hepatitis C, but is not disabled as a result of the infection, shall not be eligible for any benefits under the affirmative action provisions of chapter 49.74 RCW solely on the basis of such infection.

(5) Employers are immune from civil action for damages arising out of transmission of HIV or hepatitis C to employees or to members of the public unless such transmission occurs as a result of the employer's gross negligence.

Sec. 3. RCW 49.60.174 and 1997 c 271 s 6 are each amended to read as follows:

(1) For the purposes of determining whether an unfair practice under this chapter has occurred, claims of discrimination based on actual or perceived HIV or hepatitis C infection shall be evaluated in the same manner as other claims of discrimination based on sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a disabled person.

(2) Subsection (1) of this section shall not apply to transactions with insurance entities, health service contractors, or health maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178 to prohibit fair discrimination on the basis of actual HIV or actual hepatitis C infection status when bona fide statistical differences in risk or exposure have been substantiated.

(3) For the purposes of this chapter((=));

(a) "HIV" means the human immunodeficiency virus, and includes all HIV and HIV-related viruses which damage the cellular branch of the human immune system and leave the infected person immunodeficient; and

(b) "Hepatitis C" means the hepatitis C virus of any genotype.

NEW SECTION. Sec. 4. A new section is added to chapter 50.20 RCW to read as follows:

(1) Credentialed health care professionals listed in RCW 18.130.040 shall be deemed to be dislocated workers for the purpose of commissioner approval of training under RCW 50.20.043 if they are unemployed as a result of contracting hepatitis C in the course of employment and are unable to continue to work in their profession because of a significant risk that such work would pose to other persons and that risk cannot be eliminated.

(2) For purposes of subsection (1) of this section, a health care professional who was employed on a full-time basis in their profession shall be presumed to have contracted hepatitis C in the course of employment. This presumption may be rebutted by a preponderance of the evidence that demonstrates that the health care professional contracted hepatitis C as a result of activities or circumstances not related to employment.

NEW SECTION. Sec. 5. Section 1 of this act does not create a private right of action."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Deccio, the Senate refuses to concur in the House amendment to Substitute Senate Bill No. 5039 and asks the House to recede therefrom.

MOTION

On motion of Senator Eide, Senator Poulsen was excused.

MOTION

On motion of Senator Honeyford, Senator Horn was excused.

MESSAGE FROM HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5990 with the following amendment(s)
Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.728 and 2002 c 290 s 21 and 2002 c 50 s 2 are each reenacted and amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); and

(c) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor).

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of the effective date of this section.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense

under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(I) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time((-);

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

The legislature declares that the changes to the maximum percentages of earned release time in this act do not create any expectation that the percentage of earned release time cannot be revised and offenders have no reason to conclude that the maximum percentage of earned release time is an entitlement or creates any liberty interest. The legislature retains full control over the right to revise the percentages of earned release time available to offenders at any time. This section applies to persons convicted on or after the effective date of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender into one of at least four risk categories.

(2) The department shall supervise every offender sentenced to a term of community custody, community placement, or community supervision:

(a) Whose risk assessment places that offender in one of the two highest risk categories; or

(b) Regardless of the offender's risk category if:

(I) The offender's current conviction is for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(ii) The offender has a prior conviction for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) The conditions of the offender's community custody, community placement, or community supervision include chemical dependency treatment;

(iv) The offender was sentenced under RCW 9.94A.650 or 9.94A.670; or

(v) The offender is subject to supervision pursuant to RCW 9.94A.745.

(3) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody, community placement, or community supervision unless the offender is one for whom supervision is required under subsection (2) of this section.

(4) This section expires July 1, 2010.

Sec. 4. RCW 9.94A.700 and 2002 c 175 s 13 are each amended to read as follows:

When a court sentences an offender to a term of total confinement in the custody of the department for any of the offenses specified in this section, the court shall also sentence the offender to a term of community placement as provided in this section. Except as provided in section 3 of this act, the department shall supervise any sentence of community placement imposed under this section.

(1) The court shall order a one-year term of community placement for the following:

(a) A sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990; or

(b) An offense committed on or after July 1, 1988, but before July 25, 1999, that is:

(i) Assault in the second degree;

(ii) Assault of a child in the second degree;

(iii) A crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission; or

(iv) A felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660.

(2) The court shall sentence the offender to a term of community placement of two years or up to the period of earned release awarded pursuant to RCW 9.94A.728, whichever is longer, for:

(a) An offense categorized as a sex offense committed on or after July 1, 1990, but before June 6, 1996, including those sex offenses also included in other offense categories;

(b) A serious violent offense other than a sex offense committed on or after July 1, 1990, but before July 1, 2000; or

(c) A vehicular homicide or vehicular assault committed on or after July 1, 1990, but before July 1, 2000.

(3) The community placement ordered under this section shall begin either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release. When the court sentences an offender to the statutory maximum sentence then the community placement portion of the sentence shall consist entirely of the community custody to which the offender may become eligible. Any period of community custody actually served shall be credited against the community placement portion of the sentence.

(4) Unless a condition is waived by the court, the terms of any community placement imposed under this section shall include the following conditions:

(a) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(b) The offender shall work at department-approved education, employment, or community restitution, or any combination thereof;

(c) The offender shall not possess or consume controlled substances except pursuant to lawfully issued prescriptions;

(d) The offender shall pay supervision fees as determined by the department; and

(e) The residence location and living arrangements shall be subject to the prior approval of the department during the period of community placement.

(5) As a part of any terms of community placement imposed under this section, the court may also order one or more of the following special conditions:

(a) The offender shall remain within, or outside of, a specified geographical boundary;

(b) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals;

(c) The offender shall participate in crime-related treatment or counseling services;

(d) The offender shall not consume alcohol; or

(e) The offender shall comply with any crime-related prohibitions.

(6) An offender convicted of a felony sex offense against a minor victim after June 6, 1996, shall comply with any terms and conditions of community placement imposed by the department relating to contact between the sex offender and a minor victim or a child of similar age or circumstance as a previous victim.

(7) Prior to or during community placement, upon recommendation of the department, the sentencing court may remove or modify any conditions of community placement so as not to be more restrictive.

Sec. 5. RCW 9.94A.705 and 2000 c 28 s 23 are each amended to read as follows:

Except for persons sentenced under RCW 9.94A.700(2) or 9.94A.710, when a court sentences a person to a term of total confinement to the custody of the department for a violent offense, any crime against persons under RCW 9.94A.411(2), or any felony offense under chapter 69.50 or 69.52 RCW not sentenced under RCW 9.94A.660, committed on or after July 25, 1999, but before July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to a one-year term of community placement beginning either upon completion of the term of confinement or at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2). When the court sentences the offender under this section to the statutory maximum period of confinement, then the community placement portion of the sentence shall consist entirely of such community custody to which the offender may become eligible, in accordance with RCW 9.94A.728 (1) and (2). Any period of community custody actually served shall be credited against the community placement portion of the sentence. Except as provided in section 3 of this act, the department shall supervise any sentence of community placement or community custody imposed under this section.

Sec. 6. RCW 9.94A.715 and 2001 2nd sp.s. c 12 s 302 are each amended to read as follows:

(1) When a court sentences a person to the custody of the department for a sex offense not sentenced under RCW 9.94A.712, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, the court shall in addition to the other terms of the sentence, sentence the offender to community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer. The community custody shall begin: (a) Upon completion of the term of confinement; (b) at such time as the offender is transferred to community custody in lieu of earned release in accordance with RCW 9.94A.728 (1) and (2); or (c) with regard to offenders sentenced under RCW 9.94A.660, upon failure to complete or administrative termination from the special drug offender sentencing alternative program. Except as provided in section 3 of this act, the department shall supervise any sentence of community custody imposed under this section.

(2)(a) Unless a condition is waived by the court, the conditions of community custody shall include those provided for in RCW 9.94A.700(4). The conditions may also include those provided for in RCW 9.94A.700(5). The court may also order the offender to participate in rehabilitative programs or otherwise perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community, and the department shall enforce such conditions pursuant to subsection (6) of this section.

(b) As part of any sentence that includes a term of community custody imposed under this subsection, the court shall also require the offender to comply with any conditions imposed by the department under RCW 9.94A.720. The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of the offender's community custody based upon the risk to community safety. In addition, the department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(c) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court imposed conditions. The department shall notify the offender in writing of any such conditions or modifications. In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

(3) If an offender violates conditions imposed by the court or the department pursuant to this section during community custody, the department may transfer the offender to a more restrictive confinement status and impose other available sanctions as provided in RCW 9.94A.737 and 9.94A.740.

(4) Except for terms of community custody under RCW 9.94A.670, the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.

(5) At any time prior to the completion or termination of a sex offender's term of community custody, if the court finds that public safety would be enhanced, the court may impose and enforce an order extending any or all of the conditions imposed pursuant to this section for a period up to the maximum allowable sentence for the crime as it is classified in chapter 9A.20 RCW, regardless of the expiration of the offender's term of community custody. If a violation of a condition extended under this subsection occurs after the expiration of the offender's term of community custody, it shall be deemed a violation of the sentence for the purposes of RCW 9.94A.631 and may be punishable as contempt of court as provided for in RCW 7.21.040. If the court extends a condition beyond the expiration of the term of community custody, the department is not responsible for supervision of the offender's compliance with the condition.

(6) Within the funds available for community custody, the department shall determine conditions and duration of community custody on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection.

(7) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to any of the following: (a) The crime of conviction; (b) the offender's risk of reoffending; or (c) the safety of the community.

Sec. 7. RCW 9.94A.720 and 2002 c 175 s 14 are each amended to read as follows:

(1)(a) ~~Except as provided in section 3 of this act, all offenders sentenced to terms involving community supervision, community restitution, community placement, or community custody~~~~((or legal financial obligation))~~ shall be under the supervision of the department and shall follow explicitly the instructions and conditions of the department. The department may require an offender to perform affirmative acts it deems appropriate to monitor compliance with the conditions of the sentence imposed. The department may only supervise the offender's compliance with payment of legal financial obligations during any period in which the department is authorized to supervise the offender in the community under section 3 of this act.

(b) The instructions shall include, at a minimum, reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, notifying the community corrections officer of any change in the offender's address or employment, and paying the supervision fee assessment.

(c) For offenders sentenced to terms involving community custody for crimes committed on or after June 6, 1996, the department may include, in addition to the instructions in (b) of this subsection, any appropriate conditions of supervision, including but not limited to, prohibiting the offender from having contact with any other specified individuals or specific class of individuals.

(d) For offenders sentenced to terms of community custody for crimes committed on or after July 1, 2000, the department may impose conditions as specified in RCW 9.94A.715.

The conditions authorized under (c) of this subsection may be imposed by the department prior to or during an offender's community custody term. If a violation of conditions imposed by the court or the department pursuant to RCW 9.94A.710 occurs during community custody, it shall be deemed a violation of community placement for the purposes of RCW 9.94A.740 and shall authorize the department to transfer an offender to a more restrictive confinement status as provided in RCW 9.94A.737. At any time prior to the completion of an offender's term of community custody, the department may recommend to the court that any or all of the conditions imposed by the court or the department pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the expiration of the offender's term of community custody as authorized in RCW 9.94A.715 (3) or (5).

The department may require offenders to pay for special services rendered on or after July 25, 1993, including electronic monitoring, day reporting, and telephone reporting, dependent upon the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(2) No offender sentenced to terms involving community supervision, community restitution, community custody, or community placement under the supervision of the department may own, use, or possess firearms or ammunition. Offenders who own, use, or are found to be in actual or constructive possession of firearms or ammunition shall be subject to the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and 9.94A.740. "Constructive possession" as used in this subsection means the power and intent to control the firearm or ammunition. "Firearm" as used in this subsection has the same definition as in RCW 9.41.010.

Sec. 8. RCW 9.94A.545 and 2000 c 28 s 13 are each amended to read as follows:

Except as provided in RCW 9.94A.650, on all sentences of confinement for one year or less, in which the offender is convicted of a sex offense, a violent offense, a crime against a person under RCW 9.94A.411, or felony violation of chapter 69.50 or 69.52 RCW or an attempt, conspiracy, or solicitation to commit such a crime, the court may impose up to one year of community custody, subject to conditions and sanctions as authorized in RCW 9.94A.715 and 9.94A.720. An offender shall be on community custody as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of the sentence, the period of community custody shall toll.

Sec. 9. 2002 c 290 s 30 (uncodified) is amended to read as follows:

Section 2 of this act expires ~~((July 1, 2004))~~ on the effective date of section 9, chapter . . . , Laws of 2003 (section 9 of this act).

Sec. 10. 2002 c 290 s 31 (uncodified) is amended to read as follows:

Sections 7 through 11 and 14 through 23 of this act take effect ~~((July 1, 2004, and apply to crimes committed on or after July 1, 2004))~~ on the effective date of section 9, chapter . . . , Laws of 2003 (section 9 of this act).

Sec. 11. RCW 70.96A.350 and 2002 c 290 s 4 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; and (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) ~~((Savings to the state general fund resulting from implementation of chapter 290, Laws of 2002, as calculated))~~ Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

~~(4)(a) ((The department of corrections, the sentencing guidelines commission, the office of financial management, and the caseload forecast council shall develop a methodology for calculating the projected biennial savings under this section. Savings shall be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. By September 1, 2002, the proposed methodology shall be submitted to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.~~

~~(b) When the department of corrections submits its biennial budget request to the governor in 2002 and in each even-numbered year thereafter, the department of corrections shall use the methodology approved in (a) of this subsection to calculate savings to the state general fund for the ensuing fiscal biennium resulting from reductions in drug offender sentencing as a result of sections 2 and 3, chapter 290, Laws of 2002 and sections 7, 8, and 9, chapter 290, Laws of 2002. The department shall report the dollar amount of the savings to the state treasurer, the office of financial management, and the fiscal committees of the legislature.~~

~~(e)) For the fiscal biennium beginning July 1, 2003, ((and each fiscal biennium thereafter,)) the state treasurer shall transfer ((seventy-five percent of the amount reported in (b) of this subsection)) eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. ((However, the amount transferred to the criminal justice treatment account shall not exceed the limit of eight million two hundred fifty thousand dollars per fiscal year. After the first fiscal year in which the amount to be transferred equals or exceeds eight million two hundred fifty thousand dollars, this limit)) For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.~~

~~((d)) (b) For the fiscal biennium beginning July 1, 2003, and each biennium thereafter, the state treasurer shall transfer ((twenty-five percent of the amount reported in (b) of this subsection)) two million nine hundred eighty-four thousand dollars from the general fund into the violence reduction and drug enforcement account, divided into eight quarterly payments. The amounts transferred pursuant to this subsection (4)((d)) (b) shall be used solely for providing drug and alcohol treatment services to offenders confined in a state correctional facility ((receiving a reduced sentence as a result of implementation of chapter 290, Laws of 2002 and)) who are assessed with an addiction or a substance abuse problem that if not treated would result in addiction. ((Any excess funds remaining after providing drug and alcohol treatment services to offenders receiving a reduced sentence as a result of implementation of chapter 290, Laws of 2002 may be expended to provide treatment for offenders confined in a state correctional facility and who are assessed with an addiction or a substance abuse problem that contributed to the crime.~~

~~(e)) (c) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in ((e)) (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.~~

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)((e)) (c) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)((e)) (c) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the sentencing guidelines commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

NEW SECTION. Sec. 12. The Washington state institute for public policy shall study the results of the changes in earned release under section 1 of this act. The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes in this act. The Washington state institute for public policy shall report its findings to the governor and the appropriate committees of the legislature no later than December 1, 2008.

NEW SECTION. Sec. 13. The legislature intends to revise and improve the processes for billing and collecting legal financial obligations. The purpose of sections 13 through 27 of this act is to respond to suggestions and requests made by county government officials, and in particular county clerks, to assume the collection of such obligations in cooperation and coordination with the department of corrections and the administrative office for the courts. The legislature undertakes this effort following a collaboration between local officials, the department of corrections, and the administrative office for the courts. The intent of sections 13 through 27 of this act is to promote an increased and more efficient collection of legal financial obligations and, as a result, improve the likelihood that the affected agencies will increase the collections which will provide additional benefits to all parties and, in particular, crime victims whose restitution is dependent upon the collections.

Sec. 14. RCW 9.94A.760 and 2001 c 10 s 3 are each amended to read as follows:

(1) Whenever a person is convicted of a felony, the court may order the payment of a legal financial obligation as part of the sentence. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial

obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount. Upon receipt of an offender's monthly payment, restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied, the county clerk shall distribute the payment proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court.

(2) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration at a rate of fifty dollars per day of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of incarceration ordered by the court. All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

(3) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

(4) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. ~~The department (of corrections shall) may only supervise the offender's compliance with payment of the legal financial obligations ((for ten years following the entry of the judgment and sentence, or ten years following the offender's release from total confinement, whichever period ends later)) during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, section 3 of this act, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period.~~ The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

(6) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

(7)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

(8) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department ((is)) and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

(9) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

(10) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

(11)(a) Until January 1, 2004, the department shall mail individualized monthly billings to the address known by the department for each offender with an unsatisfied legal financial obligation.

(b) Beginning January 1, 2004, the administrative office of the courts shall mail individualized monthly billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(c) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(d) The county clerk shall provide the (~~department with individualized monthly billings for each offender with an unsatisfied legal financial obligation and shall provide the department~~) administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(e) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

(12) The department (~~may~~) shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk(~~or~~). The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility for collection pursuant to subsection (4) of this section. The costs for collection services shall be paid by the offender.

(13) Nothing in this chapter makes the department, the state, the counties, or any (~~of its~~) state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, community placement, or community supervision, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 15. RCW 9.94A.750 and 2000 c 28 s 32 are each amended to read as follows:

This section applies to offenses committed on or before July 1, 1985.

(1) If restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the offense.

(4) For the purposes of this section, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. (~~If jurisdiction under the criminal judgment is extended, the department is not responsible for supervision of the offender during the subsequent period.~~) The portion of the sentence concerning restitution may be modified as to amount, terms and conditions during either the initial ten-year period or subsequent ten-year period if the criminal judgment is extended, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, section 3 of this act, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution may be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section. In addition, restitution may be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a proceeding in superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order but not longer than a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(8) This section does not limit civil remedies or defenses available to the victim or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

Sec. 16. RCW 9.94A.753 and 2000 c 226 s 3 and 2000 c 28 s 33 are each reenacted and amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (7) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is

ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction, regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department ~~((for ten years following the entry of the judgment and sentence or ten years following the offender's release from total confinement. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under the court's jurisdiction))~~ only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, section 3 of this act, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

NEW SECTION. Sec. 17. A new section is added to chapter 9.94A RCW to read as follows:

If an offender with an unsatisfied legal financial obligation is not subject to supervision by the department for a term of community placement, community custody, or community supervision, or has not completed payment of all legal financial obligations included in the sentence at the expiration of his or her term of community placement, community custody, or community supervision, the department shall notify the administrative office of the courts of the termination of the offender's supervision and provide information to the administrative office of the courts to enable the county clerk to monitor payment of the remaining obligations. The county clerk is authorized to monitor payment after such notification. The secretary of corrections and the administrator for the courts shall enter into an interagency agreement to facilitate the electronic transfer of information about offenders, unpaid obligations, and payees to carry out the purposes of this section.

Sec. 18. RCW 9.94A.780 and 1991 c 104 s 1 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires supervision services to be provided, the offender shall pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the terms of supervision and which shall be considered as payment or part payment of the cost of providing supervision to the offender. The department may exempt or defer a person from the payment of all or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the department.
(d) The offender's age prevents him or her from obtaining employment.
(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the department.
(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the dedicated fund established pursuant to RCW 72.11.040.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

(5) If a county clerk assumes responsibility for collection of unpaid legal financial obligations under RCW 9.94A.760, or under any agreement with the department under that section, whether before or after the completion of any period of community placement, community custody, or community supervision, the clerk may impose a monthly or annual assessment for the cost of collections. The amount of the assessment shall not exceed the actual cost of collections. The county clerk may exempt or defer payment of all or part of the assessment based upon any of the factors listed in subsection (1) of this section. The offender shall pay the assessment under this subsection to the county clerk who shall apply it to the cost of collecting legal financial obligations under RCW 9.94A.760.

Sec. 19. RCW 9.94A.637 and 2002 c 16 s 2 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(I) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) The court shall send a copy of every signed certificate of discharge to the auditor for the county in which the court resides and to the department. The department shall create and maintain a data base containing the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

NEW SECTION. Sec. 20. A new section is added to chapter 36.23 RCW to read as follows:

The Washington association of county officials, in consultation with county clerks, shall determine a funding formula for allocation of moneys to counties for purposes of collecting legal financial obligations, and report this formula to the legislature and the administrative office of the courts by September 1, 2003. The Washington association of county officials shall report on the amounts of legal financial obligations collected by the county clerks to the appropriate committees of the legislature no later than December 1, 2004, and annually thereafter.

NEW SECTION. Sec. 21. A new section is added to chapter 2.56 RCW to read as follows:

By October 1, 2003, and annually thereafter, the administrative office of the courts shall distribute such funds to counties for county clerk collection budgets as are appropriated by the legislature for this purpose, using the funding formula recommended by the Washington association of county officials. The administrative office of the courts shall not deduct any amount for indirect or direct costs, and shall distribute the entire amount appropriated by the legislature to the counties for county clerk collection budgets. The administrative office of the courts shall report on the amounts distributed to counties to the appropriate committees of the legislature no later than December 1, 2003, and annually thereafter.

The administrative office of the courts may expend for the purposes of billing for legal financial obligations, such funds as are appropriated for the legislature for this purpose.

NEW SECTION. Sec. 22. A new section is added to chapter 9.94A RCW to read as follows:

Notwithstanding any other provision of state law, monthly payment or starting dates set by the court or the department before or after the effective date of this section shall not be construed as a limitation on the due date or amount of legal financial obligations, which may be immediately collected by civil means. Monthly payments and commencement dates are to be construed to be applicable solely as a limitation upon the deprivation of an offender's liberty for nonpayment.

Sec. 23. RCW 4.56.100 and 1997 c 358 s 4 are each amended to read as follows:

(1) When any judgment for the payment of money only shall have been paid or satisfied, the clerk of the court in which such judgment was rendered shall note upon the record in the execution docket satisfaction thereof giving the date of such satisfaction upon either the payment to such clerk of the amount of such judgment, costs and interest and any accrued costs by reason of the issuance of any execution, or the filing with such clerk of a satisfaction entitled in such action and identifying the same executed by the judgment creditor or his or her attorney of record in such action or his or her assignee acknowledged as deeds are acknowledged. The clerk has the authority to note the satisfaction of judgments for criminal and juvenile legal financial obligations when the clerk's record indicates payment in full or as directed by the court. Every satisfaction of judgment and every partial satisfaction of judgment which provides for the payment of money shall clearly designate the judgment creditor and his or her attorney if any, the judgment debtor, the amount or type of satisfaction, whether the satisfaction is full or partial, the cause number, and the date of entry of the judgment. A certificate by such clerk of the entry of such

satisfaction by him or her may be filed in the office of the clerk of any county in which an abstract of such judgment has been filed. When so satisfied by the clerk or the filing of such certificate the lien of such judgment shall be discharged.

(2) The department of social and health services shall file a satisfaction of judgment for welfare fraud conviction if a person does not pay money through the clerk as required under subsection (1) of this section.

~~((3) The department of corrections shall file a satisfaction of judgment if a person does not pay money through the clerk's office as required under subsection (1) of this section.)~~

NEW SECTION. Sec. 24. A new section is added to chapter 9.94A RCW to read as follows:

The provisions of sections 13 through 27 of this act apply to all offenders currently, or in the future, subject to sentences with unsatisfied legal financial obligations. The provisions of sections 13 through 27 of this act do not change the amount of any legal financial obligation or the maximum term for which any offender is, or may be, under the jurisdiction of the court for collection of legal financial obligations.

Sec. 25. RCW 72.09.111 and 2002 c 126 s 2 are each amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages ~~((or)), gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW,~~ of each inmate working in correctional industries work programs, ~~((taxes and legal financial obligations)) or otherwise receiving such wages, gratuities, or benefits.~~ The secretary shall develop a formula for the distribution of offender wages ~~((and)), gratuities, and benefits.~~ The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(I) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(I) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(I) Five percent to the public safety and education account for the purpose of crime victims' compensation;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deduction from class IV gross gratuities: Five percent to the department to contribute to the cost of incarceration.

~~((d))~~ (e) The formula shall include the following minimum deductions from class III gratuities: Five percent for the purpose of crime victims' compensation.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii) ((or)), (b)(ii) ((of this subsection)), or (c)(ii).

(3) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the time of his or her release from confinement, unless the secretary determines that an emergency exists for the inmate, at which time the funds can be made available to the inmate in an amount determined by the secretary. The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4) In the event that the offender worker's wages ~~((or)), gratuity, or workers' compensation benefit~~ is subject to garnishment for support enforcement, the crime victims' compensation, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

~~((2))~~ (5) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

~~((3))~~ (6) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

~~((4))~~ (7) The expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(a) Not later than June 30, 1995, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(b) Not later than June 30, 1996, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(c) Not later than June 30, 1997, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(d) Not later than June 30, 1998, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(e) Not later than June 30, 1999, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994;

(f) Not later than June 30, 2000, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 1994.

~~((5))~~ (8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

NEW SECTION. Sec. 26. A new section is added to chapter 51.32 RCW to read as follows:

If the department of labor and industries has received notice that an injured worker entitled to benefits payable under this chapter is in the custody of the department of corrections pursuant to a conviction and sentence, the department shall send all such benefits to the worker in care of the department of corrections, except those benefits payable to a beneficiary as provided in RCW 51.32.040 (3)(c) and (4). Failure of the department to send such benefits to the department of corrections shall not result in liability to any party for either department.

Sec. 27. RCW 51.32.040 and 1999 c 185 s 1 are each amended to read as follows:

(1) Except as provided in RCW 43.20B.720 (~~and~~), 72.09.111, 74.20A.260, and section 26 of this act, no money paid or payable under this title shall, before the issuance and delivery of the check or warrant, be assigned, charged, or taken in execution, attached, garnished, or pass or be paid to any other person by operation of law, any form of voluntary assignment, or power of attorney. Any such assignment or charge is void unless the transfer is to a financial institution at the request of a worker or other beneficiary and made in accordance with RCW 51.32.045.

(2)(a) If any worker suffers (i) a permanent partial injury and dies from some other cause than the accident which produced the injury before he or she receives payment of the award for the permanent partial injury or (ii) any other injury before he or she receives payment of any monthly installment covering any period of time before his or her death, the amount of the permanent partial disability award or the monthly payment, or both, shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the award or the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(b) If any worker suffers an injury and dies from it before he or she receives payment of any monthly installment covering time loss for any period of time before his or her death, the amount of the monthly payment shall be paid to the surviving spouse or the child or children if there is no surviving spouse. If there is no surviving spouse and no child or children, the amount of the monthly payment shall be paid by the department or self-insurer and distributed consistent with the terms of the decedent's will or, if the decedent dies intestate, consistent with the terms of RCW 11.04.015.

(c) Any application for compensation under this subsection (2) shall be filed with the department or self-insuring employer within one year of the date of death. The department or self-insurer may satisfy its responsibilities under this subsection (2) by sending any payment due in the name of the decedent and to the last known address of the decedent.

(3)(a) Any worker or beneficiary receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible for benefits under this title while confined in, any institution under conviction and sentence shall have all payments of the compensation canceled during the period of confinement. After discharge from the institution, payment of benefits due afterward shall be paid if the worker or beneficiary would, except for the provisions of this subsection (3), otherwise be entitled to them.

(b) If any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he or she is entitled to payments under this title, subject to the requirements of chapter 72.65 RCW, unless his or her participation in the program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence.

(c) If the confined worker has any beneficiaries during the confinement period during which benefits are canceled under (a) or (b) of this subsection, they shall be paid directly the monthly benefits which would have been paid to the worker for himself or herself and the worker's beneficiaries had the worker not been confined.

(4) Any lump sum benefits to which a worker would otherwise be entitled but for the provisions of this section shall be paid on a monthly basis to his or her beneficiaries.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 29. (1) Sections 1 through 12, 20, and 28 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003.

(2) Sections 13 through 19 and 21 through 27 of this act take effect October 1, 2003."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5990.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5990, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5990, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Brandland, Eide, Roach and Sheldon, T. - 4.

Excused: Senators Horn and Poulsen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5990, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 4:05 p.m., on motion of Senator Sheahan, the Senate adjourned until 1:30 p.m., Saturday, April 26, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-THIRD DAY, APRIL 25, 2003

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

ONE HUNDRED-FOURTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Saturday, April 26, 2003

The Senate was called to order at 1:30 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner and McCaslin.

The Sergeant at Arms Color Guard, consisting of Sergeant at Arms Kim Stewart and Eric Edmondson, presented the Colors. Senator Karen Fraser offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 1204,

SUBSTITUTE HOUSE BILL NO. 1233,

SUBSTITUTE HOUSE BILL NO. 1829,

SUBSTITUTE HOUSE BILL NO. 2215.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Brandland, the following resolution was adopted:

SENATE RESOLUTION 8679

By Senators Brandland, Thibaudeau, Jacobsen, Kohl-Welles, Rasmussen, McAuliffe, Roach, Zarelli, Johnson, Panel and Fraser

WHEREAS, The security staff of the Washington State Senate performs a very important job in protecting Senators, staffers, interns, pages, and guests to our Capitol Campus; and

WHEREAS, The outstanding work performed by the Senate Security Staff has long been appreciated by the Senators as well as those who work in or visit the Senate; and

WHEREAS, That appreciation was increased considerably following the September 11, 2001, terrorist attacks and the subsequent increase in national security efforts that has filtered down to the state level; and

WHEREAS, During this period of heightened national and state security concerns, the Senate Security Staff has done a superb job of meeting challenges relating to these greater concerns, allowing members and staff to feel safe, secure, and comfortable; and

WHEREAS, The Senate Security Staff has also handled the additional and unique challenge of protecting members and staff while the Senate Chamber and caucus rooms are temporarily located in the Joel Pritchard Building due to the renovation of the Legislative Building; and

WHEREAS, Our security staff is looked upon by members and staff as trusted and valued members of the Senate family;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Senate Sergeant at Arms Denny Lewis and every member of the Senate Security Staff for their outstanding work in making the Senate a safe place to do the people's business.

Senators Brandland, Thibaudeau, Eide, Hargrove, Tim Sheldon, Jacobsen and Oke spoke to Senate Resolution 8679.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the members of the Senate Security Staff, who were standing in the back of the Chamber.

MOTION

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

SECOND READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Deccio, Gubernatorial Appointment No. 9142, Jerry Farley, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF JERRY FARLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Finkbeiner and McCaslin - 2.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

MOTION

On motion of Senator Benton, Gubernatorial Appointment No. 9042, Helen Howell, as the Director of the Department of Financial Institutions, was confirmed.

Senators Benton and Prentice spoke to the confirmation of Helen Howell as Director of the Department of Financial Institutions.

APPOINTMENT OF HELEN HOWELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Fairley and McCaslin - 2.

MOTION

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

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 5545 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.58.107 and 1997 c 223 s 1 are each amended to read as follows:

The department of health shall charge a fee of ~~((thirteen))~~ seventeen dollars for certified copies of records and for copies or information provided for research, statistical, or administrative purposes, and eight dollars for a search of the files or records when no copy is made. The department shall prescribe by regulation fees to be paid for preparing sealed files and for opening sealed files.

No fee may be demanded or required for furnishing certified copies of a birth, death, fetal death, marriage, divorce, annulment, or legal separation record for use in connection with a claim for compensation or pension pending before the veterans administration.

The department shall keep a true and correct account of all fees received and turn the fees over to the state treasurer on a weekly basis.

Local registrars shall charge the same fees as the state as hereinabove provided and as prescribed by department regulation(~~except that local registrars shall charge thirteen dollars for the first copy of a death certificate and eight dollars for each additional copy of the same death certificate when the additional copies are ordered at the same time as the first copy~~) except in cases where payment is made by credit card, charge card, debit card, smart card, stored value card, federal wire, automatic clearinghouse system, or other electronic communication. Payment by these electronic methods may be subject to an additional fee consistent with the requirements established by

RCW 36.29.190. All such fees collected, except for ~~((five))~~ seven dollars of each fee collected for the issuance of ~~((a certified copy))~~ birth certificates and first copies of death certificates and fourteen dollars of each fee collected for additional copies of the same death certificate ordered at the same time as the first copy, shall be paid to the jurisdictional health department.

All local registrars in cities and counties shall keep a true and correct account of all fees received under this section for the issuance of certified copies and shall turn ~~((five))~~ seven dollars of the fees collected for birth certificates and first copies of death certificates and fourteen dollars of the fee collected for additional copies of death certificates over to the state treasurer on or before the first day of January, April, July, and October. All but five dollars of the fees turned over to the state treasurer by local registrars shall be paid to the department of health for the purpose of developing and maintaining the state vital records systems, including a web-based electronic death registration system.

Five dollars of each fee imposed for the issuance of certified copies, except for copies suitable for display issued under RCW 70.58.085, at both the state and local levels shall be held by the state treasurer in the death investigations' account established by RCW 43.79.445.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Esser, the Senate concurred in the House amendment to Substitute Senate Bill No. 5545.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5545, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5545, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 3; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senators Brown, Deccio and Hargrove - 3.

Excused: Senators Fairley and McCaslin - 2.

SUBSTITUTE SENATE BILL NO. 5545, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5783 with the following amendment(s):

On page 48, line 19, strike "301 through 305,"

On page 48, line 20, after "2004." insert "Sections 301 through 305 of this act take effect January 1, 2004."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Finkbeiner, the Senate concurred in the House amendments to Senate Bill No. 5783.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5783, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5783, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Johnson - 1.

Excused: Senator Fairley - 1.

SENATE BILL NO. 5783, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5991 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.09.300 and 2001 2nd sp.s. c 12 s 216 are each amended to read as follows:

((4)) Secure community transition facilities shall meet the following minimum staffing requirements:

(1)(a) At any time the census of a facility that accepts its first resident before July 1, 2003, is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per three residents during normal waking hours and one awake staff per four residents during normal sleeping hours. In no case shall the staffing ratio permit less than two staff per housing unit.

(b) At any time the census of a facility that accepts its first resident on or after July 1, 2003, is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff per three residents during normal sleeping hours. In no case shall the staffing ratio permit less than two staff per housing unit.

((b)) (2) At any time the census of a facility is six or fewer residents, all staff shall be classified as residential rehabilitation counselor II or have a classification that indicates ((a)) an equivalent or higher level of skill, experience, and training.

((c)) (3) Before being assigned to a facility, all staff shall have training in sex offender issues, self-defense, and crisis de-escalation skills in addition to departmental orientation and, as appropriate, management training. All staff with resident treatment or care duties must participate in ongoing in-service training.

((d)) (4) All staff must pass a departmental background check and the check is not subject to the limitations in chapter 9.96A RCW. A person who has been convicted of a felony, or any sex offense, may not be employed at the secure community transition facility or be approved as an escort for a resident of the facility.

((2) With respect to the facility established pursuant to RCW 71.09.250(1), the department shall, no later than December 1, 2001, provide a staffing plan to the appropriate committees of the legislature that will cover the growth of that facility to its full capacity.)

Sec. 2. RCW 71.09.020 and 2002 c 68 s 4 and 2002 c 58 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

(3) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

(4) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

(5) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

(6) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

(7) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(9) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

(10) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(11) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

(12) "Secretary" means the secretary of social and health services or the secretary's designee.

(13) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(14) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the ((facilities)) facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(15) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(16) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(17) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a ((secure)) total confinement facility by the secretary.

Sec. 3. RCW 71.09.250 and 2001 2nd sp. s. c 12 s 201 are each amended to read as follows:

(1)(a) The secretary is authorized to site, construct, occupy, and operate (i) a secure community transition facility on McNeil Island for persons authorized to petition for a less restrictive alternative under RCW 71.09.090(1) and who are conditionally released; and (ii) a special commitment center on McNeil Island with up to four hundred four beds as a total confinement facility under this chapter, subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of

Washington. The total number of beds in the secure community transition facility shall be limited to twenty-four, consisting of up to fifteen transitional beds ~~((shall be limited to fifteen))~~ and up to nine pretransitional beds. The residents occupying ~~((these))~~ the transitional beds shall be the only residents eligible for transitional services occurring in Pierce county. In no event shall more than fifteen residents of the secure community transition facility be participating in off-island transitional, educational, or employment activity at the same time in Pierce county. The department shall provide the Pierce county sheriff, or his or her designee, with a list of the fifteen residents so designated, along with their photographs and physical descriptions, and ~~((#))~~ the list shall be immediately updated whenever a residential change occurs. The Pierce county sheriff, or his or her designee, shall be provided an opportunity to confirm the residential status of each resident leaving McNeil Island.

(b) For purposes of this subsection, "transitional beds" means beds only for residents ~~((in halfway house status))~~ who are judged by a qualified expert to be suitable to leave the island for treatment, education, and employment.

(2)(a) The secretary is authorized to site, either within the secure community transition facility established pursuant to subsection (1)(a)(i) of this section, or within the special commitment center, up to nine pretransitional beds.

(b) Residents assigned to pretransitional beds shall not be permitted to leave McNeil Island for education, employment, treatment, or community activities in Pierce county.

(c) For purposes of this subsection, "pretransitional beds" means beds for residents whose progress toward a less secure residential environment and transition into more complete community involvement is projected to take substantially longer than a typical resident of the special commitment center.

(3) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility on McNeil Island and a total confinement facility on McNeil Island.

(4) To the greatest extent possible, until June 30, 2003, persons who were not civilly committed from the county in which the secure community transition facility established pursuant to subsection (1) of this section is located may not be conditionally released to a setting in that same county less restrictive than that facility.

(5) As of June 26, 2001, the state shall immediately cease any efforts in effect on such date to site secure community transition facilities, other than the facility authorized by subsection (1) of this section, and shall instead site such facilities in accordance with the provisions of this section.

(6) The department must:

(a) Identify the minimum and maximum number of secure community transition facility beds in addition to the facility established under subsection (1) of this section that may be necessary for the period of May 2004 through May 2007 and provide notice of these numbers to all counties by August 31, 2001; and

~~(b) ((In consultation with the joint select committee established in section 225, chapter 12, Laws of 2001 2nd sp. sess.)) Develop and publish policy guidelines for the siting and operation of secure community transition facilities ((by October 1, 2001; and~~

~~(c) Provide a status report to the appropriate committees of the legislature by December 1, 2002, on the development of facilities under the incentive program established in RCW 71.09.255. The report shall include a projection of the anticipated number of secure community transition facility beds that will become operational between May 2004 and May 2007. If it appears that an insufficient number of beds will be operational, the department's report shall recommend a progression of methods to facilitate siting in counties and cities including, if necessary, preemption of local land use planning process and other laws)).~~

(7)(a) The total number of secure community transition facility beds that may be required to be sited in a county between June 26, 2001, and June 30, 2008, may be no greater than the total number of persons civilly committed from that county, or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made on April 1, 2001. The total number of secure community transition facility beds required to be sited in each county between July 1, 2008, and June 30, 2015, may be no greater than the total number of persons civilly committed from that county or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made as of July 1, 2008.

(b) Counties and cities that provide secure community transition facility beds above the maximum number that they could be required to site under this subsection are eligible for a bonus grant under the incentive provisions in RCW 71.09.255. The county where the special commitment center is located shall receive this bonus grant for the number of beds in the facility established in subsection (1) of this section in excess of the maximum number established by this subsection.

(c) No secure community transition facilities in addition to the one established in subsection (1) of this section may be required to be sited in the county where the special commitment center is located until after June 30, 2008, provided however, that the county and its cities may elect to site additional secure community transition facilities and shall be eligible under the incentive provisions of RCW 71.09.255 for any additional facilities meeting the requirements of that section.

(8) In identifying potential sites within a county for the location of a secure community transition facility, the department shall work with and assist local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to:

(a) The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and

(b) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

(9)(a) "Equitable distribution" means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant; and

(b) "Jurisdiction" means a city, town, or geographic area of a county in which ~~((district))~~ distinct political or judicial authority may be exercised.

Sec. 4. RCW 71.09.275 and 2001 2nd sp. s. c 12 s 211 are each amended to read as follows:

~~(1) ((By August 1, 2001, the department must provide the appropriate committees of the legislature with a transportation plan to address the issues of coordinating the movement of residents of the secure community transition facility established pursuant to RCW 71.09.250(1) between McNeil Island and the mainland with the movement of others who must use the same docks or equipment within the funds appropriated for this purpose.~~

~~((2))~~ (2) If the department does not provide a separate vessel for transporting residents of the secure community transition facility established in RCW 71.09.250(1) between McNeil Island and the mainland, the ~~((plan))~~ department shall ~~((include at least the following components))~~:

(a) ~~((The))~~ Separate residents ~~((shall be separated))~~ from minors and vulnerable adults, except vulnerable adults who have been found to be sexually violent predators.

(b) ~~((The))~~ Not transport residents ~~((shall not be transported))~~ during times when children are normally coming to and from the mainland for school.

~~((3))~~ (2) The department shall designate a separate waiting area at the points of debarkation, and residents shall be required to remain in this area while awaiting transportation.

~~((4))~~ (3) The department shall provide law enforcement agencies in the counties and cities in which residents of the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(i) regularly participate in employment, education, or social

services, or through which these persons are regularly transported, with a copy of the court's order of conditional release with respect to these persons.

Sec. 5. RCW 71.09.290 and 2001 2nd sp.s. c 12 s 214 are each amended to read as follows:

The secretary shall establish policy guidelines for the siting of secure community transition facilities, other than the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(i), which shall include at least the following minimum requirements:

(1) The following criteria must be considered prior to any real property being listed for consideration for the location of or use as a secure community transition facility:

- (a) The proximity and response time criteria established under RCW 71.09.285;
- (b) The site or building is available for lease for the anticipated use period or for purchase;
- (c) Security monitoring services and appropriate back-up systems are available and reliable;
- (d) Appropriate mental health and sex offender treatment providers must be available within a reasonable commute; and
- (e) Appropriate permitting for a secure community transition facility must be possible under the zoning code of the local jurisdiction.

(2) For sites which meet the criteria of subsection (1) of this section, the department shall analyze and compare the criteria in subsections (3) through (5) of this section using the method established in RCW 71.09.285.

(3) Public safety and security criteria shall include at least the following:

(a) Whether limited visibility between the facility and adjacent properties can be achieved prior to placement of any person;

(b) The distance from, and number of, risk potential activities and facilities, as measured using the ~~((rules))~~ policies adopted under RCW 71.09.285;

(c) The existence of or ability to establish barriers between the site and the risk potential facilities and activities;

(d) Suitability of the buildings to be used for the secure community transition facility with regard to existing or feasibly modified features; and

(e) The availability of electronic monitoring that allows a resident's location to be determined with specificity.

(4) Site characteristics criteria shall include at least the following:

- (a) Reasonableness of rental, lease, or sale terms including length and renewability of a lease or rental agreement;
- (b) Traffic and access patterns associated with the real property;
- (c) Feasibility of complying with zoning requirements within the necessary time frame; and
- (d) A contractor or contractors are available to install, monitor, and repair the necessary security and alarm systems.

(5) Program characteristics criteria shall include at least the following:

(a) Reasonable proximity to available medical, mental health, sex offender, and chemical dependency treatment providers and facilities;

(b) Suitability of the location for programming, staffing, and support considerations;

(c) Proximity to employment, educational, vocational, and other treatment plan components.

(6) For purposes of this section "available" or "availability" of qualified treatment providers includes provider qualifications and willingness to provide services, average commute time, and cost of services.

NEW SECTION. Sec. 6. A new section is added to chapter 71.09 RCW to read as follows:

The emergency response team for McNeil Island shall plan, coordinate, and respond in the event of an escape from the special commitment center or the secure community transition facility.

NEW SECTION. Sec. 7. RCW 71.09.270 (Transition facility--Law enforcement presence) and 2001 2nd sp.s. c 12 s 210 are each repealed.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5991.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5991, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5991, as amended by the House, and the bill passed to Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, West and Zarelli - 39.

Voting nay: Senators Doumit, Eide, Franklin, Jacobsen, Kastama, Keiser, Rasmussen, Roach, Thibaudeau, and Winsley - 10.

ENGROSSED SENATE BILL NO. 5991, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 9, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5266 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) There is created a legislative task force to study and make recommendations regarding geoduck management and harvest rules. The task force is composed of the following members:

(a) Two members of the house of representatives appointed by the speaker of the house of representatives to include one member from each of the two largest political caucuses;

(b) Two members of the senate appointed by the president of the senate to include one member from each of the two largest political caucuses;

(c) The chair of the house of representatives' fisheries, ecology and parks committee and the chair of the house of representatives' agriculture and natural resources committee; and

(d) The chair of the senate parks, fish, and wildlife committee and the senate natural resources, energy, and water committee.

(2) The task force must elect a chair and agree upon procedures for conducting the business of the task force. The task force may establish an advisory committee of stakeholders including but not limited to representatives from treaty Indian tribes, the aquaculture industry, geoduck divers, private shoreline property owners, the department of fish and wildlife, the department of natural resources, the department of health, the department of agriculture, local government, or other affected stakeholders. Staff support for the task force must be provided by the house of representatives' office of program research and senate committee services.

NEW SECTION. Sec. 2. By December 1, 2003, the task force established in section 1 of this act must report to the legislature with recommendations concerning the following issues:

(1) Improvements for the coordinated management of the geoduck resource;

(2) The costs and benefits of implementing a limited entry geoduck diver license;

(3) Improvements for compliance and enforcement with geoduck harvest rules on state and nonstate-owned lands;

(4) Improvements to state rules for geoduck harvesting; and

(5) The state's potential role in aquaculture and reseeding of geoduck clams.

NEW SECTION. Sec. 3. This act expires January 1, 2004."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Morton, the Senate refuses to concur in the House amendment to Senate Bill No. 5266 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5178 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 44.04 RCW to read as follows:

The legislative international trade account is created in the custody of the state treasurer. All moneys received by the president of the senate and the secretary of state from gifts, grants, and endowments for international trade hosting, international relations, and international missions activities must be deposited in the account. Only private, nonpublic gifts, grants, and endowments may be deposited in the account. A person, as defined in RCW 42.52.010, may not donate, gift, grant, or endow more than five thousand dollars per calendar year to the legislative international trade account. Expenditures from the account may be used only for the purposes of international trade hosting, international relations, and international trade mission activities, excluding travel and lodging, in which the president and members of the senate, members of the house of representatives, and the secretary of state participate in an official capacity. An appropriation is not required for expenditures. All requests by individual legislators for use of funds from this account must be first approved by the secretary of the senate for members of the senate or the chief clerk of the house of representatives for members of the house of representatives. All expenditures from the account shall be authorized by the final signed approval of the chief clerk of the house of representatives, the secretary of the senate, and the president of the senate.

NEW SECTION. Sec. 2. A new section is added to chapter 42.52 RCW to read as follows:

(1) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in section 1 of this act, the president of the senate is presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(2) When soliciting charitable gifts, grants, or donations solely for the legislative international trade account created in section 1 of this act, state officers and state employees are presumed not to be in violation of the solicitation and receipt of gift provisions in RCW 42.52.140.

(3) An annual report of the legislative international trade account activities, including a list of receipts and expenditures, shall be published by the president of the senate and submitted to the house of representatives and the senate and be a public record for the purposes of RCW 42.17.260.

Sec. 3. RCW 42.52.150 and 1998 c 7 s 2 are each amended to read as follows:

(1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) of this section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) of this section:

(a) Unsolicited flowers, plants, and floral arrangements;

(b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(d) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(e) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(f) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(g) Gifts, grants, conveyances, bequests, and devises of real or personal property, or both, in trust or otherwise accepted and solicited for deposit in the legislative international trade account created in section 1 of this act;

(h) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

~~((H))~~ (i) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

(f) Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(g) Those items excluded from the definition of gift in RCW 42.52.010 except:

(i) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity;

(ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and

(iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in chapter 42.17 RCW."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Honeyford, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5178.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5178, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5178, as amended by the House, and the bill passed to Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Finkbeiner - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5178, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SENATE BILL NO. 5073 was returned to second reading for purpose of an amendment and passed the House with the following amendment(s):

On page 2, line 31, after "act" insert "or to water-related revenues of a public utility district organized according to Title 54 RCW"

On page 5, line 23, after "activity." insert "The revenue proposal shall include provisions to ensure that persons or parcels within the watershed plan area will not be taxed or assessed by more than one public agency for a specific watershed management plan project, program, or activity.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate concurred in the House amendments to Engrossed Senate Bill No. 5073.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5073, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5073, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Franklin - 1.

Excused: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 5073, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator Eide, Senator Hargrove was excused.

On motion of Senator Hewitt, Senator Honeyford was excused.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1788 and asks the Senate to recede therefrom., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Roach, the Senate receded from its amendments(s) to Substitute House Bill No. 1788.

MOTIONS

On motion of Senator Roach, the rules were suspended and Substitute House Bill No. 1788 was returned to second reading and read the second time.

Senator Roach moved that the following striking amendment by Senators Roach and Kastama be adopted, under suspension of the rules:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.10 RCW to read as follows:

(1) Public bodies may use a job order contract for public works projects when:

(a) A public body has made a determination that the use of job order contracts will benefit the public by providing an effective means of reducing the total lead-time and cost for public works projects or repair required at public facilities through the use of unit price books and work orders by eliminating time-consuming, costly aspects of the traditional public works process, which require separate contracting actions for each small project;

(b) The work order to be issued for a particular project does not exceed two hundred thousand dollars;

(c) Less than twenty percent of the dollar value of the work order consists of items of work not contained in the unit price book;

and

(d) At least eighty percent of the job order contract must be subcontracted to entities other than the job order contractor.

(2) Public bodies shall award job order contracts through a competitive process utilizing public requests for proposals. Public bodies shall make an effort to solicit proposals from a certified minority or certified woman-owned contractor to the extent permitted by the Washington state civil rights act, RCW 49.60.400. The public body shall publish, at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public works will be done, a request for proposals for job order contracts and the availability and location of the request for proposal documents. The public body shall ensure that the request for proposal documents at a minimum includes:

(a) A detailed description of the scope of the job order contract including performance, technical requirements and specifications, functional and operational elements, minimum and maximum work order amounts, duration of the contract, and options to extend the job order contract;

(b) The reasons for using job order contracts;

(c) A description of the qualifications required of the proposer;

(d) The identity of the specific unit price book to be used;

(e) The minimum contracted amount committed to the selected job order contractor;

(f) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. The public body shall ensure that evaluation factors include, but are not limited to, proposal price and the ability of the proposer to perform the job order contract. In evaluating the ability of the proposer to perform the job order contract, the public body may consider: The ability of the professional personnel who will work on the job order contract; past performance on similar contracts; ability to meet time and budget requirements; ability to provide a performance and payment bond for the job order contract; recent, current, and projected work loads of the proposer; location; and the concept of the proposal;

(g) The form of the contract to be awarded;

(h) The method for pricing renewals of or extensions to the job order contract;

(i) A notice that the proposals are subject to the provisions of RCW 39.10.100; and

(j) Other information relevant to the project.

(3) A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, the finalists shall submit final proposals, including sealed bids based upon the identified unit price book. Such bids may be in the

form of coefficient markups from listed price book costs. The public body shall award the contract to the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public request for proposals.

(4) The public body shall provide a protest period of at least ten business days following the day of the announcement of the apparent successful proposal to allow a protester to file a detailed statement of the grounds of the protest. The public body shall promptly make a determination on the merits of the protest and provide to all proposers a written decision of denial or acceptance of the protest. The public body shall not execute the contract until two business days following the public body's decision on the protest.

(5) The public body shall issue no work orders until it has approved, in consultation with the office of minority and women's business enterprises or the equivalent local agency, a plan prepared by the job order contractor that equitably spreads certified women and minority business enterprise subcontracting opportunities, to the extent permitted by the Washington state civil rights act, RCW 49.60.400, among the various subcontract disciplines.

(6) Job order contracts may be executed for an initial contract term of not to exceed two years, with the option of extending or renewing the job order contract for one year. All extensions or renewals must be priced as provided in the request for proposals. The extension or renewal must be mutually agreed to by the public body and the job order contractor.

(7) The maximum total dollar amount that may be awarded under a job order contract shall not exceed three million dollars in the first year of the job order contract, five million dollars over the first two years of the job order contract, and, if extended or renewed, eight million dollars over the three years of the job order contract.

(8) For each job order contract, public bodies shall not issue more than two work orders equal to or greater than one hundred fifty thousand dollars in a twelve-month contract performance period.

(9) All work orders issued for the same project shall be treated as a single work order for purposes of the one hundred fifty thousand dollar limit on work orders in subsection (8) of this section and the two hundred thousand dollar limit on work orders in subsection (1)(b) of this section.

(10) Any new permanent, enclosed building space constructed under a work order shall not exceed two thousand gross square feet.

(11) Each public body may have no more than two job order contracts in effect at any one time.

(12) For purposes of chapters 39.08, 39.12, 39.76, and 60.28 RCW, each work order issued shall be treated as a separate contract. The alternate filing provisions of RCW 39.12.040(2) shall apply to each work order that otherwise meets the eligibility requirements of RCW 39.12.040(2).

(13) The requirements of RCW 39.30.060 do not apply to requests for proposals for job order contracts.

(14) Job order contractors shall pay prevailing wages for all work that would otherwise be subject to the requirements of chapter 39.12 RCW. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

(15) If, in the initial contract term, the public body, at no fault of the job order contractor, fails to issue the minimum amount of work orders stated in the public request for proposals, the public body shall pay the contractor an amount equal to the difference between the minimum work order amount and the actual total of the work orders issued multiplied by an appropriate percentage for overhead and profit contained in the general conditions for Washington state facility construction. This will be the contractor's sole remedy.

(16) All job order contracts awarded under this section must be executed before July 1, 2007, however the job order contract may be extended or renewed as provided for in this section.

(17) For purposes of this section, "public body" includes any school district.

Sec. 2. RCW 39.10.020 and 2001 c 328 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

(4) "Job order contract" means a contract between a public body or any school district and a registered or licensed contractor in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

(5) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(6) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

(7) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 3. RCW 39.10.067 and 2002 c 46 s 3 are each amended to read as follows:

In addition to the projects authorized in RCW 39.10.061, public bodies may also use the general contractor/construction manager contracting procedure for the construction of school district capital demonstration projects, subject to the following conditions:

(1) The project must receive approval from the school district project review board established under RCW 39.10.115.

(2) The school district project review board may not authorize more than ~~(ten)~~ sixteen demonstration projects valued over ~~((five)) ten~~ million dollars ~~(, of which at least two demonstration projects must be valued between five and ten million dollars).~~

(3) The school district project review board may not authorize more than two demonstration projects valued between five and ten million dollars and the authorization for the two demonstration projects shall expire upon the completion of the two projects.

Sec. 4. RCW 39.08.030 and 1989 c 58 s 1 are each amended to read as follows:

(1) The bond mentioned in RCW 39.08.010 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, except under subsection (2) of this section, and shall be to the state of Washington, except as otherwise provided in RCW 39.08.100, and except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: PROVIDED, The same shall not be for a less amount than twenty-five percent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the state of Washington, and all such persons mentioned in RCW 39.08.010 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: PROVIDED, That such persons shall not have any right of action on such bond for any sum whatever, unless within thirty days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the state, county or municipality, or other public body, city, town or district, the laborer, mechanic or subcontractor, or materialman, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board,

council, commission, trustees or body acting for the state, county or municipality, or other public body, city, town or district, a notice in writing in substance as follows:

To (here insert the name of the state, county or municipality or other public body, city, town or district):

Notice is hereby given that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of dollars (here insert the amount) against the bond taken from (here insert the name of the principal and surety or sureties upon such bond) for the work of (here insert a brief mention or description of the work concerning which said bond was taken).

(here to be signed)

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the claimant shall be entitled to recover in addition to all other costs, attorney's fees in such sum as the court shall adjudge reasonable: PROVIDED, HOWEVER, That no attorney's fees shall be allowed in any suit or action brought or instituted before the expiration of thirty days following the date of filing of the notice hereinbefore mentioned: PROVIDED FURTHER, That any city may avail itself of the provisions of RCW 39.08.010 through 39.08.030, notwithstanding any charter provisions in conflict herewith: AND PROVIDED FURTHER, That any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith.

(2) Under the job order contracting procedure described in section 1 of this act, bonds will be in an amount not less than the dollar value of all open work orders.

Sec. 5. RCW 39.30.060 and 2002 c 163 s 2 are each amended to read as follows:

(1) Every invitation to bid on a prime contract that is expected to cost one million dollars or more for the construction, alteration, or repair of any public building or public work of the state or a state agency or municipality as defined under RCW 39.04.010 or an institution of higher education as defined under RCW 28B.10.016 shall require each prime contract bidder to submit as part of the bid, or within one hour after the published bid submittal time, the names of the subcontractors with whom the bidder, if awarded the contract, will subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work. The prime contract bidder shall not list more than one subcontractor for each category of work identified, unless subcontractors vary with bid alternates, in which case the prime contract bidder must indicate which subcontractor will be used for which alternate. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid nonresponsive and, therefore, void.

(2) Substitution of a listed subcontractor in furtherance of bid shopping or bid peddling before or after the award of the prime contract is prohibited and the originally listed subcontractor is entitled to recover monetary damages from the prime contract bidder who executed a contract with the public entity and the substituted subcontractor but not from the public entity inviting the bid. It is the original subcontractor's burden to prove by a preponderance of the evidence that bid shopping or bid peddling occurred. Substitution of a listed subcontractor may be made by the prime contractor for the following reasons:

(a) Refusal of the listed subcontractor to sign a contract with the prime contractor;
(b) Bankruptcy or insolvency of the listed subcontractor;
(c) Inability of the listed subcontractor to perform the requirements of the proposed contract or the project;
(d) Inability of the listed subcontractor to obtain the necessary license, bonding, insurance, or other statutory requirements to perform the work detailed in the contract; or

(e) The listed subcontractor is barred from participating in the project as a result of a court order or summary judgment.

(3) The requirement of this section to name the prime contract bidder's proposed HVAC, plumbing, and electrical subcontractors applies only to proposed HVAC, plumbing, and electrical subcontractors who will contract directly with the prime contract bidder submitting the bid to the public entity.

(4) This section does not apply to job order contract requests for proposals under section 1 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 39.12 RCW to read as follows:

Job order contracts under section 1 of this act must pay prevailing wages for all work that would otherwise be subject to the requirements of this chapter. Prevailing wages for all work performed pursuant to each work order must be the rates in effect at the time the individual work order is issued.

Sec. 7. RCW 60.28.011 and 2000 c 185 s 1 are each amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue and the materialmen and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW ((39.10.060)) 39.10.061. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or materialperson who performs labor or provides materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.020.

Sec. 8. RCW 39.10.902 and 2002 c 46 s 4 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:

(1) RCW 39.10.010 and 1994 c 132 s 1;

(2) RCW 39.10.020 and 2003 c . . . s 2 (section 2 of this act), 2001 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;

(3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;

(4) RCW 39.10.040 and 1994 c 132 s 4;

(5) RCW 39.10.051 and 2002 c 46 s 1 & 2001 c 328 s 2;

(6) RCW 39.10.061 and 2002 c 46 s 2 & 2001 c 328 s 3;

(7) RCW 39.10.065 and 1997 c 376 s 5;

(8) RCW 39.10.067 and 2003 c . . . s 3 (section 3 of this act), 2002 c 46 s 3, & 2000 c 209 s 3;

(9) RCW 39.10.070 and 1994 c 132 s 7;

(10) RCW 39.10.080 and 1994 c 132 s 8;

(11) RCW 39.10.090 and 1994 c 132 s 9;

(12) RCW 39.10.100 and 1994 c 132 s 10;

(13) RCW 39.10.115 and 2001 c 328 s 4 & 2000 c 209 s 4;

(14) RCW 39.10.900 and 1994 c 132 s 13; ((and))

(15) RCW 39.10.901 and 1994 c 132 s 14; and

(16) RCW 39.10.-- and 2003 c . . . s 1 (section 1 of this act).

NEW SECTION. Sec. 9. A new section is added to chapter 39.12 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:

RCW 39.12.-- and 2003 c . . . s 6 (section 6 of this act)."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Roach and Kastama to Substitute House Bill No. 1788, under suspension of the rules.

The motion by Senator Roach carried and the striking amendment was adopted, under suspension of the rules.

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

On page 1, line 1 of the title, after "works;" strike the remainder of the title and insert "amending RCW 39.10.020, 39.10.067, 39.08.030, 39.30.060, 60.28.011, and 39.10.902; adding a new section to chapter 39.10 RCW; and adding new sections to chapter 39.12 RCW."

MOTION

On motion of Senator Roach, Substitute House Bill No. 1788, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1788, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1788, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 462.

Excused: Senators Deccio, Hargrove and Honeyford, - 3.

SUBSTITUTE HOUSE BILL NO. 1788, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Substitute House Bill No. 1788, as amended by the Senate under suspension of the rules, was ordered to be immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5310, insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Morton, the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5310.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5310, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5310, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Sheldon, T. - 1.

Excused: Senators Deccio and Hargrove - 2.

SUBSTITUTE SENATE BILL NO. 5310, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Morton, the Senate receded from the Senate amendment(s) to Engrossed Substitute House Bill No. 1689.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1689, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1689, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 42; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen,

Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 42.

Voting nay: Senators Fraser, Kastama, Regala, Spanel and Thibaudeau - 5.

Excused: Senators Deccio and Hargrove - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, without the Senate amendment(s), having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Sheahan served notice for reconsideration of the vote by which the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 1689.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The Speaker ruled the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1335 beyond the scope and object of the bill. The House refuses to concur in the said amendment(s) and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Oke moved that the Senate recede from its amendment(s) to Substitute House Bill No. 1335.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Oke that the Senate recede from its amendment(s) to Substitute House Bill No. 1335.

The motion by Senator Oke carried and the Senate receded from its amendment(s) to Substitute House Bill No. 1335.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1335, without the Senate amendment(s).

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1335, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Finkbeiner - 1.

Excused: Senators Deccio and Hargrove - 2.

SUBSTITUTE HOUSE BILL NO. 1335, without the Senate amendment(s), having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 2:44 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 3:55 p.m. by President Owen.

MOTION

On motion of Senator Eide, Senator Regala was excused.

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:

**SUBSTITUTE HOUSE BILL NO. 1057,
SUBSTITUTE HOUSE BILL NO. 1081,
HOUSE BILL NO. 1108,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1219,
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
ENGROSSED HOUSE BILL NO. 1252,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299,
HOUSE BILL NO. 1361,
SUBSTITUTE HOUSE BILL NO. 1380,
ENGROSSED HOUSE BILL NO. 1395,
HOUSE BILL NO. 1444,
SUBSTITUTE HOUSE BILL NO. 1455,
SUBSTITUTE HOUSE BILL NO. 1470,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
HOUSE BILL NO. 1654,
SECOND SUBSTITUTE HOUSE BILL NO. 1725,
HOUSE BILL NO. 1727,
SECOND SUBSTITUTE HOUSE BILL NO. 1784,
HOUSE BILL NO. 1858,
HOUSE BILL NO. 1972,
HOUSE BILL NO. 1980,
HOUSE BILL NO. 2001,
HOUSE BILL NO. 2186,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGES FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5190 and passed the bill without the House amendment(s), and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 26, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5448 and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 26, 2003

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5497 and passed the bill without the House amendment(s), and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 26, 2003

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5520 and passed the bill without the House amendment(s), and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

April 26, 2003

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5748 and passed the bill without the House amendment(s), and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

**SUBSTITUTE HOUSE BILL NO. 1057,
SUBSTITUTE HOUSE BILL NO. 1081,
HOUSE BILL NO. 1108,
SUBSTITUTE HOUSE BILL NO. 1211,
SUBSTITUTE HOUSE BILL NO. 1219,
SECOND SUBSTITUTE HOUSE BILL NO. 1240,
ENGROSSED HOUSE BILL NO. 1252, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1299,
HOUSE BILL NO. 1361,
SUBSTITUTE HOUSE BILL NO. 1380,
ENGROSSED HOUSE BILL NO. 1395,
HOUSE BILL NO. 1444,
SUBSTITUTE HOUSE BILL NO. 1455,
SUBSTITUTE HOUSE BILL NO. 1470,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1524,
HOUSE BILL NO. 1654,
SECOND SUBSTITUTE HOUSE BILL NO. 1725,
HOUSE BILL NO. 1727,
SECOND SUBSTITUTE HOUSE BILL NO. 1784,
HOUSE BILL NO. 1858,
HOUSE BILL NO. 1972,
HOUSE BILL NO. 1980,
HOUSE BILL NO. 2001,
HOUSE BILL NO. 2186.**

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 5190,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5448,
SUBSTITUTE SENATE BILL NO. 5497,
SUBSTITUTE SENATE BILL NO. 5520,
SUBSTITUTE SENATE BILL NO. 5748.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1100 and asks the Senate to recede therefrom., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Swecker, the Senate receded from its amendments(s) to Substitute House Bill No. 1100.

MOTIONS

On motion of Senator Swecker, the rules were suspended and Substitute House Bill No. 1100 was returned to second reading and read the second time.

On motion of Senator Swecker, the following striking amendment by Senators Swecker and Rasmussen was adopted, under suspension of the rules:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 20.01.010 and 1991 c 174 s 1 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) "Director" means the director of agriculture or ((his)) a duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) "Consignor" means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) "Commission merchant" means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) "Limited dealer" means any person (~~operating~~) who buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product and who operates under the alternative bonding provision in RCW 20.01.211.

(9) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy for resale any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, credit card, or bankdraft may be used for the payment. For the purposes of this subsection, "agricultural product," does not include hay, grain, straw, or livestock.

(11) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year.

(13) "Fixed or established place of business" for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt with in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) "Processor" means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) "Pooling contract" means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) "Date of sale" means the date agricultural products are delivered to the person buying the products.

(17) "Conditioner" means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(18) "Seed bailment contract" means any contract meeting the requirements of chapter 15.48 RCW.

(19) "Proprietary seed" means any seed that is protected under the Federal Plant Variety Protection Act.

(20) "Licensed public weighmaster" means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(21) "Certified weight" means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

(22) "Licensee" means any person or business licensed under this chapter as a commission merchant, dealer, limited dealer, broker, cash buyer, or agent.

Sec. 2. RCW 20.01.130 and 1993 sp.s. c 24 s 929 are each amended to read as follows:

All fees and other moneys received by the department under ~~((the provisions of))~~ this chapter shall be paid to the director and ~~((shall be))~~ used solely for the purpose of carrying out ~~((the provisions of))~~ this chapter and the rules adopted ~~((hereunder or for departmental administrative expenses during the 1993-95 biennium))~~ under this chapter. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

Sec. 3. RCW 20.01.140 and 1959 c 139 s 14 are each amended to read as follows:

Any change in the organization of any firm, association, exchange, corporation, or partnership licensed under ~~((the provisions of))~~ this chapter shall be reported to the director and the licensee's surety or sureties within thirty days.

Sec. 4. RCW 20.01.211 and 1983 c 305 s 5 are each amended to read as follows:

(1) In lieu of the bonding provision required by RCW 20.01.210, any dealer who buys, agrees to buy, or pays for the production or increase of any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product may file a bond in an amount equal to the dealer's maximum monthly purchases, divided by ~~((fifteen))~~ twelve, but the minimum bond ~~((provided by))~~ under this section shall be ~~((in a minimum of seven thousand five hundred))~~ no less than ten thousand dollars.

(2) Any dealer using the bonding provisions of this section shall file an affidavit with the director that sets forth the dealer's maximum monthly purchases from or payments to consignors. The affidavit shall be filed at the time of application and with each renewal.

(3) Any dealer bonded under this section who is found to be in violation of this chapter shall be required to comply with the bonding requirements of RCW 20.01.210 for a minimum of two years.

Sec. 5. RCW 20.01.240 and 1986 c 178 s 12 are each amended to read as follows:

(1) ~~((Except as provided in subsection (2) of this section,))~~ Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer shall file a claim with the director. ((Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

(2) Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer in hay or straw, shall file a claim with the director within twenty days of the licensee's default. In the case of a claim against the bond of a commission merchant or unlimited dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw. Upon verifying the consignor's claim either through investigation or, if necessary, an administrative action, the director shall, within ten working days of the filing of the claim, make demand for payment of the claim by the licensee's surety without regard to any other potentially valid claim. Any subsequent claim will likewise result in a demand against the licensee's surety, subject to the availability of any remaining bond proceeds.

(2) In the case of a claim against the bond of a commission merchant or dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw or at a date agreed to by both the consignor and commission merchant or dealer in written contract. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw.

(3) Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and dealer, together with the amounts due and owing to them by such commission merchant and dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

(4) For claims against a bond that have been filed by consignors prior to the sixty-day deadline established in RCW 20.01.250, the director shall investigate the claims and, within thirty days of verifying the claims, demand payment for the valid claims by the licensee's surety. The director shall distribute the proceeds of the valid bond claims to the claimants on a pro rata basis within the limits of the claims and the availability of the bond proceeds. If a claim is filed after the sixty-day deadline established in RCW 20.01.250, the director may investigate the claim and may demand payment for a valid claim. The director shall distribute the proceeds of any such payment made by the surety to the claimant on a first-to-file, first-to-be-paid basis within the limits of the claim and the availability of any bond proceeds remaining after the pro rata distribution. All distributions made by the director under this subsection are subject to RCW 20.01.260.

Sec. 6. RCW 20.01.320 and 1959 c 139 s 32 are each amended to read as follows:

The director on his or her own motion or upon the verified complaint of any interested party may investigate, examine, or inspect (1) any transaction involving solicitation, receipt, sale, or attempted sale of agricultural products by any person or persons acting or assuming to act as a commission merchant, dealer, broker, cash buyer, or agent; (2) the failure to make proper and true account of sales and settlement thereof as required under this chapter ((and/or)) or rules ((and regulations)) adopted ((hereunder)) under this chapter; (3) the intentional making of false statements as to conditions and quantity of any agricultural products received or in storage; (4) the intentional making of false statements as to market conditions; (5) the failure to make payment for products within the time required by this chapter; (6) any and all other injurious transactions. In furtherance of ~~((any))~~ such an investigation, examination, or inspection, the director or ((his)) an authorized representative((-)) may examine that portion of the ledgers, books, accounts, memoranda and other documents, agricultural products, scales, measures, and other articles and things used in connection with the business of ((such)) the person relating to the transactions involved. For the purpose of ((such)) the investigation the director shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage, and transportation facilities or any other place where agricultural products are kept, stored, handled, or transported. If the director is denied access, the director may apply to any court of competent jurisdiction for a search warrant authorizing access to the premises and records. The court may upon the application issue the search warrant for the purposes provided. The director may also, for the purpose of ~~((such))~~ the investigation, issue subpoenas to compel the attendance of witnesses, as provided in RCW 20.01.170, ((and/or)) or the production of books or documents, anywhere in the state.

Sec. 7. RCW 20.01.410 and 1971 ex.s. c 182 s 12 are each amended to read as follows:

(1) A copy of a manifest of cargo, on a form prescribed by the director, shall be carried on any vehicle transporting agricultural products purchased by a dealer or cash buyer, or consigned to a commission merchant from the consignor thereof when prescribed by the director. A bill of lading may be carried in lieu of a manifest of cargo for an agricultural product other than hay or straw.

(2) Except as provided in subsection (3) of this section, the commission merchant, dealer, or cash buyer of agricultural products shall issue a copy of ((such)) the manifest or bill of lading to the consignor of ((such)) the agricultural products and the original shall be retained by the licensee for a period of ((one)) three years during which time it shall be surrendered upon request to the director. ((Such)) The manifest of cargo ((shall be)) is valid only when signed by the licensee or his or her agent and the consignor or his or her authorized representative of ((such)) the agricultural products.

(3) The commission merchant or dealer of hay or straw shall issue a copy of a manifest to the consignor. The original copy shall be retained by the commission merchant or dealer for a period of three years during which time it shall be surrendered upon request to the director. The manifest of cargo is valid only when signed by the licensee or his or her agent and the consignor or his or her authorized representative of hay or straw.

(4) Manifest forms will be provided to licensees at the actual cost for the manifests plus necessary handling costs incurred by the department.

Sec. 8. RCW 20.01.460 and 1989 c 354 s 43 are each amended to read as follows:

(1) Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) ~~((and (3)))~~ through (4) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

(a) Imposes false charges for handling or services in connection with agricultural products.

(b) Makes fictitious sales or is guilty of collusion to defraud the consignor.

(c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(d) With the intent to defraud the consignor, fails to comply with the requirements set forth under RCW 20.01.010(10), 20.01.390, or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.080, 20.01.120, 20.01.125, 20.01.410, or 20.01.610 has committed a civil infraction.

(4) Unlawful issuance of a check or draft may be prosecuted under RCW 9A.56.060.

Sec. 9. RCW 20.01.490 and 1986 c 178 s 5 are each amended to read as follows:

Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty. No monetary penalty so assessed may exceed ~~((one))~~ five thousand dollars. The director shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and shall submit the schedule to the proper courts. Whenever a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter shall be punishable as a misdemeanor.

Sec. 10. RCW 20.01.610 and 1986 c 178 s 14 are each amended to read as follows:

The director or ~~((his))~~ appointed officers may stop a vehicle transporting ~~((hay or straw))~~ agricultural products upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so has committed a civil infraction.

The director and appointed officers shall work to ensure that vehicles carrying perishable agricultural products are detained no longer than is absolutely necessary for a prompt assessment of compliance with this chapter. If a vehicle carrying perishable agricultural products is found to be in violation of this chapter, the director or appointed officers shall promptly issue necessary notices of civil infraction, as provided in RCW 20.01.482 and 20.01.484, and shall allow the vehicle to continue toward its destination without further delay.

NEW SECTION. Sec. 11. In recognition of the significant losses incurred by seed producers in the state from a recent seed company bankruptcy and the increasing diversity of and changes in the state's seed industry, the department of agriculture shall conduct a study of alternative methods of reducing the risk of nonpayment of producers from seed company bankruptcies and increasing the financial recovery for seed producers should such bankruptcies occur. The study shall evaluate alternative methods of addressing issues relating to nonpayment of producers, including the potential of establishing an indemnity fund, and how the costs of providing and maintaining such a fund would be borne. The department shall evaluate whether establishing an indemnity fund would be in addition to or as a substitute for any current bonding requirements for various types of seed crops and seed contracts, including bailment contracts. The department shall establish an advisory committee including representatives of producers and seed companies of various types of agricultural seeds grown in this state to assist it in the study.

The department shall report the results of the study, including any recommended legislation in bill form, to the governor and to the appropriate committees of the legislature by December 1, 2003."

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

On page 1, line 2 of the title, after "products;" strike the remainder of the title and insert "amending RCW 20.01.010, 20.01.130, 20.01.140, 20.01.211, 20.01.240, 20.01.320, 20.01.410, 20.01.460, 20.01.490, and 20.01.610; creating a new section; and prescribing penalties."

MOTION

On motion of Senator Swecker, the rules were suspended, Substitute House Bill No. 1100, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1100, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1100, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Deccio and Regala - 2.

SUBSTITUTE HOUSE BILL NO. 1100, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Substitute House Bill No. 1100, as amended by the Senate under suspension of the rules, was ordered to be immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1464 and asks the Senate to recede therefrom., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate refuses to recede from the Senate amendment(s) to Substitute House Bill No. 1464 and asks the House to concur therein.

REPORT OF CONFERENCE COMMITTEE

RE: ESHB 2056 Includes New Items

Public Works Bidding.

MR. PRESIDENT:

MR. SPEAKER:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, Public Works Bidding, have had the same under consideration and we recommend that:

All previous amendment(s) not be adopted and that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

When a municipality receives a written protest from a bidder for a public works project which is the subject of competitive bids, the municipality shall not execute a contract for the project with anyone other than the protesting bidder without first providing at least two full business days' written notice of the municipality's intent to execute a contract for the project; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted.

NEW SECTION. Sec. 2. A new section is added to chapter 39.04 RCW to read as follows:

A low bidder on a public works project who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project.

Sec. 3. RCW 39.10.020 and 2001 c 328 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build and the general contractor/construction manager contracting procedures authorized in RCW 39.10.051 and 39.10.061, respectively.

(2) "Public body" means the state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every port district with total revenues greater than fifteen million dollars per year; every public hospital district with total revenues greater than fifteen million dollars per year utilizing the design-build procedure authorized by RCW 39.10.051 and every public hospital district, regardless of total revenues, proposing projects that are considered and approved by the public hospital district project review board under section 7 of this act; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; and those school districts proposing projects that are considered and approved by the school district project review board under RCW 39.10.115.

(3) "Public works project" means any work for a public body within the definition of the term public work in RCW 39.04.010.

Sec. 4. RCW 39.10.051 and 2002 c 46 s 1 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, the following public bodies may utilize the design-build procedure of public works contracting for public works projects authorized under this section: The state department of general administration; the University of Washington; Washington State University; every city with a population greater than seventy thousand and any public authority chartered by such city under RCW 35.21.730 through 35.21.755 and specifically authorized as provided in RCW 39.10.120(4); every county with a population greater than four hundred fifty thousand; every public utility district with revenues from energy sales greater than twenty-three million dollars per year; every public hospital district with total revenues greater than fifteen million dollars per year; and every port district with total revenues greater than fifteen million dollars per year. The authority granted to port districts in this section is in addition to and does not affect existing contracting authority under RCW 53.08.120 and 53.08.130. For the purposes of this section, "design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(2) Public bodies authorized under this section may utilize the design-build procedure for public works projects valued over ten million dollars where:

(a) The construction activities or technologies to be used are highly specialized and a design-build approach is critical in developing the construction methodology or implementing the proposed technology; or

(b) The project design is repetitive in nature and is an incidental part of the installation or construction; or

(c) Regular interaction with and feedback from facilities users and operators during design is not critical to an effective facility design.

(3) Public bodies authorized under this section may also use the design-build procedure for the following projects that meet the criteria in subsection (2)(b) and (c) of this section:

(a) The construction or erection of preengineered metal buildings or prefabricated modular buildings, regardless of cost; or

(b) The construction of new student housing projects valued over five million dollars.

(4) Contracts for design-build services shall be awarded through a competitive process utilizing public solicitation of proposals for design-build services. The public body shall publish at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done, a notice of its request for proposals for design-build services and the availability and location of the request for proposal documents. The request for proposal documents shall include:

(a) A detailed description of the project including programmatic, performance, and technical requirements and specifications, functional and operational elements, minimum and maximum net and gross areas of any building, and, at the discretion of the public body, preliminary engineering and architectural drawings;

(b) The reasons for using the design-build procedure;

(c) A description of the qualifications to be required of the proposer including, but not limited to, submission of the proposer's accident prevention program;

(d) A description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors. Evaluation factors shall include, but not be limited to: Proposal price; ability of professional personnel; past performance on similar projects; ability to meet time and budget requirements; ability to provide a performance and payment bond for the project; recent, current, and projected work loads of the firm; location; and the concept of the proposal;

(e) The form of the contract to be awarded;

(f) The amount to be paid to finalists submitting best and final proposals who are not awarded a design-build contract; and

(g) Other information relevant to the project.

(5) The public body shall establish a committee to evaluate the proposals based on the factors, weighting, and process identified in the request for proposals. Based on its evaluation, the public body shall select not fewer than three nor more than five finalists to submit best and final proposals. The public body may, in its sole discretion, reject all proposals. Design-build contracts shall be awarded using the procedures in (a) or (b) of this subsection.

(a) Best and final proposals shall be evaluated and scored based on the factors, weighting, and process identified in the initial request for proposals. The public body may score the proposals using a system that measures the quality and technical merits of the proposal on a unit price basis. Final proposals may not be considered if the proposal cost is greater than the maximum allowable construction cost identified in the initial request for proposals. The public body shall initiate negotiations with the firm submitting the highest scored best and final proposal. If the public body is unable to execute a contract with the firm submitting the highest scored best and final proposal, negotiations with that firm may be suspended or terminated and the public body may proceed to negotiate with the next highest scored firm. Public bodies shall continue in accordance with this procedure until a contract agreement is reached or the selection process is terminated.

(b) If the public body determines that all finalists are capable of producing plans and specifications that adequately meet project requirements, the public body may award the contract to the firm that submits the responsive best and final proposal with the lowest price.

(6) The firm awarded the contract shall provide a performance and payment bond for the contracted amount. The public body shall provide appropriate honorarium payments to finalists submitting best and final proposals who are not awarded a design-build contract. Honorarium payments shall be sufficient to generate meaningful competition among potential proposers on design-build projects.

Sec. 5. RCW 39.10.061 and 2002 c 46 s 2 are each amended to read as follows:

(1) Notwithstanding any other provision of law, and after complying with RCW 39.10.030, a public body may utilize the general contractor/construction manager procedure of public works contracting for public works projects authorized under subsection (2) of this section. For the purposes of this section, "general contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to be guaranteed by the firm, after competitive selection through formal advertisement and competitive bids, to provide services during the design phase that may include life-cycle cost design considerations, value engineering, scheduling, cost estimating, constructability, alternative construction options for cost savings, and sequencing of work, and to act as the construction manager and general contractor during the construction phase.

(2) Except those school districts proposing projects that are considered and approved by the school district project review board and those public hospital districts proposing projects that are considered and approved by the public hospital district project review board, public bodies authorized under this section may utilize the general contractor/construction manager procedure for public works projects valued over ten million dollars where:

(a) Implementation of the project involves complex scheduling requirements; or

(b) The project involves construction at an existing facility which must continue to operate during construction; or

(c) The involvement of the general contractor/construction manager during the design stage is critical to the success of the project.

(3) Public bodies should select general contractor/construction managers early in the life of public works projects, and in most situations no later than the completion of schematic design.

(4) Contracts for the services of a general contractor/construction manager under this section shall be awarded through a competitive process requiring the public solicitation of proposals for general contractor/construction manager services. The public solicitation of proposals shall include: A description of the project, including programmatic, performance, and technical requirements and specifications when available; the reasons for using the general contractor/construction manager procedure; a description of the qualifications to be required of the proposer, including submission of the proposer's accident prevention program; a description of the process the public body will use to evaluate qualifications and proposals, including evaluation factors and the relative weight of factors; the form of the contract to be awarded; the estimated maximum allowable construction cost; and the bid instructions to be used by the general contractor/construction manager finalists. Evaluation factors shall include, but not be limited to: Ability of professional personnel, past performance in negotiated and complex projects, and ability to meet time and budget requirements; the scope of work the general contractor/construction manager proposes to self-perform and its ability to perform it; location; recent, current, and projected work loads of the firm; and the concept of their proposal. A public body shall establish a committee to evaluate the proposals. After the committee has selected the most qualified finalists, these finalists shall submit final proposals, including sealed bids for the percent fee, which is the percentage amount to be earned by the general contractor/construction manager as overhead and profit, on the estimated maximum allowable construction cost and the fixed amount for the detailed specified general conditions work. The public body shall select the firm submitting the highest scored final proposal using the evaluation factors and the relative weight of factors published in the public solicitation of proposals.

(5) The maximum allowable construction cost may be negotiated between the public body and the selected firm after the scope of the project is adequately determined to establish a guaranteed contract cost for which the general contractor/construction manager will provide a performance and payment bond. The guaranteed contract cost includes the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, the percent fee on the negotiated maximum allowable construction cost, and sales tax. If the public body is unable to negotiate a satisfactory maximum allowable construction cost with the firm selected that the public body determines to be fair, reasonable, and within the available funds, negotiations with that firm shall be formally terminated and the public body shall negotiate with the next highest scored firm and continue until an agreement is reached or the process is terminated. If the maximum allowable construction cost varies more than fifteen percent from the bid estimated maximum allowable construction cost due to requested and approved changes in the scope by the public body, the percent fee shall be renegotiated.

(6) All subcontract work shall be competitively bid with public bid openings. When critical to the successful completion of a subcontractor bid package and after publication of notice of intent to determine bidder eligibility in a legal newspaper of general circulation published in or as near as possible to that part of the county in which the public work will be done at least twenty days before requesting qualifications from interested subcontract bidders, the owner and general contractor/construction manager may determine subcontractor bidding eligibility using the following evaluation criteria:

(a) Adequate financial resources or the ability to secure such resources;

- (b) History of successful completion of a contract of similar type and scope;
- (c) Project management and project supervision personnel with experience on similar projects and the availability of such personnel for the project;
- (d) Current and projected workload and the impact the project will have on the subcontractor's current and projected workload;
- (e) Ability to accurately estimate the subcontract bid package scope of work;
- (f) Ability to meet subcontract bid package shop drawing and other coordination procedures;
- (g) Eligibility to receive an award under applicable laws and regulations; and
- (h) Ability to meet subcontract bid package scheduling requirements.

The owner and general contractor/construction manager shall weigh the evaluation criteria and determine a minimum acceptable score to be considered an eligible subcontract bidder.

After publication of notice of intent to determine bidder eligibility, subcontractors requesting eligibility shall be provided the evaluation criteria and weighting to be used by the owner and general contractor/construction manager to determine eligible subcontract bidders. After the owner and general contractor/construction manager determine eligible subcontract bidders, subcontractors requesting eligibility shall be provided the results and scoring of the subcontract bidder eligibility determination.

Subcontract bid packages shall be awarded to the responsible bidder submitting the low responsive bid. The requirements of RCW 39.30.060 apply to each subcontract bid package. All subcontractors who bid work over three hundred thousand dollars shall post a bid bond and all subcontractors who are awarded a contract over three hundred thousand dollars shall provide a performance and payment bond for their contract amount. All other subcontractors shall provide a performance and payment bond if required by the general contractor/construction manager. If a general contractor/construction manager receives a written protest from a subcontractor bidder, the general contractor/construction manager shall not execute a contract for the subcontract bid package with anyone other than the protesting bidder without first providing at least two full business days' written notice of the general contractor/construction manager's intent to execute a contract for the subcontract bid package; provided that the protesting bidder submits notice in writing of its protest no later than two full business days following bid opening. Intermediate Saturdays, Sundays, and legal holidays are not counted. A low bidder who claims error and fails to enter into a contract is prohibited from bidding on the same project if a second or subsequent call for bids is made for the project. Except as provided for under subsection (7) of this section, bidding on subcontract work by the general contractor/construction manager or its subsidiaries is prohibited. The general contractor/construction manager may negotiate with the low-responsive bidder in accordance with RCW 39.10.080 or, if unsuccessful in such negotiations, rebid.

(7) The general contractor/construction manager, or its subsidiaries, may bid on subcontract work if:

- (a) The work within the subcontract bid package is customarily performed by the general contractor/construction manager;
- (b) The bid opening is managed by the public body; and
- (c) Notification of the general contractor/construction manager's intention to bid is included in the public solicitation of bids for the bid package.

In no event may the value of subcontract work performed by the general contractor/construction manager exceed thirty percent of the negotiated maximum allowable construction cost.

(8) A public body may include an incentive clause in any contract awarded under this section for savings of either time or cost or both from that originally negotiated. No incentives granted may exceed five percent of the maximum allowable construction cost. If the project is completed for less than the agreed upon maximum allowable construction cost, any savings not otherwise negotiated as part of an incentive clause shall accrue to the public body. If the project is completed for more than the agreed upon maximum allowable construction cost, excepting increases due to any contract change orders approved by the public body, the additional cost shall be the responsibility of the general contractor/construction manager.

NEW SECTION. Sec. 6. A new section is added to chapter 39.10 RCW to read as follows:

(1) In addition to the projects authorized in RCW 39.10.061, public hospital districts may also use the general contractor/construction manager contracting procedure for the construction of public hospital district capital demonstration projects, subject to the following conditions:

- (a) The project must receive approval from the public hospital district project review board established under section 7 of this act.
- (b) The public hospital district project review board may not authorize more than ten demonstration projects valued between five and ten million dollars.

(2) Public hospital districts may also use the general contractor/construction manager contracting procedure for the construction of any public hospital district capital project that has a value over ten million dollars and that has received approval from the public hospital district project review board established under section 7 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 39.10 RCW to read as follows:

(1) The public hospital district project review board is established to review public hospital district proposals submitted by public hospital districts to use alternative public works contracting procedures. The board shall select and approve qualified projects based upon an evaluation of the information submitted by the public hospital district under subsection (2) of this section. Any appointments for full terms or to fill a vacancy shall be made by the governor and shall include the following representatives, each having experience with public works or commercial construction: One representative from the department of health; one representative from the office of financial management; two representatives from the construction industry, one of whom works for a construction company with gross annual revenues of twenty million dollars or less; one representative from the specialty contracting industry; one representative from organized labor; one representative from the design industry; one representative from a public body previously authorized under this chapter to use an alternative public works contracting procedure who has experience using such alternative contracting procedures; one representative from public hospital districts with total revenues greater than fifteen million dollars per year; and one representative from public hospital districts with total revenues equal to or less than fifteen million dollars per year. Each member shall be appointed for a term of three years, with the first three-year term commencing after July 27, 2003. Any member of the public hospital district project review board who is directly affiliated with any applicant before the board must recuse him or herself from consideration of the application.

(2) A public hospital district seeking to use alternative contracting procedures authorized under this chapter pursuant to section 6 of this act shall file an application with the public hospital district project review board. The application form shall require the district to submit a detailed statement of the proposed project, including the public hospital district's name; the current projected total budget for the project, including the estimated construction costs, costs for professional services, equipment and furnishing costs, off-site costs, contract administration costs, and other related project costs; the anticipated project design and construction schedule; a summary of the public hospital district's construction activity for the preceding six years; and an explanation of why the public hospital district believes the use of an alternative contracting procedure is in the public interest and why the public hospital district is qualified to use an alternative contracting procedure, including a summary of the relevant experience of the public hospital district's management team. The applicant shall also provide in a timely manner any other information concerning implementation of projects under this chapter requested by the public hospital district project review board to assist in its consideration.

(3) Any public hospital district whose application is approved by the public hospital district project review board shall comply with the public notification and review requirements in RCW 39.10.030.

(4) Any public hospital district whose application is approved by the public hospital district project review board shall not use as an evaluation factor whether a contractor submitting a bid for the approved project has had prior general contractor/construction manager procedure experience.

Sec. 8. RCW 39.10.902 and 2002 c 46 s 4 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2007:

- (1) RCW 39.10.010 and 1994 c 132 s 1;
- (2) RCW 39.10.020 and 2003 c ... s 3 (section 3 of this act), 2001 c 328 s 1, 2000 c 209 s 1, 1997 c 376 s 1, & 1994 c 132 s 2;
- (3) RCW 39.10.030 and 1997 c 376 s 2 & 1994 c 132 s 3;
- (4) RCW 39.10.040 and 1994 c 132 s 4;
- (5) RCW 39.10.051 and 2003 c ... s 4 (section 4 of this act), 2002 c 46 s 1, & 2001 c 328 s 2;
- (6) RCW 39.10.061 and 2003 c ... s 5 (section 5 of this act), 2002 c 46 s 2, & 2001 c 328 s 3;
- (7) RCW 39.10.065 and 1997 c 376 s 5;
- (8) RCW 39.10.067 and 2002 c 46 s 3 & 2000 c 209 s 3;
- (9) RCW 39.10.070 and 1994 c 132 s 7;
- (10) RCW 39.10.080 and 1994 c 132 s 8;
- (11) RCW 39.10.090 and 1994 c 132 s 9;
- (12) RCW 39.10.100 and 1994 c 132 s 10;
- (13) RCW 39.10.115 and 2001 c 328 s 4 & 2000 c 209 s 4;
- (14) RCW 39.10.900 and 1994 c 132 s 13; (~~and~~)
- (15) RCW 39.10.901 and 1994 c 132 s 14;
- (16) RCW 39.10.--- and 2003 c ... s 6 (section 6 of this act); and
- (17) RCW 39.10.--- and 2003 c ... s 7 (section 7 of this act)."

On page 1, line 1 of the title, after "bidding;" strike the remainder of the title and insert "amending RCW 39.10.020, 39.10.051, 39.10.061, and 39.10.902; adding new sections to chapter 39.04 RCW; and adding new sections to chapter 39.10 RCW.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Roach, Benton and Kastama; Representatives Haigh, Armstrong and Kirby.

MOTION

On motion of Senator Roach, The Report of the Conference Committee on Engrossed Substitute House Bill No. 2056 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2056, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2056, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 3; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senators Honeyford, Morton and West - 3.

Excused: Senator Deccio - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House refuses to recede from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5474, insists on its position and asks the Senate to concur therein., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate refuses to concur in the House amendment(s) to Substitute Senate Bill No. 5474 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL No. 5903 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 72.05 RCW to read as follows:

(1) It is the intent of the legislature that appropriate treatment services be provided to juvenile offenders in order to achieve rehabilitation. The treatment should be provided at either local detention facilities or at state institutions depending upon which facility best meets the needs of the individual juvenile offender. The legislature recognizes that a consequence of the treatment alternatives established under this act is a reduction in the juvenile rehabilitation administration's institutional population. As a result of a decrease in institutional population it may become necessary to consolidate institutional facilities or services.

(2) No juvenile rehabilitation administration institution shall be closed without specific authorization in an act of the legislature.

(3) If a juvenile rehabilitation administration institution is closed by the legislature, the department of corrections shall be prohibited from operating the institution and the institution shall not be used to incarcerate adult offenders.

Sec. 2. RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	<i>DESCRIPTION (RCW CITATION)</i>	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B +
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes Involving Physical Harm

	Assault 1 (9A.36.011)	B +
A		
	Assault 2 (9A.36.021)	C +
B+		
	Assault 3 (9A.36.031)	D +
C +		
	Assault 4 (9A.36.041)	E
D +		
	Drive-By Shooting (9A.36.045)	C +
B +		
	Reckless Endangerment (9A.36.050)	E
D +		
	Promoting Suicide Attempt (9A.36.060)	D +
C +		
	Coercion (9A.36.070)	E
D +		
	Custodial Assault (9A.36.100)	D +
C +		
	Burglary and Trespass	
	Burglary 1 (9A.52.020)	C +
B +		
	Residential Burglary (9A.52.025)	C
B		
	Burglary 2 (9A.52.030)	C
B		
	Burglary Tools (Possession of) (9A.52.060)	E
D		
	Criminal Trespass 1 (9A.52.070)	E
D		
	Criminal Trespass 2 (9A.52.080)	E
E		

C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E
	Drugs	
E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C +	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D +
E	Possession of Legend Drug (69.41.030)	E
B +	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B +
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C +	Sale of Controlled Substance for Profit (69.50.410)	C +
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C

C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C
Firearms and Weapons		
B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
D +	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E
Homicide		
A +	Murder 1 (9A.32.030)	A
A +	Murder 2 (9A.32.050)	B +
B +	Manslaughter 1 (9A.32.060)	C +
C +	Manslaughter 2 (9A.32.070)	D +
B +	Vehicular Homicide (46.61.520)	C +
Kidnapping		

	Kidnap 1 (9A.40.020)	B +
A		
	Kidnap 2 (9A.40.030)	C +
B +		
	Unlawful Imprisonment (9A.40.040)	D +
C +		
Obstructing Governmental Operation		
	Obstructing a Law Enforcement Officer (9A.76.020)	E
D		
	Resisting Arrest (9A.76.040)	E
E		
	Introducing Contraband 1 (9A.76.140)	C
B		
	Introducing Contraband 2 (9A.76.150)	D
C		
	Introducing Contraband 3 (9A.76.160)	E
E		
	Intimidating a Public Servant (9A.76.180)	C +
B +		
	Intimidating a Witness (9A.72.110)	C +
B +		
Public Disturbance		
	Riot with Weapon (9A.84.010)	D +
C +		
	Riot Without Weapon (9A.84.010)	E
D +		
	Failure to Disperse (9A.84.020)	E
E		

E	Disorderly Conduct (9A.84.030)	E
	Sex Crimes	
	Rape 1 (9A.44.040)	B +
A		
	Rape 2 (9A.44.050)	B +
A-		
	Rape 3 (9A.44.060)	D +
C +		
	Rape of a Child 1 (9A.44.073)	B +
A-		
	Rape of a Child 2 (9A.44.076)	C +
B +		
	Incest 1 (9A.64.020(1))	C
B		
	Incest 2 (9A.64.020(2))	D
C		
	Indecent Exposure (Victim <14) (9A.88.010)	E
D +		
	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
E		
	Promoting Prostitution 1 (9A.88.070)	C +
B +		
	Promoting Prostitution 2 (9A.88.080)	D +
C +		
	O & A (Prostitution) (9A.88.030)	E
E		
	Indecent Liberties (9A.44.100)	C +
B +		
	Child Molestation 1 (9A.44.083)	B +
A-		

B	Child Molestation 2 (9A.44.086)	C +
Theft, Robbery, Extortion, and Forgery		
B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B +
B +	Robbery 2 (9A.56.210)	C +
B +	Extortion 1 (9A.56.120)	C +
C +	Extortion 2 (9A.56.130)	D +
C	Identity Theft 1 (9.35.020(2)(a))	D
D	Identity Theft 2 (9.35.020(2)(b))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D

D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2))	D
	Motor Vehicle Related Crimes	
E	Driving Without a License (46.20.005)	E
B +	Hit and Run - Death (46.52.020(4)(a))	C +
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
	Other	
B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2¹ (9A.76.120)	C

D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, ~~(C, D)~~ or section 4 of this act.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

180 WEEKS TO AGE 21 YEARS

A +

103 WEEKS TO 129 WEEKS

A

15-36

52-65

80-100

103-129

A-

WEEKS

WEEKS

WEEKS

WEEKS

EXCEPT

30-40

WEEKS FOR

15-17

YEAR OLDS

B +

15-36

52-65

80-100

103-129

Current

Offense

WEEKS

WEEKS

WEEKS

WEEKS

Category

LOCAL

52-65

B

15-36 WEEKS

WEEKS

SANCTIONS (LS)

LS

C +

15-36 WEEKS

LS

15-36 WEEKS

C

Local Sanctions:

0 to 30 Days

D +	LS	0 to 12 Months Community Supervision			
			0 to 150 Hours Community Restitution		
D	LS	\$0 to \$500 Fine			
E	LS				
			1	2	3
					4 or more
		0			

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A+ offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW

46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401(a)(1) (i) or (ii)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

OR

OPTION C CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION ((C)) D MANIFEST INJUSTICE

If the court determines that a disposition under option A ((C)), B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 3. RCW 13.40.160 and 2002 c 175 s 22 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsections (2), (3), ((and)) (4), or (5) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsections (2), (3), ((and)) (4), and (5) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ((C)) D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a)(i) Frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option ((C)) D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(b)(i) Devote time to a specific education, employment, or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (C) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

~~(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under section 4 of this act.~~

~~(6) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.~~

~~((6)) (7) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.~~

~~((7)) (8) Except as provided under subsection (3) ~~((8))~~, (4), or (5) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.~~

~~((8)) (9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.~~

NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW to read as follows:

(1) When an offender is subject to a standard range commitment of 15 to 65 weeks, the court may:

(a) Impose the standard range; or

(b) Suspend the standard range disposition on condition that the offender complies with the terms of this mental health disposition alternative.

(2) The court may impose this disposition alternative when the court finds the following:

(a) The offender has a current diagnosis, consistent with the American psychiatry association diagnostic and statistical manual of mental disorders, of axis I psychiatric disorder, excluding youth that are diagnosed as solely having a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia;

(b) An appropriate treatment option is available in the local community;

(c) The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program including: Incentives and graduated sanctions designed specifically for amenable youth, including the use of detention, detoxication, and in-patient or outpatient substance abuse treatment and psychiatric hospitalization, and structured community support consisting of mental health providers, probation, educational and vocational advocates, child welfare services, and family and community support. For any mental health treatment ordered for an offender under this section, the treatment option selected shall be chosen from among programs which have been successful in addressing mental health needs of juveniles and successful in mental health treatment of juveniles and identified as research-based best practice programs. A list of programs which meet these criteria shall be agreed upon by: The Washington association of juvenile court administrators, the juvenile rehabilitation administration of the department of social and health services, a representative of the division of public behavioral health and justice policy at the University of Washington, and the Washington institute for public policy. The list of programs shall be created not later than July 1, 2003. The group shall provide the list to all superior courts, its own membership, the legislature, and the governor. The group shall meet annually and revise the list as appropriate; and

(d) The offender, offender's family, and community will benefit from use of the mental health disposition alternative.

(3) The court on its own motion may order, or on motion by either party, shall order a comprehensive mental health evaluation to determine if the offender has a designated mental disorder. The court may also order a chemical dependency evaluation to determine if the offender also has a co-occurring chemical dependency disorder. The evaluation shall include at a minimum the following: The offender's version of the facts and the official version of the facts, the offender's offense, an assessment of the offender's mental health and drug-alcohol problems and previous treatment attempts, and the offender's social, criminal, educational, and employment history and living situation.

(4) The evaluator shall determine if the offender is amenable to research-based treatment. A proposed case management and treatment plan shall include at a minimum:

(a) The availability of treatment;

(b) Anticipated length of treatment;

(c) Whether one or more treatment interventions are proposed and the anticipated sequence of those treatment interventions;

(d) The education plan;

(e) The residential plan; and

(f) The monitoring plan.

(5) The court on its own motion may order, or on motion by either party, shall order a second mental health or chemical dependency evaluation. The party making the motion shall select the evaluator. The requesting party shall pay the cost of any examination

ordered under this subsection and subsection (3) of this section unless the court finds the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(6) Upon receipt of the assessments, evaluations, and reports the court shall consider whether the offender and the community will benefit from use of the mental health disposition alternative. The court shall consider the victim's opinion whether the offender should receive the option.

(7) If the court determines that the mental health disposition alternative is appropriate, the court shall impose a standard range disposition of not more than 65 weeks, suspend execution of the disposition, and place the offender on community supervision up to one year and impose one or more other local sanctions. Confinement in a secure county detention facility, other than county group homes, inpatient psychiatric treatment facilities, and substance abuse programs, shall be limited to thirty days. As a condition of a suspended disposition, the court shall require the offender to participate in the recommended treatment interventions.

(8) The treatment providers shall submit monthly reports to the court and parties on the offender's progress in treatment. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, medication management, the offender's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(9) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(10) An offender is ineligible for the mental health disposition option under this section if the offender is adjudicated of a sex or violent offense as defined in RCW 9.94A.030.

Sec. 5. RCW 13.40.165 and 2002 c 175 s 23 and 2002 c 42 s 1 are each reenacted and amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 70.96A.520. The court must consider eligibility for the chemical dependency disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent or substance abusing, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent or substance abusing. The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

- (a) Whether inpatient and/or outpatient treatment is recommended;
- (b) Availability of appropriate treatment;
- (c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;
- (d) Anticipated length of treatment; and
- (e) Recommended crime-related prohibitions.

(4) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender and the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option ((E)) D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

NEW SECTION. Sec. 6. Because model adherence and competent delivery of research-based intervention programs is critical for reducing recidivism, the Washington state institute for public policy shall develop adherence and outcome standards for measuring effectiveness of treatment programs referred to in this act. The standards shall be developed and presented to the governor and legislature no later than January 1, 2004. The standards shall include methods for measuring competent delivery of interventions as well as success factors following treatment. The standards shall include, but not be limited to hiring, training and retaining qualified providers, managing and overseeing the delivery of treatment services, and developing quality assurance measures. The department shall utilize these standards

to assess program effectiveness. The courts shall also utilize these standards in determining their continued use of these alternatives. The courts shall not continue to use programs that do not comply with these standards.

NEW SECTION. Sec. 7. (1) A task force is created for the purpose of examining the coordination of information, education services, and matters of public safety when juvenile offenders are placed into public schools, following their conviction.

(2) The task force shall be chaired by the superintendent of public instruction and include a representative from the juvenile rehabilitation administration of the department of social and health services, the state board of education, associations which represent school teachers, administrators, and school boards, superior court judges, the Washington association of juvenile court administrators, prosecuting attorneys, the governor, attorneys whose practice includes criminal defense work for juvenile defendants, three groups whose primary purpose is the delivery of services to families and children, and law enforcement. The three groups who deliver services shall be selected by the superintendent of public instruction.

(3) The task force shall identify specific policies and statutory, administrative, and practice processes and barriers that may operate to impede: (a) The identification and delivery of appropriate and coordinated services to juvenile offenders who are placed in, or returned to public schools following conviction of an offense; and (b) transmittal of information regarding juvenile offenders who are returned to, or placed in, public schools following conviction of an offense. The task force shall recommend specific statutory and administrative changes as it finds appropriate to eliminate or reduce the barriers identified as a result of this subsection (3).

(4) The task force shall report its findings and recommendations to the governor, the legislature, and the agencies represented on the task force not later than December 1, 2003.

NEW SECTION. Sec. 8. Sections 6 and 7 of this act expire December 31, 2003.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Stevens, the Senate refuses to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5903 and asks the House to recede therefrom.

MOTION

At 4:21 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 5:08 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 17, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE BILL NO. 6012 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.58.060 and 1995 c 347 s 304 are each amended to read as follows:

(1) The department shall periodically review and adopt guidelines consistent with RCW 90.58.020, containing the elements specified in RCW 90.58.100 for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of statewide significance.

(2) Before adopting or amending guidelines under this section, the department shall provide an opportunity for public review and comment as follows:

(a) The department shall mail copies of the proposal to all cities, counties, and federally recognized Indian tribes, and to any other person who has requested a copy, and shall publish the proposed guidelines in the Washington state register. Comments shall be submitted in writing to the department within sixty days from the date the proposal has been published in the register.

(b) The department shall hold at least four public hearings on the proposal in different locations throughout the state to provide a reasonable opportunity for residents in all parts of the state to present statements and views on the proposed guidelines. Notice of the hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state. If an amendment to the guidelines addresses an issue limited to one geographic area, the number and location of hearings may be adjusted consistent with the intent of this subsection to assure all parties a reasonable opportunity to comment on the proposed amendment. The department shall accept written comments on the proposal during the sixty-day public comment period and for seven days after the final public hearing.

(c) At the conclusion of the public comment period, the department shall review the comments received and modify the proposal consistent with the provisions of this chapter. The proposal shall then be published for adoption pursuant to the provisions of chapter 34.05 RCW.

(3) The department may (~~propose~~) adopt amendments to the guidelines not more than once each year. (~~At least once every five years the department shall conduct a review of the guidelines pursuant to the procedures outlined in subsection (2) of this section~~) Such amendments shall be limited to: (a) Addressing technical or procedural issues that result from the review and adoption of master programs under the guidelines; or (b) issues of guideline compliance with statutory provisions.

Sec. 2. RCW 90.58.080 and 1995 c 347 s 305 are each amended to read as follows:

(1) Local governments shall develop or amend (~~within twenty-four months after the adoption of guidelines as provided in RCW 90.58.060,~~) a master program for regulation of uses of the shorelines of the state consistent with the required elements of the guidelines adopted by the department in accordance with the schedule established by this section.

(2)(a) Subject to the provisions of subsections (5) and (6) of this section, each local government subject to this chapter shall develop or amend its master program for the regulation of uses of shorelines within its jurisdiction according to the following schedule:

(i) On or before December 1, 2005, for the city of Port Townsend, the city of Bellingham, the city of Everett, Snohomish county, and Whatcom county;

(ii) On or before December 1, 2009, for King county and the cities within King county greater in population than ten thousand;

(iii) Except as provided by (a)(i) and (ii) of this subsection, on or before December 1, 2011, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(iv) On or before December 1, 2012, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(v) On or before December 1, 2013, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(vi) On or before December 1, 2014, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(b) Nothing in this subsection (2) shall preclude a local government from developing or amending its master program prior to the dates established by this subsection (2).

(3)(a) Following approval by the department of a new or amended master program, local governments required to develop or amend master programs on or before December 1, 2009, as provided by subsection (2)(a)(I) and (ii) of this section, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) of this section and shall not be required to complete master program amendments until seven years after the applicable dates established by subsection (2)(a)(iii) of this section. Any jurisdiction listed in subsection (2)(a)(I) of this section that has a new or amended master program approved by the department on or after March 1, 2002, but before the effective date of this section, shall not be required to complete master program amendments until seven years after the applicable date provided by subsection (2)(a)(iii) of this section.

(b) Following approval by the department of a new or amended master program, local governments choosing to develop or amend master programs on or before December 1, 2009, shall be deemed to have complied with the schedule established by subsection (2)(a)(iii) through (vi) of this section and shall not be required to complete master program amendments until seven years after the applicable dates established by subsection (2)(a)(iii) through (vi) of this section.

(4) Local governments shall conduct a review of their master programs at least once every seven years after the applicable dates established by subsection (2)(a)(iii) through (vi) of this section. Following the review required by this subsection (4), local governments shall, if necessary, revise their master programs. The purpose of the review is:

(a) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and

(b) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

(5) Local governments are encouraged to begin the process of developing or amending their master programs early and are eligible for grants from the department as provided by RCW 90.58.250, subject to available funding. Except for those local governments listed in subsection (2)(a)(I) and (ii) of this section, the deadline for completion of the new or amended master programs shall be two years after the date the grant is approved by the department. Subsequent master program review dates shall not be altered by the provisions of this subsection.

(6)(a) Grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in subsection (2) of this section. To the extent possible, the department shall allocate grants within the amount appropriated for such purposes to provide reasonable and adequate funding to local governments that have indicated their intent to develop or amend master programs during the biennium according to the schedule established by subsection (2) of this section. Any local government that applies for but does not receive funding to comply with the provisions of subsection (2) of this section may delay the development or amendment of its master program until the following biennium.

(b) Local governments with delayed compliance dates as provided in (a) of this subsection shall be the first priority for funding in subsequent biennia, and the development or amendment compliance deadline for those local governments shall be two years after the date of grant approval.

(c) Failure of the local government to apply in a timely manner for a master program development or amendment grant in accordance with the requirements of the department shall not be considered a delay resulting from the provisions of (a) of this subsection.

(7) Notwithstanding the provisions of this section, all local governments subject to the requirements of this chapter that have not developed or amended master programs on or after March 1, 2002, shall, no later than December 1, 2014, develop or amend their master programs to comply with guidelines adopted by the department after January 1, 2003.

Sec. 3. RCW 90.58.250 and 1971 ex. s. c 286 s 25 are each amended to read as follows:

(1) The legislature intends to eliminate the limits on state funding of shoreline master program development and amendment costs. The legislature further intends that the state will provide funding to local governments that is reasonable and adequate to accomplish the costs of developing and amending shoreline master programs consistent with the schedule established by RCW 90.58.080. Except as specifically described herein, nothing in this act is intended to alter the existing obligation, duties, and benefits provided by this act to local governments and the department.

(2) The department is directed to cooperate fully with local governments in discharging their responsibilities under this chapter. Funds shall be available for distribution to local governments on the basis of applications for preparation of master programs and the provisions of RCW 90.58.080(7). Such applications shall be submitted in accordance with regulations developed by the department. The department is authorized to make and administer grants within appropriations authorized by the legislature to any local government within the state for the purpose of developing a master shorelines program.

~~((No grant shall be made in an amount in excess of the recipient's contribution to the estimated cost of such program.))~~"

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Mulliken moved that the Senate refuse to concur in the House amendment to Substitute Senate Bill No. 6012 and asks the House to recede therefrom.

PARLIAMENTARY INQUIRY

Senator Kline: "A parliamentary inquiry, Mr. President. Under Rule 254 of Reed's Rules, as I understand it, our 'no' motion, or rather our 'no' vote, if it is, in fact, a 'no' vote on a motion to not concur is in it's procedural effect a vote to concur. Please confirm or tell me that I am wrong, Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Senator Kline, your point is well taken."

Senator Kline: "Then, a 'no' vote on a motion to not concur is, in effect, a motion to concur. I strongly urge that we vote 'no' very clearly. Thank you, Mr. President."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Mulliken to not concur in the Senate amendment to Substitute Senate Bill No. 6012 and asks the House to recede therefrom.

The motion by Senator Mulliken to not concur in the House amendment failed.

The President declared that, in effect, the Senate has concurred in the House amendment to Substitute Senate Bill No. 6012.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6012, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6012, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Honeyford, Morton, Mulliken, Stevens and West - 5.

SUBSTITUTE SENATE BILL NO. 6012, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

MESSAGE FROM THE HOUSE

April 24, 2003

MR. PRESIDENT:

Under suspension of the rules, the House has passed ENGROSSED SENATE BILL NO. 5389 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 59.18 RCW to read as follows:

(1) For the purpose of this section, "drug and alcohol free housing" requires a rental agreement and means a dwelling in which:

(a) Each of the dwelling units on the premises is occupied or held for occupancy by at least one tenant who is a recovering alcoholic or drug addict and is participating in a program of recovery;

(b) The landlord is a nonprofit corporation incorporated under Title 24 RCW, a corporation for profit incorporated under Title 23B RCW, or a housing authority created under chapter 35.82 RCW, and is providing federally assisted housing as defined in chapter 59.28 RCW;

(c) The landlord provides:

(i) A drug and alcohol free environment, covering all tenants, employees, staff, agents of the landlord, and guests;

(ii) An employee who monitors the tenants for compliance with the requirements of (d) of this subsection;

(iii) Individual and group support for recovery; and

(iv) Access to a specified program of recovery; and

(d) The rental agreement is in writing and includes the following provisions:

(i) The tenant may not use, possess, or share alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, either on or off the premises;

(ii) The tenant may not allow the tenant's guests to use, possess, or share alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, on the premises;

(iii) The tenant must participate in a program of recovery, which specific program is described in the rental agreement;

(iv) On at least a quarterly basis the tenant must provide written verification from the tenant's program of recovery that the tenant is participating in the program of recovery and the tenant has not used alcohol or illegal drugs;

(v) The landlord has the right to require the tenant to take a urine analysis test regarding drug or alcohol usage, at the landlord's discretion and expense; and

(vi) The landlord has the right to terminate the tenant's tenancy by delivering a three-day notice to terminate with one day to comply, if a tenant living in drug and alcohol free housing uses, possesses, or shares alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription.

(2) For the purpose of this section, "program of recovery" means a verifiable program of counseling and rehabilitation treatment services, including a written plan, to assist recovering alcoholics or drug addicts to recover from their addiction to alcohol or illegal drugs while living in drug and alcohol free housing. A "program of recovery" includes Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

(3) If a tenant living for less than two years in drug and alcohol free housing uses, possesses, or shares alcohol, illegal drugs, controlled substances, or prescription drugs without a medical prescription, the landlord may deliver a written notice to the tenant terminating the tenancy for cause as provided in this subsection. The notice must specify the acts constituting the drug or alcohol violation and must state that the rental agreement terminates in not less than three days after delivery of the notice, at a specified date and time. The notice must also state that the tenant can cure the drug or alcohol violation by a change in conduct or otherwise within one day after delivery of the notice. If the tenant cures the violation within the one-day period, the rental agreement does not terminate. If the tenant does not cure the violation within the one-day period, the rental agreement terminates as provided in the notice. If substantially the same act that constituted a prior drug or alcohol violation of which notice was given reoccurs within six months, the landlord may terminate the rental agreement upon at least three days' written notice specifying the violation and the date and time of termination of the rental agreement. The tenant does not have a right to cure this subsequent violation.

(4) Notwithstanding subsections (1), (2), and (3) of this section, federally assisted housing that is occupied on other than a transient basis by persons who are required to abstain from possession or use of alcohol or drugs as a condition of occupancy and who pay for the use of the housing on a periodic basis, without regard to whether the payment is characterized as rent, program fees, or other fees, costs, or charges, are covered by this chapter unless the living arrangement is exempt under RCW 59.18.040.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 5389.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment to Engrossed Senate Bill No. 5389.

The motion by Senator Benton carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 5389.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5389, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5389, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Mulliken - 1.

Excused: Senator Deccio - 1.

ENGROSSED SENATE BILL NO. 5389, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
SECOND SUBSTITUTE HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1175,
HOUSE BILL NO. 1296,
HOUSE BILL NO. 1351,
SUBSTITUTE HOUSE BILL NO. 1442,
HOUSE BILL NO. 1473,
SUBSTITUTE HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,
HOUSE BILL NO. 1576,
SUBSTITUTE HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1694,
SUBSTITUTE HOUSE BILL NO. 1734,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
SUBSTITUTE HOUSE BILL NO. 1755,
SUBSTITUTE HOUSE BILL NO. 1826,
HOUSE BILL NO. 1954,
ENGROSSED HOUSE BILL NO. 2067,
HOUSE BILL NO. 2073,
SUBSTITUTE HOUSE BILL NO. 2094,
SUBSTITUTE HOUSE BILL NO. 2118,
SUBSTITUTE HOUSE BILL NO. 2132,
ENGROSSED HOUSE BILL NO. 2146,
SUBSTITUTE HOUSE BILL NO. 2196,
HOUSE JOINT MEMORIAL NO. 4012,
HOUSE JOINT RESOLUTION NO. 4206, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1001,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
SECOND SUBSTITUTE HOUSE BILL NO. 1003,
SUBSTITUTE HOUSE BILL NO. 1175,
HOUSE BILL NO. 1296,
HOUSE BILL NO. 1351,
SUBSTITUTE HOUSE BILL NO. 1442,
HOUSE BILL NO. 1473,
SUBSTITUTE HOUSE BILL NO. 1495,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1509,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1530,
HOUSE BILL NO. 1576,
SUBSTITUTE HOUSE BILL NO. 1634,
SUBSTITUTE HOUSE BILL NO. 1694,
SUBSTITUTE HOUSE BILL NO. 1734,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
SUBSTITUTE HOUSE BILL NO. 1755,
SUBSTITUTE HOUSE BILL NO. 1826,
HOUSE BILL NO. 1954,
ENGROSSED HOUSE BILL NO. 2067,
HOUSE BILL NO. 2073,
SUBSTITUTE HOUSE BILL NO. 2094,
SUBSTITUTE HOUSE BILL NO. 2118,
SUBSTITUTE HOUSE BILL NO. 2132,
ENGROSSED HOUSE BILL NO. 2146,
SUBSTITUTE HOUSE BILL NO. 2196,
HOUSE JOINT MEMORIAL NO. 4012,
HOUSE JOINT RESOLUTION NO. 4206.

MOTION TO LIMIT DEBATE

Senator Sheahan: "Mr. President, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the remainder of the regular session."

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163 and requests of the Senate a conference thereon. The Speaker has appointed the following members as conferees: Representatives Murray, Kessler and Ericksen.

CYNTHIA ZEHNDER, Chief Clerk

MOTIONS

On motion of Senator Horn, the Senate refuses to grant the request of the House for a conference on Engrossed Substitute House Bill No. 1163.

On motion of Senator Horn, the rules were suspended and Engrossed Substitute House Bill No. 1163 was returned to second reading and read the second time.

MOTION

On motion of Senator Horn, the following striking amendment by Senators Horn and Haugen was adopted:
Strike everything after the enacting clause and insert the following:

"2003-05 BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2005.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2004" or "FY 2004" means the fiscal year ending June 30, 2004.

- (b) "Fiscal year 2005" or "FY 2005" means the fiscal year ending June 30, 2005.
- (c) "FTE" means full-time equivalent.
- (d) "Lapse" or "revert" means the amount shall return to an unappropriated status.
- (e) "Provided solely" means the specified amount may be spent only for the specified purpose.
- (f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.
- (g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Grade Crossing Protective Account--State Appropriation \$293,000

NEW SECTION. Sec. 102. FOR THE MARINE EMPLOYEES COMMISSION
Puget Sound Ferry Operations Account--State
Appropriation \$352,000

NEW SECTION. Sec. 103. FOR THE STATE PARKS AND RECREATION COMMISSION
Motor Vehicle Account--State Appropriation \$822,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF AGRICULTURE DEPARTMENT OF AGRICULTURE
Motor Vehicle Account--State Appropriation \$315,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for costs associated with the motor fuel quality program.

GENERAL GOVERNMENT AGENCIES--CAPITAL

NEW SECTION. Sec. 105. FOR WASHINGTON STATE PARKS AND RECREATION--CAPITAL PROJECTS
WASHINGTON STATE PARKS AND RECREATION
Motor Vehicle Account--State Appropriation \$150,000

The appropriation in this section is subject to the following conditions and limitations: The motor vehicle account--state appropriation is a one-time reappropriation and is provided solely for the Beacon Rock state park entrance road project. Any of the appropriations not expended by June 30, 2005, shall revert to the motor vehicle account--state.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION
Highway Safety Account--State Appropriation \$2,017,000
Highway Safety Account--Federal Appropriation \$15,744,000
School Zone Safety Account--State Appropriation \$3,059,000
TOTAL APPROPRIATION \$20,820,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may oversee up to four pilot projects implementing the use of traffic safety cameras to detect failure to stop at railroad crossings, stoplights, and school zones.

(a) In order to ensure adequate time in the 2003-05 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the commission must be authorized by December 31, 2003.

(b) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(c) The traffic safety commission shall use the following guidelines to administer the program:

(i) Traffic safety cameras may take pictures of the vehicle and vehicle license plate only, and only while an infraction is occurring;

(ii) The law enforcement agency of the city or county government shall plainly mark the locations where the automated traffic enforcement system is used by placing signs on street locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic enforcement system;

(iii) Cities and counties using traffic safety cameras must provide periodic notice by mail to its citizens indicating the zones in which the traffic safety cameras will be used;

(iv) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(v) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the issuing law enforcement agency, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(vi) Infractions detected through the use of traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120;

(vii) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the issuing agency, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the issuing agency within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use;

(viii) For purposes of the 2003-05 biennium pilot projects, infractions generated by the use of traffic safety cameras are exempt from the provisions of RCW 3.46.120, 3.50.100, and 35.20.220, and must be processed in the same manner as parking violations; and

(ix) By June 30, 2005, the traffic safety commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding traffic safety cameras demonstrated by the pilot projects.

(2) \$210,000 of the highway safety account--state appropriation is provided solely for continuing the five existing DUI/traffic safety task forces that receive federal project funding that expires during the 2003-05 biennium. However, the appropriation in this subsection may only be expended for a task force when the federal funding for that task force has expired.

(3)(a) \$1,555,000 of the school zone safety account--state appropriation is provided solely as matching funds for the following school safety enhancement projects, as proposed by local agencies, schools, and tribal governments in response to the department of transportation's highways and local programs request for information for potential projects to be financed under Referendum No. 51:

Agency	Project Title
Cheney	School Crosswalk Improvement Project
Skokomish Indian Tribe	Skokomish School Safety Sidewalk Program
Brier	37th Pl SW & 233rd Pl SW Sidewalk
Sunnyside	Lincoln Ave Sidewalks
Lynnwood	Olympic View Dr - 76th Ave SW to 169th St SW
Steilacoom	Cherrydale Elementary School Safety Enhancement
Yakima	W Valley School Zone Flashers
Camas SD	SR 500 at 15th St Interchange
Seattle	Meadowbrook Playfield - NE 105th St
Vancouver	Franklin ES Sidewalk Improvements

(b) If one or more of the projects under this subsection cannot be completed or no longer seeks state matching funds, the following projects may be substituted in order of priority:

Agency	Project Title
Davenport	Davenport Sixth St School Sidewalk
Edmonds	96th Ave W Pedestrian Improvements
Mountlake Terrace	223rd St SW - 44th Ave W to Cedar Way Elementary
Yakima	Englewood/Powerhouse Intersection Safety Project

(c) The highways and local programs division within the department of transportation shall provide assistance to the commission in administering this program.

(d) The legislature intends to tie funding to specific projects only for the 2003-05 biennium.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation \$769,000

Motor Vehicle Account--State Appropriation \$1,927,000

County Arterial Preservation Account--State Appropriation \$719,000

TOTAL APPROPRIATION \$3,415,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation \$1,611,000

Transportation Improvement Account--State Appropriation \$1,620,000

TOTAL APPROPRIATION \$3,231,000

NEW SECTION. Sec. 204. FOR THE BOARD OF PILOTAGE COMMISSIONERS

Pilotage Account--State Appropriation \$272,000

NEW SECTION. Sec. 205. FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation \$2,374,000

The appropriation in this section is subject to the following conditions and limitations:

(1) No funding is provided for the staffing, administration and operations of the house of representatives transportation committee. Existing staff of the transportation committee shall be transferred to the house of representatives in the office of program

research. All tangible and intangible property that has been acquired by, or allocated for use by the house of representatives transportation committee and its staff, including but not limited to office space and equipment, information systems technology, and employer-related assets, rights, privileges, and liabilities shall be transferred to the house of representatives. Any property acquired by, or allocated for use by the senate transportation committee and its staff shall be transferred to the senate.

(2) \$1,600,000 of the motor vehicle state appropriation in this section is provided for the purposes of (a) and (b) of this subsection:

(a)(I) If Substitute Senate Bill No. 5748 becomes law by June 30, 2003, the amount provided in this subsection shall be for performance and functional audits of transportation agencies and departments as provided in Substitute Senate Bill No. 5748; and

(ii) If Substitute Senate Bill No. 5748 does not become law by June 30, 2003, the amount provided in this subsection shall be for performance and functional audits of transportation agencies and departments paid for and ordered by the executive committee of the legislative transportation committee, pursuant to a recommendation of the transportation performance audit board hereby created. The transportation performance audit board shall consist of the majority and minority leaders of the transportation committees of the legislature, five citizen members with transportation-related expertise who shall be nominated by professional associations chosen by the board's legislative members and appointed by the governor, the legislative auditor as an ex officio member, and one at-large member appointed by the governor. The citizen members may not currently, or within one year of their appointment, be employed by the Washington state department of transportation, and shall include:

(A) One member with expertise in construction project planning, including permitting and assuring regulatory compliance;

(B) One member with expertise in construction means and methods and construction management, crafting and implementing environmental mitigation plans, and administration;

(c) One member with expertise in construction engineering services, including construction management, materials testing, materials documentation, contractor payments, inspection, surveying, and project oversight;

(D) One member with expertise in project management, including design estimating, contract packaging, and procurement; and

(E) One member with expertise in transportation planning and congestion management.

(b) Within the amount provided in this subsection, the legislative transportation committee shall consider contracting with the joint legislative audit and review committee to conduct a targeted performance audit of the Washington state patrol. For this performance audit, the joint legislative audit and review committee shall put its highest priority on the following topics: (I) An assessment of the types and categories of services, including a contrast of public highway policing and general policing services provided by the patrol, and the organizational structures used to deliver these services; (ii) an evaluation of the patrol's fiscal policies and procedures, including a differentiation between transportation and general fund expenditures; and (iii) an evaluation of the linkages among expenditures, organizational structures, service delivery, accountability, and outcomes. If a contract is entered into under this subsection (b), the joint legislative audit and review committee shall provide a progress report to the appropriate committees of the legislature by December 31, 2003, and a final report, including findings and recommendations, by September 30, 2004.

(3) The legislative transportation committee shall develop a mission and organizational plan during the 2003 legislative interim that:

(a) Reconciles any newly-mandated responsibilities (such as performance auditing and benchmarking) with current statutory responsibilities;

(b) Develops a process for adopting interim work plans, including identifying subcommittees of the legislative transportation committee, special studies or activities to be undertaken (which may include a study of administrative costs funded with commute trip reduction funds and how administrative cost savings can be achieved), deliverables and/or expected outcomes, and resources required to accomplish the work plan;

(c) Develops a long-range staffing plan to fit any new statutory requirements and a redefined mission and organizational plan; and

(d) Ensures that all basic legislative transportation committee functions and the adopted interim work plan are appropriately funded.

NEW SECTION. Sec. 206. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation \$807,000

NEW SECTION. Sec. 207. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation \$616,000

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation \$171,269,000

State Patrol Highway Account--Federal Appropriation \$6,167,000

State Patrol Highway Account--Private/Local Appropriation \$175,000

TOTAL APPROPRIATION \$177,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies are authorized to use state patrol vehicles for the purposes of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol. The patrol shall report to the house of representatives and senate transportation committees by December 31, 2004, on the use of agency vehicles by officers engaging in the off-duty employment specified in this subsection. The report shall include an analysis that compares cost reimbursement and cost-impacts, including increased vehicle mileage, maintenance costs, and indirect impacts, associated with the private use of patrol vehicles.

(2) \$2,075,000 of the state patrol highway account--state appropriation in this section is provided solely for the addition of thirteen troopers to those permanently assigned to vessel and terminal security. The Washington state patrol shall continue to provide the enhanced services levels established after September 11, 2001.

(3) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account created under section 1501 of this act, no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(4) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the transportation committees of the senate and house of representatives by December 31 of each year.

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

State Patrol Highway Account--State Appropriation \$69,993,000

State Patrol Highway Account--Private/Local Appropriation \$1,290,000

TOTAL APPROPRIATION \$71,283,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Under the direction of the legislative auditor, the patrol shall update the pursuit vehicle life-cycle cost model developed in the 1998 Washington state patrol performance audit (JLARC Report 99-4). The patrol shall utilize the updated model as a basis for determining maintenance and other cost impacts resulting from the increase to pursuit vehicle mileage above 110 thousand miles in the 2003-05 biennium. The patrol shall submit a report, that includes identified cost impacts, to the transportation committees of the senate and house of representatives by December 31, 2003.

(2) The Washington state patrol shall assign two full-time detectives to work solely to investigate incidents of identity fraud, drivers' license fraud, and identity theft. The detectives shall work cooperatively with the department of licensing's driver's special investigation unit.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING-- MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$7,000
Motorcycle Safety Education Account--State Appropriation \$85,000
Wildlife Account--State Appropriation \$77,000
Highway Safety Account--State Appropriation \$8,286,000
Motor Vehicle Account--State Appropriation \$4,623,000
DOL Services Account--State Appropriation \$107,000
TOTAL APPROPRIATION \$13,185,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF LICENSING-- INFORMATION SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$2,000
Motorcycle Safety Education Account--State Appropriation \$133,000
Wildlife Account--State Appropriation \$58,000
Highway Safety Account--State Appropriation \$10,489,000
Highway Safety Account--Federal Appropriation \$6,000
Motor Vehicle Account--State Appropriation \$6,569,000
DOL Services Account--State Appropriation \$670,000
TOTAL APPROPRIATION \$17,927,000

The appropriations in this section are subject to the following conditions and limitations: The department shall submit a report to the transportation committees of the legislature detailing the progress made in transitioning off of the Unisys system by December 1, 2003, and each December 1 thereafter.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$60,000
Wildlife Account--State Appropriation \$585,000
Motor Vehicle Account--Local Appropriation \$1,372,000
Motor Vehicle Account--State Appropriation \$61,509,000
Motor Vehicle Account--Federal Appropriation \$600,000
DOL Services Account--State Appropriation \$3,211,000
TOTAL APPROPRIATION \$67,337,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$144,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5435 or Engrossed Substitute House Bill No. 1592.

(2) If Engrossed Senate Bill No. 6063 is not enacted by June 30, 2003, \$1,100,000 of the motor vehicle account--state appropriation shall lapse.

(3) \$81,000 of the DOL services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1036.

(4) \$2,901,000 of the motor vehicle account--state appropriation is provided solely for the implementation of House Bill No. 2065. Within the amount provided, the department shall fund the implementation of a digital license plate system including the purchase of digital license plate printing equipment for correctional industries; the remodeling of space to provide climate control, ventilation, and power requirements, for the equipment that will be housed at correctional industries; and the purchase of digital license plate inventory. By December 1, 2003, the department and correctional industries shall submit a report to the transportation committees of the legislature detailing the digital license plate printing system implementation plan. By January 1, 2005, the department and correctional industries shall submit a report to the transportation committees of the legislature concerning the cost of the consumables used in the digital license plate printing process. If House Bill No. 2065 is not enacted by June 30, 2003, \$2,901,000 of the motor vehicle account--state appropriation shall lapse.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$2,576,000
Highway Safety Account--State Appropriation \$84,809,000
Highway Safety Account--Federal Appropriation \$318,000
TOTAL APPROPRIATION \$87,703,000

The appropriations in this section are subject to the following conditions and limitations: \$178,000 of the highway safety account-- state appropriation is provided solely for two temporary collision processing FTEs to eliminate the backlog of collision reports. The department shall report, informally, to the house of representatives and senate transportation committees quarterly, beginning October 1, 2003, on the progress made in eliminating the backlog.

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY-- PROGRAM C

Motor Vehicle Account--State Appropriation \$58,661,000
Motor Vehicle Account--Federal Appropriation \$5,163,000
Puget Sound Ferry Operations Account--State
Appropriation \$6,583,000
Multimodal Transportation Account--State Appropriation \$363,000
TOTAL APPROPRIATION \$70,770,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$715,000 of the motor vehicle account--state appropriation is provided solely to retain an external consultant to provide an assessment of the department's review of current major information technology systems and planning for system and application

modernization. The legislative transportation committee shall approve the statement of work before the consultant is hired. The consultant shall also work with the department to prepare an application modernization strategy and preliminary project plan.

The department and the consultant shall work with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, common statewide information systems are used or developed to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication. The department shall provide a report on its proposed application modernization plan to the transportation committees of the legislature by June 30, 2004.

(2)(a) \$2,963,000 of the motor vehicle account--state appropriation and \$2,963,000 of the motor vehicle account--federal appropriation are provided solely for implementation of a new revenue collection system, including the integration of the regional fare coordination system (smart card), at the Washington state ferries. By December 1st of each year, an annual update must be provided to the legislative transportation committee concerning the status of implementing and completing this project.

(b) \$400,000 of the Puget Sound ferry operation account--state appropriation is provided solely for implementation of the smart card program. \$200,000 of this amount must be held in allotment reserve until a smart card report is delivered to the legislative transportation committee indicating that an agreement on which technology will be used throughout the state of Washington for the smart card program has been reached among smart card participants.

(3) The department shall contract with the department of information services to conduct a survey that identifies possible opportunities and benefits associated with siting and use of technology and wireless facilities located on state right of way authorized by RCW 47.60.140. The department shall submit a report regarding the survey to the appropriate legislative committees by December 1, 2004.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D-- OPERATING D

Motor Vehicle Account--State Appropriation \$31,048,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$5,107,000

Aeronautics Account--Federal Appropriation \$650,000

Aircraft Search and Rescue Safety and Education

Account--State Appropriation \$282,000

TOTAL APPROPRIATION \$6,039,000

The appropriations in this section are subject to the following conditions and limitations: \$1,381,000 of the aeronautics account--state appropriation is provided solely for additional preservation grants to airports. \$122,000 of the aircraft search and rescue safety and education account--state appropriation is provided for additional search and rescue and safety and education activities. If Senate Bill No. 6056 is not enacted by June 30, 2003, the amounts provided shall lapse.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation \$49,010,000

Motor Vehicle Account--Federal Appropriation \$400,000

TOTAL APPROPRIATION \$49,410,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$14,310,000 of the motor vehicle account--state appropriation is provided solely for the staffing, activities, and overhead of the department's environmental affairs office. This funding is provided in lieu of funding provided in sections 305 and 306 of this act.

(2) \$3,100,000 of the motor vehicle account--state appropriation is provided solely for the staffing and activities of the transportation permit efficiency and accountability committee.

(3) \$300,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department solely for the purposes of providing contract services to the association of Washington cities and Washington state association of counties to implement section 2(3)(c), (5), and (6), chapter 8 (ESB 5279), Laws of 2003 for activities of the transportation permit efficiency and accountability committee.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS-- PROGRAM K

Motor Vehicle Account--State Appropriation \$1,011,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE-- PROGRAM M

Motor Vehicle Account--State Appropriation \$283,350,000

Motor Vehicle Account--Federal Appropriation \$1,426,000

Motor Vehicle Account--Private/Local Appropriation \$4,253,000

TOTAL APPROPRIATION \$289,029,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) Funding is provided for maintenance on the state system to allow for a continuation of the level of service targets included in the 2001-03 biennium. In delivering the program, the department should concentrate on the following areas:

(a) Meeting or exceeding the target for structural bridge repair on a statewide basis;

(b) Eliminating the number of activities delivered in the "f" level of service at the region level;

(c) Reducing the number of activities delivered in the "d" level of service by increasing the resources directed to those activities on a statewide and region basis; and

(d) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS-- PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation \$38,869,000

Motor Vehicle Account--Private/Local Appropriation \$125,000

TOTAL APPROPRIATION \$38,994,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$8,800,000 of the motor vehicle account--state appropriation may be expended for the incident response program, including the service patrols. The department and the Washington state patrol shall continue to consult and coordinate with private sector partners, such as towing companies, media, auto, insurance and trucking associations, and the legislative transportation committees to ensure that limited state resources are used most effectively. No funds shall be used to purchase tow trucks.

(2) \$4,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis.

(3) At a frequency determined by the department, the interstate-5 variable message signs shall display a message advising slower traffic to keep right.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation \$24,852,000
Motor Vehicle Account--Federal Appropriation \$636,000
Puget Sound Ferry Operations Account--State Appropriation \$1,093,000
Multimodal Transportation Account--State Appropriation \$973,000
TOTAL APPROPRIATION \$27,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$627,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5248. If Substitute Senate Bill No. 5248 is not enacted by June 30, 2003, the amount provided in this subsection shall lapse. The agency may transfer between programs funds provided in this subsection.

(2) The department shall transfer at no cost to the Washington state patrol the title to the Walla Walla colocation facility.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation \$30,064,000
Motor Vehicle Account--Federal Appropriation \$14,814,000
Multimodal Transportation Account--State Appropriation \$1,021,000
Multimodal Transportation Account--Federal Appropriation \$2,000,000
TOTAL APPROPRIATION \$47,899,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,800,000 of the motor vehicle account--state appropriation is provided solely for a study of regional congestion relief solutions for Puget Sound, Spokane, and Vancouver. The study must include proposals to alleviate congestion consistent with population and land use expectations under the growth management act, and must include measurement of all modes of transportation.

(2) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional assistance to support regional transportation planning organizations and long-range transportation planning efforts.

(3) \$3,000,000 of the motor vehicle account--state appropriation is provided solely for the costs of the regional transportation investment district (RTID) election and department of transportation project oversight. These funds are provided as a loan to the RTID and shall be repaid to the state motor vehicle account within one year following the certification of the election results related to the RTID.

(4) \$650,000 of the motor vehicle account--state appropriation is provided to the department in accordance with RCW 46.68.110(2) and 46.68.120(3) and shall be used by the department to support the processing and analysis of the backlog of city and county collision reports.

(5) The department shall contribute to the report required in section 208(1) of this act in the form of an analysis of the cost impacts incurred by the department as the result of the policy implemented in section 208(1) of this act. The analysis shall contrast overtime costs charged by the patrol prior to July 1, 2003, with contract costs for similar services after July 1, 2003.

(6) \$60,000 of the distribution under RCW 46.68.110(2) and 46.68.120(3) is provided solely to the department for the Washington strategic freight transportation analysis.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES FROM OTHER AGENCIES--PROGRAM U DEPARTMENT OF TRANSPORTATION| | CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation \$61,082,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$50,799,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES \$989,000

(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR \$823,000

(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES \$3,850,000

(d) FOR PAYMENT OF COSTS OF THE

DEPARTMENT OF PERSONNEL \$2,252,000

(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION \$50,799,000

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE \$1,846,000

(g) FOR ARCHIVES AND RECORDS MANAGEMENT \$523,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC TRANSPORTATION-- PROGRAM V

Multimodal Transportation Account--State Appropriation \$46,457,000
Multimodal Transportation Account--Federal Appropriation \$2,574,000
Multimodal Transportation Account--Private/Local
Appropriation \$155,000
TOTAL APPROPRIATION \$49,186,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for nonprofit providers of transportation for persons with special transportation needs. \$14,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for transit agencies to transport persons with special transportation needs. Moneys shall be to provide additional service only and may not be used to supplant current funding. Grants shall only be used by nonprofit providers and transit agencies for capital and operating costs directly associated with adding additional service. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among

providers and riders, and the cost effectiveness of trips provided. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2001 as reported in the "Summary of Public Transportation - 2001" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) \$1,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to implement section 9 of Engrossed Substitute House Bill No. 2228.

(3) Funds are provided for the rural mobility grant program as follows:

(a) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2001 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(4) \$4,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for public transit agencies. The grant program will cover capital costs only; no operating costs are eligible for funding under this grant program. Only grants that add vanpools are eligible, no supplanting of transit funds currently funding vanpools is allowed. Additional criteria for selecting grants will include leveraging funds other than state funds.

(5) \$3,000,000 of the multimodal transportation account--state appropriation is provided to the city of Seattle for the Seattle streetcar project on South Lake Union.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State

Appropriation \$309,580,000

Multimodal Transportation Account--State Appropriation \$5,120,000

TOTAL APPROPRIATION \$314,700,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is based on the budgeted expenditure of \$34,701,000 for vessel operating fuel in the 2003-2005 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2003-2005 biennium may not exceed \$207,757,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$495.30 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2004 and \$567.67 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for fiscal year 2005, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2003-2005 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2003, and thereafter, as established in the 2003-2005 general fund operating budget.

(3) \$4,234,000 of the multimodal transportation account--state appropriation and \$800,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Vashon to Seattle passenger-only ferry. The Washington state ferries will develop a plan to increase passenger-only farebox recovery to at least forty percent by July 1, 2003, with an additional goal of eighty percent, through increased fares, lower operation costs, and other cost-saving measures as appropriate. In order to implement the plan, ferry system management is authorized to negotiate changes in work hours (requirements for split shift work), but only with respect to operating passenger-only ferry service, to be included in a collective bargaining agreement in effect during the 2003-05 biennium that differs from provisions regarding work hours in the prior collective bargaining agreement. The department must report to the transportation committees of the legislature by December 1, 2003.

(4) \$866,000 of the multimodal transportation account--state appropriation and \$200,000 of the Puget Sound ferry operations account--state appropriation are provided solely for operating costs associated with the Bremerton to Seattle passenger-only ferry service for thirteen weeks.

(5) The department shall study the potential for private or public partners, including but not limited to King county, to provide passenger-only ferry service from Vashon to Seattle. The department shall report to the legislative transportation committees by December 31, 2003.

(6) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(7) When augmenting the existing ferry fleet, the department of transportation ferry capital program shall explore cost-effective options to include the leasing of ferries from private-sector organizations.

(8) The Washington state ferries shall work with the department of general administration, office of state procurement to improve the existing fuel procurement process and solicit, identify, and evaluate, purchasing alternatives to reduce the overall cost of fuel and mitigate the impact of market fluctuations and pressure on both short- and long- term fuel costs. Consideration shall include, but not be limited to, long-term fuel contracts, partnering with other public entities, and possibilities for fuel storage in evaluating strategies and options. The department shall report back to the transportation committees of the legislature by December 1, 2003, on the options, strategies, and recommendations for managing fuel purchases and costs.

(9) The department must provide a separate accounting of passenger- only ferry service costs and auto ferry service costs, and must provide periodic reporting to the legislature on the financial status of both passenger-only and auto ferry service in Washington state.

(10) The Washington state ferries must work with the department's information technology division to implement a new revenue collection system, including the integration of the regional fare coordination system (smart card). Each December, annual updates are to be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(11) The Washington state ferries shall evaluate the benefits and costs of selling the depreciation rights to ferries purchased by the state in the future through sale and lease-back agreements, as permitted under RCW 47.60.010. The department is authorized to issue a request for proposal to solicit proposals from potential buyers. The department must report to the transportation committees of the legislature by December 1, 2004, on the options, strategies, and recommendations for sale/lease-back agreements on existing ferry boats as well as future ferry boat purchases.

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State

Appropriation \$35,075,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$30,831,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service.

(2) No Amtrak Cascade runs may be eliminated.

(3) The department is directed to explore scheduling changes that will reduce the delay in Seattle when traveling from Portland to Vancouver B.C.

(4) The department is directed to explore opportunities with British Columbia (B.C.) concerning the possibility of leasing an existing Talgo trainset to B.C. during the day for a commuter run when the Talgo is not in use during the Bellingham layover.

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation \$7,057,000

Motor Vehicle Account--Federal Appropriation \$2,569,000

TOTAL APPROPRIATION \$9,626,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$75,000 of the total appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) to fund the state's share of the 2004 Washington marine cargo forecast study. Public port districts, acting through their association, must provide funding to cover the remaining cost of the forecast.

(2) \$300,000 of the motor vehicle account--state appropriation is provided in accordance with RCW 46.68.110(2) and 46.68.120(3) solely to fund a study of the threats posed by flooding to the state and other infrastructure near the Interstate 5 crossing of the Skagit River. This funding is contingent on the receipt of federal matching funds.

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

301.State Patrol Highway Account--State Appropriation \$2,205,000

The appropriation in this section is subject to the following conditions and limitations: \$625,000 of the state patrol highway account appropriation is provided solely for the patrol's share of the Shelton area water and sewer regional plan. However, this amount is contingent on general fund--state funding of the Washington corrections center's portion of the Shelton area water and sewer regional plan. If general fund--state funding is not provided, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation \$61,660,000

Motor Vehicle Account--State Appropriation \$362,000

County Arterial Preservation Account--State

Appropriation \$28,747,000

TOTAL APPROPRIATION \$90,769,000

The appropriations in this section are subject to the following conditions and limitations: \$362,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.725(4).

NEW SECTION. Sec. 302. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation \$99,201,000

Transportation Improvement Account--State Appropriation \$98,215,000

TOTAL APPROPRIATION \$197,416,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes \$23,955,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in lieu of bond proceeds for any part of the state appropriation.

(2) The transportation improvement board shall maintain grant funding currently approved for the SR 3/SR 303 Interchange (Waaga Way).

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION--ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation \$17,296,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire motor vehicle account--state appropriation is provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report as transmitted to LEAP on April 27, 2003.

(2) The department shall develop a standard design for all maintenance facilities to be funded under this section. Prior to developing design standards, the department must solicit input from all personnel classifications typically employed at maintenance facilities. By September 1, 2003, the department shall submit a report to the legislative transportation committees describing the stakeholder involvement process undertaken and the adopted design standards for maintenance facilities.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION-- IMPROVEMENTS--PROGRAM I

Transportation 2003 Account (Nickel Account)--State

Appropriation \$565,300,000

Transportation 2003 Account (Nickel Account)--Federal

Appropriation \$950,000

Transportation 2003 Account (Nickel Account)--Local

Appropriation \$3,434,000

Motor Vehicle Account--State Appropriation \$157,374,000

Motor Vehicle Account--Federal Appropriation \$192,940,000

Motor Vehicle Account--Local Appropriation \$13,258,000

Special Category C Account--State Appropriation \$50,279,000

Tacoma Narrows Toll Bridge Account Appropriation \$613,300,000

TOTAL APPROPRIATION \$1,596,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$157,374,000 of the motor vehicle account--state appropriation, \$192,940,000 of the motor vehicle account--federal appropriation, \$13,258,000 of the motor vehicle account--local appropriation, and \$50,279,000 of the special category C account--state appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report as transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$78,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation. The motor vehicle account--state appropriation includes \$18,038,000 in unexpended proceeds from bond sales authorized in RCW 47.10.843 for mobility and economic initiative improvement projects.

(3) The Tacoma Narrows toll bridge account--state appropriation includes \$567,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The Tacoma Narrows toll bridge account--state appropriation includes \$46,300,000 in unexpended proceeds from the January 2003 bond sale authorized in RCW 47.10.843 for the Tacoma Narrows bridge project.

(4) The special category C account--state appropriation includes \$44,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.812. The transportation commission may authorize the use of current revenues available in the special category C account in lieu of bond proceeds for any part of the state appropriation.

(5) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.

(6) The motor vehicle account--state appropriation includes \$280,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(7) \$11,000,000 of the motor vehicle account--state appropriation is provided solely for the environmental impact statement on the SR 520 Evergreen floating bridge.

(8) \$250,000 of the transportation 2003 account (Nickel Account)-- state appropriation and an equal amount from the city of Seattle are provided solely for an analysis of the impacts that an expansion of the SR 520 Evergreen floating bridge will have on the streets of North Capitol Hill, Roanoke Park, and Montlake. An advisory committee with two members each from Portage Bay/Roanoke Park Community Council, Montlake Community Council, and the North Capitol Hill community organization along with the secretary of transportation is established. The seven-member committee shall hire and oversee the contract with a transportation consulting organization to: (a) Perform an analysis of such impacts; and (b) design a traffic and circulation plan that mitigates the adverse consequences of such impacts. If the city of Seattle does not agree to provide \$250,000 by January 1, 2004, the amount provided in this subsection shall lapse.

(9)(a) \$500,000 of the motor vehicle account--state appropriation is provided solely for a study to provide the legislature with information regarding the feasibility of pursuing a Washington commerce corridor. The department shall retain outside experts to conduct the study. The study must include the following conditions:

(i) The Washington commerce corridor must be a north-south corridor starting in the vicinity of Lewis county and extending northerly to the vicinity of the Canadian border. The corridor must be situated east of state route number 405 and west of the Cascades. The corridor may include any of the following features:

- (A) Ability to carry long-haul freight;
- (B) Ability to provide for passenger auto travel;
- (C) Freight rail;
- (D) Passenger rail;
- (E) Public utilities; and
- (F) Other ancillary facilities as may be desired to maximize use of the corridor;

(ii) The Washington commerce corridor must be developed, financed, designed, constructed, and operated by private sector consortiums; and

(iii) The Washington commerce corridor must be subject to a joint permitting process involving federal, state, and local agencies with jurisdiction.

(b) The legislative transportation committee shall form a working group to work with the department and the outside consultant on the study.

(10) \$8,000,000 of the motor vehicle account--state appropriation is provided for the SR 522, University of Washington-Bothell campus access project. This amount will cover approximately one-half of the construction costs.

(11) The transportation permit efficiency and accountability committee (TPEAC) shall select from the project list under this subsection ten projects that have not yet secured state permits. TPEAC shall select projects from both urban and rural areas representing a wide variety of locations within the state. These projects shall be designated "Department of Transportation Permit Drafting Pilot Projects" and shall become a part of the work plan of TPEAC required under section 2(1)(b), chapter 8 (ESB 5279), Laws of 2003.

(12) Of the amounts appropriated in this section and section 306 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

(13) If federal earmarks are received by the department, the funding must not be used to expand the scope of any project.

(14) To manage some projects more efficiently, federal funds may be transferred from program Z to program I to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(15) The department of transportation may not operate any existing high-occupancy vehicle lanes and may not open or operate any new high-occupancy vehicle lane projects in counties with a population of 300,000 or more that border the state of Oregon unless: (a) Vehicle spaces at park and ride lots within the county are three times the capacity in existence on the effective date of this act; (b) the Interstate 5 bridge over the Columbia River is retrofitted to include four southbound general purpose lanes; and (c) the department of transportation determines that high-occupancy vehicle lanes will improve travel time by at least eight minutes over the length of the high-occupancy vehicle lanes.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-- PRESERVATION--PROGRAM P
DEPARTMENT OF TRANSPORTATION | PRESERVATION--PROGRAM P
Transportation 2003 Account (Nickel Account) \$2,000,000
Motor Vehicle Account--State Appropriation \$178,909,000
Motor Vehicle Account--Federal Appropriation \$457,467,000
Motor Vehicle Account--Local Appropriation \$12,666,000
Multimodal Account--State Appropriation \$6,000,000
Multimodal Account--Federal Appropriation \$4,247,000
TOTAL APPROPRIATION \$661,289,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, \$6,000,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(3) The motor vehicle account--state appropriation includes \$77,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

(7) If federal earmarks are received by the department, the funding must not be used to expand the scope of any project.

(8) To manage some projects more efficiently, federal funds may be transferred from program Z to program P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS-- PROGRAM Q--CAPITAL DEPARTMENT OF TRANSPORTATION| TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation \$11,688,000
Motor Vehicle Account--Federal Appropriation \$14,510,000
Multimodal Transportation Account--State Appropriation \$3,000,000
TOTAL APPROPRIATION \$29,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided in this section are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$9,408,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--
State Appropriation \$129,066,000
Puget Sound Capital Construction Account--
Federal Appropriation \$34,400,000
Multimodal Transportation Account--State Appropriation \$13,381,000
Transportation 2003 Account (nickel account)
Appropriation \$5,749,000
TOTAL APPROPRIATION \$182,596,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$11,772,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$129,066,000 of the Puget Sound capital construction account-- state appropriation and \$34,400,000 of the Puget Sound capital construction account--federal appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.

(3) \$17,521,000 of the transportation 2003 account (nickel account)--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.

(4) The Puget Sound capital construction account--state appropriation includes \$45,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(5) The Washington state ferries shall consult with the United States Coast Guard regarding operational and design standards required to meet Safety of Life at Sea requirements, in an effort to determine the most efficient and cost-effective vessel design that meets these requirements.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation \$770,000
Multimodal Transportation Account--State Appropriation \$35,530,000
Multimodal Transportation Account--Federal Appropriation \$9,499,000
Washington Fruit Express Account--State Appropriation \$500,000
TOTAL APPROPRIATION \$46,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) \$5,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account-- federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.

(3) \$2,000,000 of the multimodal transportation account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation \$207,000
Highway Infrastructure Account--Federal Appropriation \$1,602,000
Motor Vehicle Account--State Appropriation \$28,425,000
Multimodal Transportation Account--State Appropriation \$13,726,000
TOTAL APPROPRIATION \$43,960,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the multimodal transportation account--state appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law Local Projects report transmitted to LEAP on April 27, 2003.

(2) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

(3) \$7,576,000 of the multimodal transportation account--state appropriation is reappropriated and provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia River. If dredge material is disposed of in the ocean, the department shall not expend the appropriation in this subsection unless agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

(4) \$1,156,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded small city pavement preservation program grant funds, but does not report activity on the project within one year of grant award, should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(5) \$4,010,000 of the motor vehicle account--state appropriation is reappropriated and provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded traffic and pedestrian safety improvement grant funds, but does not report activity on the project within one year of grant award should be reviewed by the department to determine whether the grant should be terminated. The department must promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award. The department shall expeditiously extend new grant awards to qualified projects when funds become available either because grant awards have been rescinded for lack of sufficient project activity or because completed projects returned excess grant funds upon project closeout.

(6) The motor vehicle account--state appropriation includes \$20,452,000 in unexpended proceeds from the sale of bonds authorized by RCW 47.10.843.

(7) The multimodal transportation account--state appropriation includes \$6,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation \$258,971,000
Nondebt-Limit Reimbursable Account Appropriation \$4,131,000
Ferry Bond Retirement Account Appropriation \$43,340,000
Transportation Improvement Board Bond Retirement
Account--State Appropriation \$36,721,000
Motor Vehicle Account--State Appropriation \$3,876,000
Special Category C Account--State Appropriation \$331,000
Transportation Improvement Account--State
Appropriation \$240,000
Multimodal Transportation Account--State Appropriation \$358,000
Transportation 2003 Account (nickel account)
Appropriation \$2,100,000
TOTAL APPROPRIATION \$350,068,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation \$1,293,000
Special Category C Account Appropriation \$111,000
Transportation Improvement Account--State
Appropriation \$5,000
Multimodal Transportation Account--State Appropriation \$119,000
Transportation 2003 Account (nickel account)--State
Appropriation \$700,000
TOTAL APPROPRIATION \$2,228,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

(1) Motor Vehicle Account--State Reappropriation:
For transfer to the Tacoma Narrows toll bridge
account \$567,000,000

The department of transportation is authorized to sell up to \$567,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

(2) Motor Vehicle Account--State Appropriation:
For transfer to the Puget Sound capital construction
account \$45,000,000

The department of transportation is authorized to sell up to \$45,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for
motor vehicle fuel tax distributions to
cities and counties \$441,359,000

Motor Vehicle Account--State Appropriation:
For license permit and fee distributions to cities
and counties \$51,652,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS STATE TREASURER| | TRANSFERS

(1) State Patrol Highway Account--State
Appropriation: For transfer to the Motor
Vehicle Account \$20,000,000

(2) Motor Vehicle Account--State
Appropriation: For motor vehicle fuel tax
refunds and transfers \$465,152,000

(3) Highway Safety Account--State
Appropriation: For transfer to the motor
vehicle account--state \$12,000,000

The state treasurer shall perform the transfers from the state patrol highway account and the highway safety account to the motor vehicle account on a quarterly basis.

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSFERS DEPARTMENT OF TRANSPORTATION| | TRANSFERS

(1) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Ferry Operations
Account \$21,757,000

(2) RV Account--State Appropriation:
For transfer to the Motor Vehicle Account--State \$1,954,000

(3) Motor Vehicle Account--State Appropriation:
For transfer to Puget Sound Capital Construction
Account \$64,287,000

(4) Puget Sound Ferry Operations Account--State Appropriation:
For transfer to Puget Sound Capital Construction
Account \$22,000,000

The transfers identified in this section are subject to the following conditions and limitations:

(a) The department of transportation shall only transfer funds in subsections (2) and (3) of this section up to the level provided, on an as-needed basis.

(b) The department of transportation shall transfer funds in subsection (4) of this section up to the amount identified, provided that a minimum balance of \$5,000,000 is retained in the Puget Sound ferry operations account.

(c) The amount identified in subsection (4) of this section may not include any revenues collected as passenger fares.

NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS-- TRANSFERS DEPARTMENT OF RETIREMENT SYSTEMS| | TRANSFERS

State Patrol Highway Account: For transfer to the department of retirement systems expense account:
For the administrative expenses of the judicial retirement system \$223,304

NEW SECTION. Sec. 408. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS AND EMPLOYEE HEALTH BENEFITS

Pilotage Account--State Appropriation \$2,000
Aeronautics Account--State Appropriation \$12,000
State Patrol Highway Account--State Appropriation \$2,044,000
State Patrol Highway Account--Federal Appropriation \$34,000
State Patrol Highway Account--Local Appropriation \$10,000
Motorcycle Safety Education Account--State
Appropriation \$2,000

Rural Arterial Trust Account--State Appropriation \$4,000
Highway Safety Account--State Appropriation \$634,000
Highway Safety Account--Federal Appropriation \$19,000
Motor Vehicle Account--State Appropriation \$2,770,000
Puget Sound Ferry Operations Account--State
Appropriation \$1,556,000

Urban Arterial Trust Account--State Appropriation \$8,000
Transportation Improvement Account--State
Appropriation \$3,000

County Arterial Preservation Account--State
Appropriation \$5,000

Department of Licensing Services Account--State
Appropriation \$3,000

TOTAL APPROPRIATION \$7,106,000

NEW SECTION. Sec. 409. FOR THE STATE TREASURER--TRANSFERS STATE TREASURER| | TRANSFERS

License Plate Technology Account: Fortransfer to the motor vehicle account--state:
For the implementation of House Bill No. 2065 \$2,901,000

If House Bill No. 2065 is not enacted by June 30, 2003, this section is null and void.

NEW SECTION. Sec. 410. STATUTORY APPROPRIATIONS.

STATUTORY APPROPRIATIONS In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 411. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

**2001-03 BIENNIUM
TRANSPORTATION AGENCIES**

Sec. 1201. 2002 c 359 s 205 (uncodified) is amended to read as follows:
FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE
Motor Vehicle Account--State Appropriation \$3,596,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,823,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.

(2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

(3) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.120(3).

(4) The house of representatives transportation committee shall conduct a study of the use of motorized scooters. The study shall, at a minimum, identify and analyze the safety issues associated with use of motorized scooters, including use by children, commuters, and the disabled. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The chair of the senate transportation committee may also appoint two members from the senate transportation committee, one from each caucus, to participate in the study. The study shall be staffed by house of representatives transportation committee staff. The study group shall report back to the house of representatives transportation committee by January 1, 2002.

~~((4))~~ (5) The house of representatives transportation committee shall conduct a study of the effect of the weight of fire-fighting apparatus on state roadways. The study shall determine, at a minimum, the various types of fire-fighting apparatus currently in use on state roadways; the size, weight and load effect of fire-fighting apparatus that are currently in use or that potentially could be in use on the state roadways, as well as on state bridges; and the effect on public safety. The study may examine state and federal laws that affect fire-fighting apparatuses. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The study shall be staffed by house of representatives transportation committee staff. The study group will report back to the house of representatives transportation committee by January 1, 2002.

~~((5))~~ (6) The legislative transportation committee shall conduct a feasibility study of potential for economic partnerships between the Washington state ferries and local government entities, including but not limited to port districts. The study is intended to improve ferry terminals. The study shall, at a minimum, identify the market, physical, and economic factors that should be examined in determining whether an economic or commercial development partnership project on or around Washington state ferry terminals is likely to produce revenue for the partners. The study shall apply those factors to an analysis of each terminal used by Washington state ferries and recommend whether further exploration of state and local partnerships would be of potential economic benefit to the partners. The entity selected to perform the study through the request for proposals process will report back to the transportation committees of the legislature by December 1, 2001.

~~((6))~~ (7) The legislative transportation committee, in cooperation with an areawide transportation system or systems, shall undertake an evaluation of providing locally sponsored transit services in a local community supplemental to those services provided by an areawide system. The evaluation shall address:

- (a) The costs and benefits of providing such services;
- (b) The impact of such service on ridership on the areawide system and on any regional systems;
- (c) Funding options for supplemental services; and
- (d) Institutional arrangements affecting the institution of supplemental services.

The committee shall work with the department of transportation, areawide transit providers, community officials, private businesses, labor organizations, and others as appropriate in conducting the evaluation, and in developing a pilot project if feasible. The committee shall also conduct a study of local transit systems with the purpose of making recommendations to make local transit services more seamless and efficient. The committee shall provide an interim progress report to the legislature by January 2002. The committee shall report its findings to the legislature not later than December 1, 2002.

~~((7))~~ (8) The legislative transportation committee shall undertake an evaluation of the statutory exemptions for transportation taxes, including but not limited to motor vehicle fuel taxes. The committee shall report its findings to the legislature by December 1, 2003.

~~((8))~~ (9) The legislative transportation committee will convene a working group to review the costs, processes, and other considerations relating to special vehicle license plates. The working group will also review special license plate tabs and emblems. The committee will report its findings to the legislature by December 1, 2002.

~~((9))~~ (10) The legislative transportation committee shall form a working group to evaluate the feasibility of developing an alternative corridor to Interstate 5 and Interstate 405 to expedite the movement of commerce between the Canadian border, the central Puget Sound region, the south Puget Sound region, and more southerly areas. The corridor would run from approximately the Canadian border in the north to approximately Lewis county in the south. This alternative corridor analysis shall address truck, rail, pipeline, and other utility needs for the corridor, to determine the feasibility of financing and constructing such a corridor, taking into consideration: (a) Anticipated present and future freight demand as well as freight traffic relief for existing state highway and rail routes; (b) the potential for carrying general purpose traffic to provide relief for other state highway routes; (c) a cost-benefit analysis detailing various funding possibilities, including federal funds and the use of charges and tolls to fund construction and operation of the corridor as a utility corridor and a toll facility; (d) an analysis detailing possible right of way locations, including but not limited to property donations, trades, or credits between or among the public and private sector; and (e) possible private sector, local, or other partnerships that may be used to fund the project. The working group shall report its findings to the full committee by December 15, 2002.

Sec. 1202. 2002 c 359 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account-- State Appropriation ((\$164,147,000))	<u>\$163,727,000</u>
State Patrol Highway Account-- Federal Appropriation ((\$7,278,000))	<u>\$7,544,000</u>
State Patrol Highway Account-- Private/Local Appropriation ((\$169,000))	<u>\$282,000</u>
TOTAL APPROPRIATION ((\$171,594,000))	<u>\$171,553,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers- Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall fill existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

Sec. 1203. 2002 c 359 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU

Multimodal Transportation Account--State Appropriation \$5,247,000	
State Patrol Highway Account-- State Appropriation ((\$71,736,000))	<u>\$71,418,000</u>
State Patrol Highway Account-- Private/Local Appropriation \$735,000	
TOTAL APPROPRIATION ((\$77,718,000))	<u>\$77,400,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau:

(1) \$67,000 of the state patrol highway account--state appropriation is provided solely for the patrol to work jointly with the department of transportation, the military department, and the department of natural resources, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system database to illustrate locations and specifications of statewide radio and microwave towers

(2) \$5,247,000 of the multimodal transportation account--state appropriation and \$2,299,000 of the state patrol highway account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

(3) The Washington state patrol shall review the policy of allowing commissioned uniformed officers to use personally assigned vehicles for commuting purposes. This provision applies to every Washington state patrol officer except the chief and any officer that requires use of a vehicle for work performed throughout the day. The agency shall submit to the house of representatives and senate transportation committees by December 1, 2002, a list of officers that use vehicles for commuting purposes and any revisions to the vehicle use policy resulting from the review required under this subsection.

Sec. 1204. 2002 c 359 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$3,000	
Motorcycle Safety Education Account-- State Appropriation \$88,000	
Wildlife Account--State Appropriation \$81,000	
Highway Safety Account--State Appropriation ((\$7,724,000))	<u>\$7,763,000</u>
Highway Safety Account--Federal Appropriation \$55,000	
Motor Vehicle Account--State Appropriation ((\$4,400,000))	<u>\$4,415,000</u>
Licensing Services Account--State Appropriation \$173,000	
TOTAL APPROPRIATION ((\$12,524,000))	<u>\$12,578,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$6,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$14,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(3) \$26,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$2,000 of the motor vehicle account--state appropriation and \$4,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$11,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 1205. 2002 c 359 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

Marine Fuel Tax Refund Account--State

Appropriation \$2,000

Motorcycle Safety Education Account--

State Appropriation \$13,000

Wildlife Account--State Appropriation \$34,000

Highway Safety Account--State Appropriation ((~~\$5,735,000~~))

\$5,763,000

Highway Safety Account--Federal Appropriation \$31,000

Motor Vehicle Account--State Appropriation ((~~\$3,695,000~~))

\$3,707,000

Licensing Services Account--State

Appropriation ((~~\$213,000~~))

\$214,000

TOTAL APPROPRIATION ((~~\$9,723,000~~))

\$9,764,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall report to the legislative transportation committees on the progress of the expanded internet service no later than December 15, 2002.

(2) \$4,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$4,000 of the motor vehicle account--state appropriation and \$2,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(4) \$19,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(5) \$1,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$8,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 1206. 2002 c 359 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--

State Appropriation \$26,000

Wildlife Account--State Appropriation \$578,000

Motor Vehicle Account--State Appropriation ((~~\$58,191,000~~))

\$58,479,000

Licensing Services Account--State

Appropriation \$4,240,000

TOTAL APPROPRIATION ((~~\$63,035,000~~))

\$63,323,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$82,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$376,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$77,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) The department shall work cooperatively with the national guard to develop and make available a national guard sticker which may be affixed to a license plate. The stickers shall be available upon application. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(5) The department shall work cooperatively with the Washington state council of fire fighters to develop and make available a fire fighter sticker which may be affixed to a license plate. The stickers shall be available upon application to members of the international association of fire fighters. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(6) \$22,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 1207. 2002 c 359 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--

State Appropriation \$2,573,000

Highway Safety Account--State Appropriation ((~~\$82,175,000~~))

\$82,667,000

Highway Safety Account--Federal Appropriation ((\$788,000))	<u>\$824,000</u>
TOTAL APPROPRIATION ((\$85,536,000))	<u>\$86,064,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall prepare a capital project plan adopting a process for using certificates of participation to purchase licensing services offices if the combined principle and interest payments are the same or less than existing or future leases on comparable facilities.

(2) \$21,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$36,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$162,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$56,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 1208. 2002 c 359 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation (~~(\$5,349,000)~~) \$4,967,000

Aircraft Search and Rescue Safety and

Education Account--State Appropriation \$160,000

TOTAL APPROPRIATION (~~(\$5,509,000)~~)

\$5,127,000

Sec. 1209. 2002 c 359 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES-- PROGRAM U

Payments in this section represent charges from other state agencies to the department of transportation.

(1) FOR PAYMENT OF WASHINGTON STATE FERRIES TORT LIABILITY AND SETTLEMENTS

Motor Vehicle Account--State Appropriation \$5,626,000

~~((4))~~ **(2) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT**

FEEES

Motor Vehicle Account--State Appropriation \$464,000

Puget Sound Ferry Operations--State

Appropriation \$154,000

~~((2))~~ **(3) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR**

Motor Vehicle Account--State Appropriation \$713,000

~~((3))~~ **(4) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND**

SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation \$4,047,000

~~((4))~~ **(5) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL**

Motor Vehicle Account--State Appropriation \$2,237,000

~~((5))~~ **(6) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION**

Motor Vehicle Account--State Appropriation \$28,755,000

Motor Vehicle Fund--Puget Sound Ferry Operations Account--

State Appropriation \$4,204,000

The office of risk management shall evaluate the risk pool premium assessments to ensure that proper tracking, measuring, and reporting methods have been utilized to ensure funding equity has been maintained. "Funding equity" includes but is not limited to demonstrating that premiums assessed to the department of transportation will, over time, not exceed claims paid in order to ensure that premiums paid by the department of transportation are not unconstitutionally expended for nonhighway purposes. The office of risk management shall make a full report of its findings to the legislature no later than January 15, 2002.

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation \$251,000

(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation \$1,547,000

(8) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation \$457,000

TOTAL APPROPRIATION (~~(\$42,829,000)~~)

\$48,455,000

Sec. 1210. 2002 c 359 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Motor Vehicle Account--State

Appropriation ~~\$(134,390,000)~~

\$136,052,000

Motor Vehicle Account--Federal

Appropriation (~~(\$37,472,000)~~)

\$35,810,000

Passenger Ferry Account--State Appropriation \$1,500,000

Passenger Ferry Account--Federal

Appropriation \$4,000,000

TOTAL APPROPRIATION \$177,362,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(2) Appropriations in this section include funding for the purchase or lease-purchase of one passenger ferry and assume the proceeds of the sale of the MV Kalama and MV Skagit passenger ferries shall be deposited in the passenger ferry account.

(3) The department shall provide staff support to a legislative oversight committee that will manage a study of the Eagle Harbor maintenance facility. The legislative oversight committee shall consist of two members from each caucus in each house of the legislature, appointed by the leadership of the members' respective caucus. The department shall issue a request for proposals on behalf of the legislative oversight committee for an outside consulting firm to conduct a study on the preservation, replacement, or supplementation of the Eagle Harbor maintenance facility. The study must analyze: (a) The costs and benefits to preserve and maintain or relocate the facility; (b) the impact of Eagle Harbor employment on the local community and Kitsap county; and (c) a recommendation on future investment in the Eagle Harbor maintenance facility or possible alternatives. The contractor and the legislative oversight committee must report back to the legislature's transportation committees no later than December 10, 2002.

Sec. 1211. 2002 c 359 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State

Appropriation (~~(\$314,312,000)~~)

\$313,250,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of (~~(\$35,159,000)~~) \$35,797,000 for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed \$207,065,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) The department shall issue a request for information from entities interested in purchasing advertising on board Washington state ferry vessels. The department shall evaluate the proposals and report back to the legislature's transportation committees in January 2002 regarding the potential for revenue from different types of advertising.

(4) The department may enter into contracts with private vendors to sell ferry tickets and medium at locations other than Washington state ferry terminals or facilities.

(a) The department may enter into the contracts only (I) with private vendors that are already established businesses offering goods for sale to the general public; and (ii) if it determines that the vendor's established location has the potential to serve a significant percentage of the customers using a particular ferry route.

(b) The department may adopt necessary rules and procedures to allow the use of credit and debit cards to purchase ferry tickets or medium from a private vendor who has contracted with the department to sell ferry tickets or medium. The department may establish a convenience fee to be paid by all persons purchasing ferry tickets and medium at locations other than Washington state ferry terminals or facilities. The convenience fee must be sufficient to offset the charges imposed on the department by the credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

(5) The legislature recognizes the value of a regional fare collection system to promote intermodal travel throughout Washington state ferries' Puget Sound service area and therefore encourages the department to resume participation in the regional fare coordination project (smart card). The department shall develop a request for funding of the on-going operating costs associated with the regional fare coordination project and shall present this request to the 2003 legislature. The request for funding shall be sufficient to support a system that prevents the disclosure of personally identifying information of persons who use a smart card to facilitate payment of ferry fares. The requested system may facilitate the disclosure of aggregate information on fare collection to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. The requested system shall not prevent the release of personally identifying information to law enforcement agencies when required by a subpoena.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 1301. 2001 2nd sp.s. c 14 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation (~~(\$13,046,000)~~)

\$12,371,000

Sec. 1302. 2002 c 359 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Account--State Appropriation (~~(\$417,472,000)~~)

\$416,921,000

Motor Vehicle Account--Federal Appropriation \$230,929,000

Motor Vehicle Account--Private/Local

Appropriation \$48,872,000

Tacoma Narrows Toll Bridge Account--State

Appropriation \$839,000,000	
Special Category C Account--State	
Appropriation \$49,608,000	
TOTAL APPROPRIATION ((\$1,585,881,000))	<u>\$1,585,330,000</u>

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of \$49,608,000 includes \$41,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.812. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The department shall report December 1st and June 1st of each year to the senate and the house of representatives transportation committees and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(3) The motor vehicle account--state appropriation includes \$348,364,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) \$4,880,000 of the motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board.

(5) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2002.

(6) The motor vehicle account--state appropriation includes \$3,898,000 in unexpended proceeds from the January 2001 bond sale authorized in RCW 47.10.834 for the Tacoma Narrows bridge project. The transportation commission may authorize the use of current revenues available to the department of transportation in-lieu of bond proceeds for any part of the state appropriation.

(7) The Tacoma narrows toll bridge account--state appropriation includes \$800,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

TRANSFERS AND DISTRIBUTIONS

Sec. 1401. 2002 c 359 s 401 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation ((\$208,206,000))	<u>\$196,524,000</u>
Ferry Bond Retirement Account Appropriation ((\$52,473,000))	<u>\$52,474,000</u>
Transportation Improvement Board Bond Retirement Account--State Appropriation ((\$40,856,000))	<u>\$38,088,000</u>
Motor Vehicle Account--State Appropriation ((\$4,588,000))	<u>\$3,136,000</u>
Special Category C Account--State Appropriation ((\$631,000))	<u>\$114,000</u>
Transportation Improvement Account--State Appropriation ((\$340,000))	<u>\$76,000</u>
TOTAL APPROPRIATION ((\$307,094,000))	<u>\$290,412,000</u>

Sec. 1402. 2002 c 359 s 402 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Vehicle Account--State Appropriation ((\$459,000))	<u>\$334,000</u>
Special Category C Account Appropriation ((\$41,000))	<u>\$18,000</u>
Transportation Improvement Account--State Appropriation \$34,000	
TOTAL APPROPRIATION ((\$534,000))	<u>\$386,000</u>

Sec. 1403. 2002 c 359 s 403 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION
 Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties ((~~\$428,981,000~~))

	<u>\$425,501,000</u>
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Motor Vehicle Account Appropriation for motor vehicle license, permit, and fee distributions to cities and counties \$56,304,000

Sec. 1404. 2002 c 359 s 404 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS STATE TREASURER| TRANSFERS

(1) RV Account--State Appropriation:
 For transfer to the Motor Vehicle Fund--State ((~~\$1,344,000~~))

\$542,000

The department of transportation shall only transfer funds provided under this subsection (~~((1) of this section~~) on an as-needed basis.

~~(2) ((Public Transportation Systems Account--State Appropriation: For transfer to the Multimodal Transportation Account--State \$1,911,000~~

~~(3)) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$48,657,000~~

~~((4)) (3) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers ((453,279,000))~~

\$448,264,000

~~((6)) (4) Urban Arterial Trust Account--State Appropriation: For transfer of excess City Hardship Assistance Program revenues to cities \$1,500,000~~

~~((7)) (5) Highway Safety Account--State Appropriation: For transfer to the multimodal transportation account \$20,000,000~~

~~((8)) (6) Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account ((839,000,000))~~

\$39,000,000

~~((9)) (7) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$5,000,000~~

~~((4)) If Senate Bill No. 6814 is enacted in the form passed by the legislature, \$16,191,000 of the transfer from the Washington state patrol account--state to the motor vehicle account--state shall lapse. The state treasurer shall perform the transfers from the state patrol highway account to the motor vehicle account on a quarterly basis.~~

~~((2) The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.)~~

~~NEW SECTION. Sec. 1405. A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:~~

~~**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS STATE TREASURER| MVFT BONDS AND TRANSFERS**~~

~~Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account \$800,000,000~~

~~The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.~~

PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. Sec. 1501. A new section is added to chapter 43.79 RCW to read as follows:

The state patrol nonappropriated airplane revolving account is created in the custody of the state treasurer. All receipts from aircraft user fees paid by other agencies and private users as reimbursement for the use of the patrol's aircraft that are primarily for purposes other than highway patrol must be deposited into the account. Expenditures from the account may be used only for expenses related to these aircraft. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 1502. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1503. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2002 c 359 ss 205, 207, 208, 210, 211, 212, 213, 215, 223, 225, 226, 216, 401, 402, 403, and 404 (uncodified); amending 2001 2nd sp.s. c 14 s 303 (uncodified); adding a new section to chapter 43.79 RCW; adding a new section to 2001 2nd sp.s. c 14 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; providing an effective date; and providing a contingent effective date."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 1163, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1163, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1163, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Voting nay: Senator Sheldon, T. - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute House Bill No. 1163, as amended by the Senate under suspension of the rules, was ordered to be immediately transmitted to the House of Representatives.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231 and requests of the Senate a conference thereon. The Speaker has appointed the following members as conferees: Representatives Murray, Kessler and Ericksen.

CYNTHIA ZEHNDER, Chief Clerk

MOTIONS

On motion of Senator Horn, the Senate refuses to grant the request of the House for a conference on Engrossed Substitute House Bill No. 2231.

On motion of Senator Horn, the rules were suspended and Engrossed Substitute House Bill No. 2231 was returned to second reading and read the second time.

MOTION

On motion of Senator Horn, the following striking amendment by Senators Horn and Haugen was adopted:
Strike everything after the enacting clause and insert the following:

"PART I - INTENT

NEW SECTION. Sec. 101. The legislature finds that the state's transportation system is in critical need of repair, restoration, and enhancement. The state's economy, the ability to move goods to market, and the overall mobility and safety of the citizens of the state rely on the state's transportation system. The revenues generated by this act are dedicated to funds, accounts, and activities that are necessary to improve the delivery of state transportation projects and services.

PART II - LICENSE FEES

Sec. 201. RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof pursuant to the provisions of))~~ under chapter 46.44 RCW, the following licensing fees by such gross weight:

declared gross weight	SCHEDULE A	SCHEDULE B
4,000 lbs.	37.00	37.00
	\$	\$
6,000 lbs.	44.00	44.00
	\$	\$

8,000 lbs.	\$	55.00	\$	55.00
10,000 lbs.	\$	62.00	\$	62.00
(12,000 lbs.	\$	72.00	\$	72.00
14,000 lbs.	\$	82.00	\$	82.00
16,000 lbs.	\$	92.00	\$	92.00
18,000 lbs.	\$	137.00	\$	137.00
20,000 lbs.	\$	152.00	\$	152.00
22,000 lbs.	\$	164.00	\$	164.00
24,000 lbs.	\$	177.00	\$	177.00
26,000 lbs.	\$	187.00	\$	187.00
28,000 lbs.	\$	220.00	\$	220.00
30,000 lbs.	\$	253.00	\$	253.00
32,000 lbs.	\$	304.00	\$	304.00
34,000 lbs.	\$	323.00	\$	323.00
36,000 lbs.	\$	350.00	\$	350.00
38,000 lbs.	\$	384.00	\$	384.00
40,000 lbs.	\$	439.00	\$	439.00

42,000 lbs.	\$	456.00	\$	546.00
44,000 lbs.	\$	466.00	\$	556.00
46,000 lbs.	\$	501.00	\$	591.00
48,000 lbs.	\$	522.00	\$	612.00
50,000 lbs.	\$	566.00	\$	656.00
52,000 lbs.	\$	595.00	\$	685.00
54,000 lbs.	\$	642.00	\$	732.00
56,000 lbs.	\$	677.00	\$	767.00
58,000 lbs.	\$	704.00	\$	794.00
60,000 lbs.	\$	750.00	\$	840.00
62,000 lbs.	\$	804.00	\$	894.00
64,000 lbs.	\$	822.00	\$	912.00
66,000 lbs.	\$	915.00	\$	1,005.00
68,000 lbs.	\$	954.00	\$	1,044.00
70,000 lbs.	\$	1,027.00	\$	1,117.00
72,000 lbs.	\$	1,098.00	\$	1,188.00
74,000 lbs.	\$	1,193.00	\$	1,283.00

76,000 lbs.	\$	1,289.00	\$	1,379.00
78,000 lbs.	\$	1,407.00	\$	1,497.00
80,000 lbs.	\$	1,518.00	\$	1,608.00
82,000 lbs.	\$	1,623.00	\$	1,713.00
84,000 lbs.	\$	1,728.00	\$	1,818.00
86,000 lbs.	\$	1,833.00	\$	1,923.00
88,000 lbs.	\$	1,938.00	\$	2,028.00
90,000 lbs.	\$	2,043.00	\$	2,133.00
92,000 lbs.	\$	2,148.00	\$	2,238.00
94,000 lbs.	\$	2,253.00	\$	2,343.00
96,000 lbs.	\$	2,358.00	\$	2,448.00
98,000 lbs.	\$	2,463.00	\$	2,553.00
100,000 lbs.	\$	2,568.00	\$	2,658.00
102,000 lbs.	\$	2,673.00	\$	2,763.00
104,000 lbs.	\$	2,778.00	\$	2,868.00
105,500 lbs.	\$	2,883.00	\$	2,973.00))
<u>12,000 lbs.</u>	\$	<u>79.00</u>	\$	<u>79.00</u>

<u>14,000 lbs.</u>	\$	<u>90.00</u>	\$	<u>90.00</u>
<u>16,000 lbs.</u>	\$	<u>102.00</u>	\$	<u>102.00</u>
<u>18,000 lbs.</u>	\$	<u>154.00</u>	\$	<u>154.00</u>
<u>20,000 lbs.</u>	\$	<u>171.00</u>	\$	<u>171.00</u>
<u>22,000 lbs.</u>	\$	<u>185.00</u>	\$	<u>185.00</u>
<u>24,000 lbs.</u>	\$	<u>200.00</u>	\$	<u>200.00</u>
<u>26,000 lbs.</u>	\$	<u>211.00</u>	\$	<u>211.00</u>
<u>28,000 lbs.</u>	\$	<u>249.00</u>	\$	<u>249.00</u>
<u>30,000 lbs.</u>	\$	<u>287.00</u>	\$	<u>287.00</u>
<u>32,000 lbs.</u>	\$	<u>346.00</u>	\$	<u>346.00</u>
<u>34,000 lbs.</u>	\$	<u>368.00</u>	\$	<u>368.00</u>
<u>36,000 lbs.</u>	\$	<u>399.00</u>	\$	<u>399.00</u>
<u>38,000 lbs.</u>	\$	<u>438.00</u>	\$	<u>438.00</u>
<u>40,000 lbs.</u>	\$	<u>501.00</u>	\$	<u>501.00</u>
<u>42,000 lbs.</u>	\$	<u>521.00</u>	\$	<u>611.00</u>
<u>44,000 lbs.</u>	\$	<u>532.00</u>	\$	<u>622.00</u>
<u>46,000 lbs.</u>	\$	<u>572.00</u>	\$	<u>662.00</u>

<u>48,000 lbs.</u>	\$	<u>596.00</u>	\$	<u>686.00</u>
<u>50,000 lbs.</u>	\$	<u>647.00</u>	\$	<u>737.00</u>
<u>52,000 lbs.</u>	\$	<u>680.00</u>	\$	<u>770.00</u>
<u>54,000 lbs.</u>	\$	<u>734.00</u>	\$	<u>824.00</u>
<u>56,000 lbs.</u>	\$	<u>775.00</u>	\$	<u>865.00</u>
<u>58,000 lbs.</u>	\$	<u>806.00</u>	\$	<u>896.00</u>
<u>60,000 lbs.</u>	\$	<u>859.00</u>	\$	<u>949.00</u>
<u>62,000 lbs.</u>	\$	<u>921.00</u>	\$	<u>1,011.00</u>
<u>64,000 lbs.</u>	\$	<u>941.00</u>	\$	<u>1,031.00</u>
<u>66,000 lbs.</u>	\$	<u>1,048.00</u>	\$	<u>1,138.00</u>
<u>68,000 lbs.</u>	\$	<u>1,093.00</u>	\$	<u>1,183.00</u>
<u>70,000 lbs.</u>	\$	<u>1,177.00</u>	\$	<u>1,267.00</u>
<u>72,000 lbs.</u>	\$	<u>1,259.00</u>	\$	<u>1,349.00</u>
<u>74,000 lbs.</u>	\$	<u>1,368.00</u>	\$	<u>1,458.00</u>
<u>76,000 lbs.</u>	\$	<u>1,478.00</u>	\$	<u>1,568.00</u>
<u>78,000 lbs.</u>	\$	<u>1,614.00</u>	\$	<u>1,704.00</u>
<u>80,000 lbs.</u>	\$	<u>1,742.00</u>	\$	<u>1,832.00</u>

<u>82,000 lbs.</u>	\$	<u>1,863.00</u>	\$	<u>1,953.00</u>
<u>84,000 lbs.</u>	\$	<u>1,983.00</u>	\$	<u>2,073.00</u>
<u>86,000 lbs.</u>	\$	<u>2,104.00</u>	\$	<u>2,194.00</u>
<u>88,000 lbs.</u>	\$	<u>2,225.00</u>	\$	<u>2,315.00</u>
<u>90,000 lbs.</u>	\$	<u>2,346.00</u>	\$	<u>2,436.00</u>
<u>92,000 lbs.</u>	\$	<u>2,466.00</u>	\$	<u>2,556.00</u>
<u>94,000 lbs.</u>	\$	<u>2,587.00</u>	\$	<u>2,677.00</u>
<u>96,000 lbs.</u>	\$	<u>2,708.00</u>	\$	<u>2,798.00</u>
<u>98,000 lbs.</u>	\$	<u>2,829.00</u>	\$	<u>2,919.00</u>
<u>100,000 lbs.</u>	\$	<u>2,949.00</u>	\$	<u>3,039.00</u>
<u>102,000 lbs.</u>	\$	<u>3,070.00</u>	\$	<u>3,160.00</u>
<u>104,000 lbs.</u>	\$	<u>3,191.00</u>	\$	<u>3,281.00</u>
<u>105,500 lbs.</u>	\$	<u>3,312.00</u>	\$	<u>3,402.00</u>

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 202. RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) ~~((23.677))~~ 21.963 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) ~~((1.521))~~ 1.411 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; ~~((and))~~

(c) 7.240 percent shall be deposited into the transportation 2003 account (nickel account); and

(d) The remaining proceeds shall be deposited into the motor vehicle fund.

PART III - SALES AND USE TAX

Sec. 301. RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((4))~~ (6) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 302. RCW 82.12.020 and 2003 c 5 (EHB 1977) s 2 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property or service taxable under RCW 82.04.050(2)(a) or (3)(a) purchased at retail or acquired by lease, gift, or bailment if the sale to, or the use by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his bailor or donor.

(4) Except as provided in this section, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters. If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor; or in respect to the use of property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961, the tax imposed by this chapter does not apply.

(5) The tax shall be levied and collected in an amount equal to the value of the article used or value of the service used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

Sec. 303. RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;

(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~((him))~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~((his))~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~((his))~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either

granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) shall be deposited in the multimodal transportation account under RCW 47.66.070.

Sec. 304. RCW 82.08.064 and 2000 c 104 s 3 are each amended to read as follows:

(1) A sales and use tax rate change under this chapter or chapter 82.12 RCW shall be imposed ~~((+))~~ (a) no sooner than seventy-five days after its enactment into law and ~~((2))~~ (b) only on the first day of January, April, July, or October.

(2) Subsection (1) of this section does not apply to the tax rate change in section 301 of this act.

PART IV - MOTOR AND SPECIAL FUEL TAXES

Sec. 401. RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((shall apply))~~ applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning July 1, 2003, an additional and cumulative motor fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

Sec. 402. RCW 82.38.030 and 2002 c 183 s 2 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate ~~((computed in the manner provided in RCW 82.36.025 on each))~~ of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) ~~((The tax))~~ Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Taxes are imposed ~~((by subsection (1) of this section is imposed))~~ when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Dyed special fuel is held for sale, sold, used, or is intended to be used in violation of this chapter;

(h) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer- terminal system.

~~((3))~~ (4) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

Sec. 403. RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (c) through (f)))~~ accordance with subsections (2), (3), and (4) of this ~~((subsection))~~ section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((:))~~.

~~((e))~~ (2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this section.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

- (iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and
- (iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((1)(d))~~ ~~(2)(b)~~;

~~((e))~~ ~~(c)~~ For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

~~((f))~~ ~~(d)~~ For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

~~((g))~~ ~~(e)~~ For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

~~((h))~~ ~~(f)~~ For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

~~((i))~~ ~~(g)~~ For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

~~((j))~~ ~~(h)~~ For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (I) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ ~~(I)~~ For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((l))~~ ~~(j)~~ For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

~~((2))~~ ~~(3)~~ One hundred percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed to the transportation 2003 account (nickel account).

~~(4)~~ Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

Sec. 404. RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090~~((1)(4))~~ ~~(2)(g)~~ shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090(2)(g) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090~~((1)(4))~~ ~~(2)(g)~~ shall be allocated to the incorporated cities and towns in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; and

(5) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the office of financial management.

Sec. 405. RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030~~((2)(a))~~ ~~(3)(a)~~. On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

~~(3)(b).~~ (2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030~~((2)(b))~~

~~(3)(c).~~ (3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030~~((2)(e))~~

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030~~((2)(e))~~ ~~(3)(e)~~.

~~(3)(f).~~ (5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030~~((2)(f))~~ ~~(3)(f)~~.

Sec. 406. RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((1))~~ if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

Sec. 407. RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on ~~((the))~~ a tax rate ~~((in effect January 1, 1990))~~ of: (a)

Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

~~((a))~~ (1) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

~~((H))~~ (A) Not more than five percent may be expended for information programs under this chapter;

~~((ii))~~ (B) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

~~((iii))~~ (C) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

~~((iv))~~ (D) Not more than fifty percent may be expended for nonhighway road recreation facilities;

~~((v))~~ (E) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under ~~((d))~~(H) ~~(e)~~(iv)(A) of this subsection;

~~((b))~~ (ii) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

~~((c))~~ (iii) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

~~((d))~~ (iv) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

~~((H))~~ (A) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

~~((ii))~~ (B) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

~~((iii))~~ (C) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 408. RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and ~~((the))~~ a fuel tax rate ~~((in effect January 1, 1990))~~ of: (1) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter.

Sec. 409. RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing ~~((the))~~ a motor vehicle fuel tax rate ~~((under RCW 82.36.025 in effect on January 1, 1990))~~ of: (1) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, to the recreation resource account and the remainder to the motor vehicle fund.

PART V - OPTIONAL LICENSE PLATE FEE

Sec. 501. RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, all vehicle license plates must be issued on a standard background, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(2) By November 1, 2003, in providing for the periodic replacement of license plates, the department shall offer to vehicle owners the option of retaining their current license plate numbers. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the multimodal transportation account.

NEW SECTION. Sec. 502. A new section is added to chapter 46.16 RCW to read as follows:

The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of one thousand five hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of five hundred dollars per rendition. All revenue collected under this section must be deposited into the multimodal transportation account.

PART VI - ACCOUNT CREATION

NEW SECTION. Sec. 601. A new section is added to chapter 46.68 RCW to read as follows:

(1) The transportation 2003 account (nickel account) is hereby created in the motor vehicle fund. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation 2003 projects or improvements in the omnibus transportation budget and to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements. Upon completion of the projects or improvements identified as transportation 2003 projects or improvements, moneys deposited in this account must only be used to pay the principal and interest on the bonds authorized for transportation 2003 projects or improvements, and any funds in the account in excess of the amount necessary to make the principal and interest payments may be used for maintenance on the completed projects or improvements.

(2) The "nickel account" means the transportation 2003 account.

Sec. 602. RCW 43.84.092 and 2002 c 242 s 2, 2002 c 114 s 24, and 2002 c 56 s 402 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

PART VII - MISCELLANEOUS

NEW SECTION. **Sec. 701.** Part headings used in this act are not any part of the law.

NEW SECTION. **Sec. 702.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 703.** Sections 301 through 602 of this act take effect July 1, 2003, and sections 201 and 202 of this act take effect August 1, 2003.

NEW SECTION. **Sec. 704.** Section 201 of this act is effective with registrations that are due or will become due August 1, 2003, and thereafter.

NEW SECTION. **Sec. 705.** Part V of this act is null and void if House Bill No. 2065 becomes law by June 30, 2003."

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

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 46.16.070, 46.68.035, 82.08.020, 82.12.020, 82.12.045, 82.08.064, 82.38.030, 82.38.035, 82.38.047, 46.09.170, 46.10.170, 79A.25.070, and 46.16.233; reenacting and amending RCW 82.36.025, 46.68.090, 46.68.110, and 43.84.092; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.68 RCW; creating new sections; and providing effective dates."

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute House Bill No. 2231, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2231, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 38.

Voting nay: Senators Benton, Deccio, Esser, Hargrove, Honeyford, McCaslin, Mulliken, Roach, Sheldon, T., Stevens and Zarelli - 11.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, as amended by the Senate under suspension of the rules,, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute House Bill No. 2231, as amended by the Senate under suspension of the rules, was ordered to be immediately transmitted to the House of Representatives.

MOTION

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

SECOND READING

SENATE BILL NO. 6062, by Senators Horn, Haugen, Swecker, Jacobsen, Finkbeiner and Spanel

Authorizing bonds for transportation funding.

The bill was read the second time.

MOTION

On motion of Senator Horn, the following amendment by Senators Horn and Haugen was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** In order to provide funds necessary for the location, design, right of way, and construction of selected projects or improvements that are identified as transportation 2003 projects or improvements in the omnibus transportation budget, there shall be issued and sold upon the request of the transportation commission a total of two billion six hundred million dollars of general obligation bonds of the state of Washington.

NEW SECTION. **Sec. 2.** Upon the request of the transportation commission, as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in this act in accordance with chapter 39.42 RCW. Bonds authorized by this act shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. **Sec. 3.** The proceeds from the sale of bonds authorized by section 1 of this act shall be deposited in the transportation 2003 account (nickel account) in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in section 1 of this act, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

NEW SECTION. Sec. 4. Bonds issued under the authority of sections 1 through 6 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable in the manner provided in sections 1 through 6 of this act from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of these excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of sections 1 through 6 of this act, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of sections 1 through 6 of this act.

NEW SECTION. Sec. 5. Both principal and interest on the bonds issued for the purposes of sections 1 through 6 of this act shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the transportation 2003 account (nickel account) in the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by sections 1 through 6 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is distributed to the transportation 2003 account (nickel account) in the motor vehicle fund. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the transportation 2003 account (nickel account) proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the transportation 2003 account (nickel account) not required for bond retirement or interest on the bonds.

NEW SECTION. Sec. 6. Bonds issued under the authority of sections 1 through 5 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

NEW SECTION. Sec. 7. For the purpose of providing funds for the planning, design, construction, reconstruction, and other necessary costs for transportation projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of three hundred forty-nine million five hundred thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 8. The proceeds of the sale of the bonds authorized in section 7 of this act must be deposited in the multimodal transportation account and must be used exclusively for the purposes specified in section 7 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 9. (1) The nondebt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in section 7 of this act.

(2)(a) The state finance committee must, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 7 of this act.

(b) On or before the date on which any interest or principal and interest is due, the state treasurer shall transfer from the multimodal transportation account for deposit into the nondebt-limit reimbursable bond retirement account the amount computed in (a) of this subsection for bonds issued for the purposes of section 7 of this act.

(3) If the multimodal transportation account has insufficient revenues to pay the principal and interest computed in subsection (2)(a) of this section, then the debt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in section 7 of this act from any additional means provided by the legislature.

(4) If at any time the multimodal transportation account has insufficient revenues to repay the bonds, the legislature may provide additional means for the payment of the bonds.

NEW SECTION. Sec. 10. (1) Bonds issued under section 7 of this act must state that they are a general obligation of the state of Washington, must pledge the full faith and credit of the state to the payment of the principal and interest, and must contain an unconditional promise to pay the principal and interest as it becomes due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 11. The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized in section 7 of this act, and sections 9 and 10 of this act are not deemed to provide an exclusive method for their payment.

NEW SECTION. Sec. 12. The bonds authorized in section 7 of this act are a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 13. RCW 39.42.060 and 2002 c 240 s 7 are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenues, as defined in RCW 39.42.070, for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall exclude the following:

- (1) Obligations for the payment of current expenses of state government;
- (2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;
- (3) Principal of and interest on bond anticipation notes;
- (4) Any indebtedness which has been refunded;
- (5) Financing contracts entered into under chapter 39.94 RCW;
- (6) Indebtedness authorized or incurred before July 1, 1993, pursuant to statute which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW;
- (7) Indebtedness authorized and incurred after July 1, 1993, pursuant to statute that requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from (a) moneys outside the state treasury, except

higher education operating fees, (b) higher education building fees, (c) indirect costs recovered from federal grants and contracts, and (d) fees and charges associated with hospitals operated or managed by institutions of higher education;

(8) Any agreement, promissory note, or other instrument entered into by the state finance committee under RCW 39.42.030 in connection with its acquisition of bond insurance, letters of credit, or other credit support instruments for the purpose of guaranteeing the payment or enhancing the marketability, or both, of any state bonds, notes, or other evidence of indebtedness;

(9) Indebtedness incurred for the purposes identified in RCW 43.99N.020;

(10) Indebtedness incurred for the purposes of the school district bond guaranty established by chapter 39.98 RCW;

(11) Indebtedness incurred for the purposes of replacing the waterproof membrane over the east plaza garage and revising related landscaping construction pursuant to RCW 43.99Q.070; ~~((and))~~

(12) Indebtedness incurred for the purposes of the state legislative building rehabilitation, to the extent that principal and interest payments of such indebtedness are paid from the capitol building construction account pursuant to RCW 43.99Q.140(2)(b); ~~and~~

~~(13) Indebtedness incurred for the purposes of financing projects under section 7 of this act.~~

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

Sec. 14. RCW 35.95A.120 and 2002 c 248 s 13 are each amended to read as follows:

The city transportation authority may be dissolved by a vote of the people residing within the boundaries of the authority if the authority is faced with significant financial problems. ~~However, the authority may covenant with holders of its bonds that it may not be dissolved and shall continue to exist solely for the purpose of continuing to levy and collect any taxes or assessments levied by it and pledged to the repayment of debt and to take other actions, including the appointment of a trustee, as necessary to allow it to repay any remaining debt. No such debt may be incurred by the authority on a project until thirty days after a final environmental impact statement on that project has been issued as required by chapter 43.21C RCW. The amount of the authority's initial bond issue is limited to the amount of the project costs in the subsequent two years as documented by a certified engineer or by submitted bids, plus any reimbursable capital expenses already incurred at the time of the bond issue. The authority may size the first bond issue consistent with the internal revenue service five-year spend down schedule if an independent financial advisor recommends such an approach is financially advisable.~~ Any referendum petition to dissolve the city transportation authority must be filed with the city council and contain provisions for dissolution of the authority. Within seven days, the city prosecutor must review the validity of the petition and submit its report to the petitioner and city council. If the petitioner's claims are deemed valid by the city prosecutor, within ten days of the petitioner's filing, the city council will confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title must be posed as a question and an affirmative vote on the measure results in authority retention and a negative vote on the measure results in the authority's dissolution. The petitioner will be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner has ninety days in which to secure on petition forms, the signatures of not less than fifteen percent of the registered voters in the authority area and to file the signed petitions with the filing officer. Each petition form must contain the ballot title and the full text of the measure to be referred. The filing officer will verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the initiative to the authority area voters at a general or special election held on one of the dates provided in RCW 29.13.010 as determined by the city council, which election will not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

NEW SECTION. Sec. 15. Sections 1 through 12 of this act are each added to chapter 47.10 RCW.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

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

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 39.42.060 and 35.95A.120; adding new sections to chapter 47.10 RCW; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Horn, the rules were suspended, Engrossed Senate Bill No. 6062 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6062.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6062, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Hargrove and Sheldon, T. - 2.

ENGROSSED SENATE BILL NO. 6062, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Senate Bill No. 6062 was ordered to be immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Horn: "A point of personal privilege, Mr. President. I would like to thank all the people that helped on this transportation series of bills that we just passed, particularly giving recognition to my Vice Chair, Senator Swecker and also Senator Finkbeiner. Also, I appreciate the cooperation that we had across the aisle with Senator Haugen, Senator Spanel and Senator Jacobsen. Also, all the other people on the Transportation Committee and the people who interfaced with our staff as we were developing this budget and getting it put forth.

"I would also like to pay particular attention to one of the most super staffs that I have worked with. If I could have them stand back there. They have worked tirelessly."

PERSONAL PRIVILEGE

Senator Haugen: "A point of personal privilege. Mr. President. I, too, would like to take this opportunity to say 'thank you' to the folks who worked so hard on this budget. Let's hope this one sticks this year. It has been thirteen years since we have made an investment and Mr. President, were you chairing the committee at that point? I know you weren't. There are not many people in this room who have been here through all of this. This is really major, and like Senator Horn, said we wouldn't be successful without such truly great staff—who come up with a lot of great ideas and work a lot of long hours. I, too, want to say 'thank you.' They are an extra ordinary group of bright young folks."

HAPPY BIRTHDAY WISHES

The President extended Happy Birthday wishes to Senator Pam Roach.

MOTION

At 6:01 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 7:51 p.m. by President Owen.

MOTION

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

MOTION

On motion of Senator Hewitt, Senators Honeyford and Winsley were excused.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9135, Sidney Weldele-Wallace, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

APPOINTMENT OF SIDNEY WELDELE-WALLACE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 45.

Absent: Senators Kohl-Welles and Poulsen - 2.

Excused: Senators Honeyford and Winsley - 2.

MOTION

On motion of Senator Prentice, Gubernatorial Appointment No. 9086, Janice Niemi, as a member of the Gambling Commission, was confirmed.

APPOINTMENT OF JANICE NIEMI

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Finkbeiner and Hargrove - 2.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 25, 2002

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1028,
HOUSE BILL NO. 1083,
SUBSTITUTE HOUSE BILL NO. 1153,
HOUSE BILL NO. 1170,
HOUSE BILL NO. 1179,
HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1275,

SUBSTITUTE HOUSE BILL NO. 1278,
SUBSTITUTE HOUSE BILL NO. 1291,
HOUSE BILL NO. 1350,
HOUSE BILL NO. 1356,
SUBSTITUTE HOUSE BILL NO. 1494,
HOUSE BILL NO. 1621,
SUBSTITUTE HOUSE BILL NO. 1655,
SUBSTITUTE HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1849,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852,
SUBSTITUTE HOUSE BILL NO. 2038,
SUBSTITUTE HOUSE BILL NO. 2040,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088,
HOUSE BILL NO. 2113,
HOUSE BILL NO. 2223, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1028,
HOUSE BILL NO. 1083,
SUBSTITUTE HOUSE BILL NO. 1153,
HOUSE BILL NO. 1170,
HOUSE BILL NO. 1179,
HOUSE BILL NO. 1226,
SUBSTITUTE HOUSE BILL NO. 1275,
SUBSTITUTE HOUSE BILL NO. 1278,
SUBSTITUTE HOUSE BILL NO. 1291,
HOUSE BILL NO. 1350,
HOUSE BILL NO. 1356,
SUBSTITUTE HOUSE BILL NO. 1494,
HOUSE BILL NO. 1621,
SUBSTITUTE HOUSE BILL NO. 1655,
SUBSTITUTE HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1837,
SUBSTITUTE HOUSE BILL NO. 1849,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1852,
SUBSTITUTE HOUSE BILL NO. 2038,
SUBSTITUTE HOUSE BILL NO. 2040,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2088,
HOUSE BILL NO. 2113,
HOUSE BILL NO. 2223.

MOTION

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

SECOND READING

SENATE BILL NO. 6072, by Senators Horn and Haugen

Funding pollution abatement and response.

MOTIONS

On motion of Senator Swecker, Substitute Senate Bill No. 6072 was substituted for Senate Bill No. 6072 and the substitute bill was placed on second reading and read the second time.

Senator Swecker moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.94 RCW to read as follows:

(1) Money deposited in the segregated subaccount of the air pollution control account under RCW 46.68.020(2) shall be distributed as follows:

(a) Eighty-five percent shall be distributed to air pollution control authorities created under this chapter. The money must be distributed in direct proportion with the amount of fees imposed under RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the boundaries of each authority. However, an amount in direct proportion with those fees collected in counties for which no air pollution control authority exists must be distributed to the department.

(b) The remaining fifteen percent shall be distributed to the department.

(2) Money distributed to air pollution control authorities and the department under subsection (1) of this section must be used as follows:

(a) Eighty-five percent of the money received by an air pollution control authority or the department must be used to retrofit school buses with exhaust emission control devices or to provide funding for fueling infrastructure necessary to allow school bus fleets to use alternative, cleaner fuels.

(b) The remaining fifteen percent may be used by the air pollution control authority or department to reduce vehicle air contaminant emissions and clean up air pollution, or reduce and monitor toxic air contaminants.

(3) Money in the air pollution control account may be spent by the department only after appropriation.

(4) The department shall provide a report to the legislative transportation committees on the progress of the implementation of this section by December 31, 2004.

NEW SECTION. Sec. 2. The sum of ten million dollars is appropriated for the biennium ending June 30, 2005, from the segregated subaccount of the air pollution control account to the department of ecology for the purposes of section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 90.56 RCW to read as follows:

The vessel response account is created in the state treasury. Grants, gifts, and federal funds may be deposited into the account. Oil spill penalties assessed against ships under RCW 90.56.330 and 90.48.144 shall also be deposited into the account as well as the money distributed under RCW 46.68.020(2). Moneys in the account may be spent only after appropriation. The department of ecology is authorized to utilize the vessel response account to preposition a dedicated rescue tug at the entrance to the Strait of Juan de Fuca to reduce the risk of major maritime accidents and oil spills on the outer coast and western strait. Prior to authorizing the rescue tug to respond to a distressed vessel, the department shall work with the United States Coast Guard and industry to determine if another capable, unencumbered commercial tug is available in the area that can respond. If such a tug can respond without increasing the risk of a casualty, it should be deployed as the tug of choice and the state-contracted rescue tug should not be taken off standby duty. The department is also authorized to spot charter tugs as needed during major storms and other high risk periods to protect maritime commerce and the environment anywhere in state waters.

The department shall not proceed with rule making related to emergency towing pursuant to chapter 88.46 RCW, so long as the deposit of the fee into the vessel response account under RCW 46.68.020(2) is continued and is appropriated for the purpose of the dedicated rescue tug.

NEW SECTION. Sec. 4. The department of ecology shall complete an evaluation of tug escort requirements for laden tankers to determine if the current escort system requirements under RCW 88.16.190 should be modified to recognize safety enhancements of the new double hull tankers deployed with redundant systems. The department shall provide a report with recommendations to the governor and the appropriate committees of the legislature by January 1, 2005.

NEW SECTION. Sec. 5. (1) The sum of two million eight hundred seventy-six thousand dollars is appropriated for the biennium ending June 30, 2005, from the vessel response account to the department of ecology for the purposes of section 3 of this act.

(2) The sum of two hundred thousand dollars is appropriated for the biennium ending June 30, 2005, from the oil spill prevention account to the department of ecology for the purposes of section 4 of this act.

Sec. 6. RCW 46.12.040 and 2002 c 352 s 3 are each amended to read as follows:

(1) The application accompanied by a draft, money order, certified bank check, or cash for five dollars, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

(2) The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

(3) In addition to the application fee and any other fee for the license registration of a vehicle, the department shall collect from the applicant a fee of fifteen dollars for vehicles previously registered in any other state or country. ~~((The proceeds from the fee shall be~~

deposited in the motor vehicle fund. For vehicles requiring a physical examination, the inspection fee shall be fifty dollars and shall be deposited in the motor vehicle fund.)

Sec. 7. RCW 46.12.101 and 2002 c 279 s 1 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, the license plate number, or both, as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the department shall create a system enabling the seller of a vehicle to transmit the report of sale electronically. The system created by the department must immediately indicate on the department's vehicle record that a seller's report of sale has been filed.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer (~~(to be deposited in the motor vehicle fund)~~).

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

Sec. 8. RCW 46.68.020 and 2002 c 352 s 21 are each amended to read as follows:

The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys (~~to the multimodal transportation account in RCW 47.66.070, and all expenses incurred in carrying out the provisions of that chapter shall be paid from such account as authorized by legislative appropriation~~) as follows:

(1) The fees collected under RCW 46.12.040(1) shall be credited to the multimodal transportation account in RCW 47.66.070.

(2)(a) Beginning with the effective date of this section, and until July 1, 2008, the fees collected under RCW 46.12.080, 46.12.170, and 46.12.181 shall be credited as follows:

(i) 58.12 percent shall be credited to a segregated subaccount of the air pollution control account in RCW 70.94.015;

(ii) 15.71 percent shall be credited to the vessel response account created in section 3 of this act; and

(iii) The remainder shall be credited into the transportation 2003 account (nickel account).

(b) Beginning July 1, 2008, and thereafter, the fees collected under RCW 46.12.080, 46.12.170, and 46.12.181 shall be credited to the transportation 2003 account (nickel account).

(3) All other fees under chapter 46.12 RCW shall be credited to the motor vehicle account, unless specified otherwise.

NEW SECTION. Sec. 9. Sections 1 and 3 of this act expire July 1, 2008."

MOTION

Senator Honeyford moved that the following amendments to the striking amendment by Senator Swecker be considered simultaneously and be adopted:

On page 2, line 17, after "Juan de Fuca" insert the following:

"and the mouth of the Columbia River".

On page 2, line 19, after "strait" insert the following:

"Funds accruing to the account must be expended equally on both the Juan de Fuca rescue tug and the Columbia River tug."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Honeyford on page 2, line 17 and 19, to the striking amendment by Senator Swecker to Substitute Senate Bill No. 6072.

The motion by Senator Honeyford failed and the amendments to the striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Swecker to Substitute Senate Bill No. 6072.
The motion by Senator Swecker carried and the striking amendment was adopted.

There being no objection, the following title amendment was adopted:
On page 1, line 1 of the title, after "response;" strike the remainder of the title and insert "amending RCW 46.12.040, 46.12.101, and 46.68.020; adding a new section to chapter 70.94 RCW; adding a new section to chapter 90.56 RCW; creating a new section; making appropriations; and providing an expiration date."

MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed Substitute Senate Bill No. 6072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.
Debate ensued.
The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6072.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6072 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Voting nay: Senators McCaslin, Morton, Mulliken, Roach, Sheldon, T. and West - 6.
Excused: Senator Honeyford - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Hewitt, Senator Parlette was excused.

MOTION

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

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, and asks the Senate to recede therefrom, and the same are herewith transmitted..

CYNTHIA ZEHNDER, Chief Clerk

MOTIONS

On motion of Senator Johnson, the Senate receded from the Senate amendment(s) to Engrossed Substitute Senate Bill No. 1033.

On motion of Senator Johnson, the rules were suspended and Engrossed Substitute Senate Bill No. 1033 was returned to second reading and read the second time.

MOTION

Senator Kline moved that the following striking amendment by Senators Kline, Johnson and Esser be adopted:
Strike everything after the enacting clause and insert the following:
"Sec. 1. RCW 46.20.391 and 1999 c 274 s 4 and 1999 c 272 s 1 are each reenacted and amended to read as follows:
(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide or vehicular assault, or who has had his or her license suspended under RCW 46.20.3101 (2)(a) or (3)(a), may submit to the department an application for an occupational driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is engaged in an occupation or trade that makes it essential that the petitioner operate a motor vehicle, may issue an occupational driver's license and may set definite restrictions as provided

in RCW 46.20.394. No person may petition for, and the department shall not issue, an occupational driver's license that is effective during the first thirty days of any suspension or revocation imposed either for a violation of RCW 46.61.502 or 46.61.504 or under RCW 46.20.3101 (2)(a) or (3)(a), or for both a violation of RCW 46.61.502 or 46.61.504 and under RCW 46.20.3101 (2)(a) or (3)(a) where the action arises from the same incident. A person aggrieved by the decision of the department on the application for an occupational driver's license may request a hearing as provided by rule of the department.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license if the applicant demonstrates to the satisfaction of the department that one of the following additional conditions are met:

(I) The applicant is in an apprenticeship program ~~((or)),~~ an on-the-job training program ~~((for which)),~~ or is gainfully employed and a driver's license is required;

(ii) The applicant presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program and the program has certified that a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect no longer than fourteen days;

(iii) The applicant is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license; or

(iv) The applicant is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as alcoholics anonymous.

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, ~~((the))~~ applicants must be offered the opportunity to enter into a payment plan with the court, subject to the court's discretion as to the individual applicant.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation but not more than two years. The suspension or revocation of the regular driver's license shall not be affected by the issuance of an occupational license. The two-year period is to provide an opportunity for the applicant to work in order to satisfy any penalties or other sanctions imposed by the court which are the causes of the suspension or revocation of his or her regular driver's license.

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship ~~((or))~~ program, on-the-job training program, or is no longer gainfully employed, the director shall give written notice by first class mail to the driver that the occupational driver's license shall be canceled. The effective date of cancellation shall be fifteen days from the date of mailing the notice. If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program or continued employment, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection.

(e) The department shall not issue an occupational driver's license under (a)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (a)(iv) of this subsection.

(3) An applicant for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the date of the offense that gave rise to the present conviction, the applicant has not committed any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed any of the following offenses: (I) Driving or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor; (ii) vehicular homicide under RCW 46.61.520; or (iii) vehicular assault under RCW 46.61.522; and

(c) The applicant is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle, except as allowed under subsection (2)(a) of this section; and

(d) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(e) The applicant, if the suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101, submits written verification of installation of an ignition interlock or other biological or technical device on the vehicle he or she intends to operate.

(4) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of a separate offense that under chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. The cancellation is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title.

(5) No person may petition for, and the department shall not issue, an occupational driver's license to any person if the person previously entered into a payment plan under subsection (2)(b) of this section and the person has failed to satisfy payment of all obligations included in the payment plan.

(6) Any person issued an occupational driver's license whose license suspension or revocation is a result of a conviction of RCW 46.61.502 or 46.61.504 or administrative action under RCW 46.20.3101 may drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device for the duration of the period for which the occupational driver's license is valid.

Sec. 2. RCW 46.63.110 and 2002 c 279 s 15 and 2002 c 175 s 36 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution, or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6)(a) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. ~~((If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment))~~ The court shall have available the option of a payment plan by which the penalty is to be paid within eighteen months. However, it is in the court's discretion whether to allow a person, under this section, to enter into a payment plan with the court. The court may allow a person to enter into a payment plan if the person (i) is not able to pay a monetary penalty in full when it is imposed; (ii) has had a monetary penalty imposed within the previous twelve months and the penalty has not been paid in full; or (iii) is currently in a payment plan for a previously imposed penalty and a new monetary penalty is imposed by a court. The court may, but need not, rearrange the earlier payment plan to include the new penalty or may enter into a separate payment plan. In the

event that a payment plan is requested by a person owing a monetary penalty and the court, under RCW 3.02.045, has sent the person's existing debt to a collection agency due to the person's failure to satisfy his or her obligations, the court may, but need not, remove the account from the collection agency in order to create a payment plan.

(b) If a payment required to be made under the payment plan is delinquent by thirty days, the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid ~~((and)), including the penalty provided in subsection (4) of this section ((has been paid))~~.

(c) If the court requires a person to enter into a payment plan and he or she does not do so or has entered into a payment plan but has not paid the penalty in full within not more than eighteen months of the initial payment, the court shall notify the department of the delinquency, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid, including the penalty provided in subsection (3) of this section.

(d) "Payment plan," as used in this subsection, means a plan that requires a person to pay an initial payment, followed by reasonable payments in an amount established by the court. The person may voluntarily pay any amount at any time in addition to these payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the community restitution program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

Sec. 3. RCW 46.64.025 and 1999 c 86 s 7 are each amended to read as follows:

(1) Whenever any person violates his or her written promise to appear in court, ~~((or))~~ fails to appear for a scheduled court hearing, or fails to comply with the terms of a citation, the court in which the defendant failed to appear or comply shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear or comply is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated.

(2)(a) Where compliance with the terms of a misdemeanor citation is limited to the payment of a monetary penalty, and a person is not able to pay the monetary penalty in full, the court may enter into a payment plan with the person. The court shall have available the option of a payment plan. However, it is in the court's discretion whether to allow a person, under this section, to enter into a payment plan with the court. If a person has entered into a payment plan under this subsection, the court shall not notify the department of licensing that the person has failed to comply with the terms of a citation as it applies to payment of the monetary penalty unless a payment required to be made under the payment plan is delinquent by thirty days or the penalty is not paid in full within not more than eighteen months of the initial payment.

(b) "Payment plan," as used in this subsection, means a plan that requires a person to pay an initial payment, followed by reasonable payments in an amount established by the court. The person may voluntarily pay any amount at any time in addition to these payments."

MOTION

On motion of Senator Kline, the following amendment by Senators Kline, Johnson and Esser to the striking amendment by Senators Kline, Johnson and Esser was adopted:

On page 5, line 29 of the amendment, after "plan." insert "Nothing in this act requires the court to remove an account from collection."

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, by Senators Kline, Johnson and Esser to Engrossed Substitute House Bill No. 1033, under suspension of the rules.

The motion by Senator Kline carried and the striking amendment, as amended, under suspension of the rules, was adopted.

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

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "driver's licenses; amending RCW 46.64.025; and reenacting and amending RCW 46.20.391 and 46.63.110."

MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Substitute House Bill No. 1033, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Parlette - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5073,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
SUBSTITUTE SENATE BILL NO. 5310,
SUBSTITUTE SENATE BILL NO. 5545,
SENATE BILL NO. 5783,
ENGROSSED SENATE BILL NO. 5991.

MOTION

On motion of Senator Hewitt, Senator Finkbeiner was excused.

MESSAGE FROM THE HOUSE

April 23, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2172, and asks the Senate to recede therefrom, and the same are herewith transmitted..

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Fraser, the Senate receded from the Senate amendment(s) to Substitute House Bill No. 2172.

MOTION

On motion of Senator Fraser, the rules were suspended and Substitute House Bill No. 2172 was returned to second reading and read the second time.

MOTION

On motion of Senator Fraser, the following striking amendment by Senators Fraser and Morton was adopted under suspension of the rules:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.19 RCW to read as follows:

(1) When planning for the capital construction or renovation of a state facility, state agencies shall consider the utilization of fuel cells and renewable or alternative energy sources as a primary source of power for applications that require an uninterruptible power source.

(2) When planning the purchase of back-up or emergency power systems and remote power systems, state agencies shall consider the utilization of fuel cells and renewable or alternative energy sources instead of batteries or internal combustion engines.

(3) The director of general administration shall develop criteria by which state agencies can identify, evaluate, and develop potential fuel cell applications at state facilities.

(4) For the purposes of this section, "fuel cell" means an electrochemical reaction that generates electric energy by combining atoms of hydrogen and oxygen in the presence of a catalyst."

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

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and adding a new section to chapter 43.19 RCW."

MOTION

On motion of Senator Fraser, Substitute House Bill No. 2172, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2172, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2172, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.

Absent: Senator Zarelli - 1.

Excused: Senators Finkbeiner and Parlette - 2.

SUBSTITUTE HOUSE BILL NO. 2172, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE NO. 5889 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A livestock nutrient management program is essential to ensuring a healthy and productive livestock industry in Washington state. The goal of the program must be to provide clear guidance to livestock farms as to their responsibilities under state and federal law to protect water quality while maintaining a healthy business climate for these farms. The program should develop reasonable financial assistance resources, educational and technical assistance to meet these responsibilities, and provide for periodic inspection and enforcement actions to ensure compliance with state and federal water quality laws. The legislature intends that by 2006, there will be a fully functioning state program for concentrated animal feeding operations in the state, and that this program will be a single program for all livestock sectors.

The legislature finds that a livestock nutrient management program is necessary to address the federal rule changes with which livestock operations must comply. Furthermore, budgetary conditions demand efficient and effective governance. In addition, many of the existing requirements and goals for dairy farms will be completed by December 2003, and revisions will be needed.

NEW SECTION. Sec. 2. (1) A livestock nutrient management program development and oversight committee is created comprised of the following members, appointed as follows:

- (a) The director of the department of agriculture, or the director's designee, who shall serve as committee chair;
- (b) The director of the department of ecology, or the director's designee;
- (c) A representative of the United States environmental protection agency, appointed by the regional director of the agency unless the agency chooses not to be represented on the committee;
- (d) A representative of commercial shellfish growers, nominated by an organization representing these growers, appointed by the governor;
- (e) A representative of an environmental interest organization with familiarity and expertise in water quality issues, appointed by the governor;
- (f) A representative of tribal governments as nominated by an organization representing tribal governments, appointed by the governor;

(g) A representative of Washington State University appointed by the dean of the college of agriculture and home economics;

(h) A representative of the Washington association of conservation districts, appointed by the association's board of officers;

(i) Three representatives of dairy producers nominated by a statewide organization representing dairy producers in the state, appointed by the governor;

(j) Two representatives of beef cattle producers nominated by a statewide organization representing beef cattle producers in the state, appointed by the governor;

(k) One representative of poultry producers nominated by a statewide organization representing poultry producers in the state, appointed by the governor;

(l) One representative of the commercial cattle feedlots nominated by a statewide organization representing commercial cattle feedlots in the state, appointed by the governor; and

(m) A representative of any other segment of the livestock industry determined by the director of agriculture to be subject to federal rules regulating animal feeding or concentrated animal feeding operations.

(2) The state department of agriculture shall provide staff for the committee. The department of agriculture may request staff assistance be assigned by the United States environmental protection agency to assist the director in staffing the committee.

(3) The committee shall establish a work plan that includes a list of tasks and a projected completion date for each task.

(4) The committee may establish a subcommittee for each of the major industry segments that is covered by the recently adopted federal regulations that pertain to animal feeding operations and concentrated animal feeding operations. The subcommittee shall be composed of selected members of the full committee and additional representatives from that major segment of the livestock industry as determined by the director. The committee shall assign tasks to the subcommittees and shall establish dates for each subcommittee to report back to the full committee.

(5) The committee shall examine the recently adopted federal regulations that provide for the regulation of animal feeding operations and concentrated animal feeding operations and develop a program to be administered by the department of agriculture that meets the requirements and time frames contained in the federal rules. Elements that the committee shall evaluate include:

- (a) A process for adopting standards and for developing plans for each operation that meet these standards;
- (b) A process for revising current national pollution discharge elimination system permits currently held by livestock operations and to transition these permits into the new system; and

(c) In consultation with the director, a determination of what other work is needed and what other institutional relationships are needed or desirable. The committee shall consult with representatives of the statewide association of conservation districts regarding any functions or activities that are proposed to be provided through local conservation districts.

(6) The committee shall review and comment on proposals for grants from the livestock nutrient management account created in RCW 90.64.150.

(7) The committee shall develop draft proposed legislation that includes:

(a) Statutory changes, including a time line to achieve the phased- in levels of regulation under federal law, to comply with the minimum requirements under federal law and the minimum requirements under chapter 90.48 RCW. These changes must meet the requirements necessary to enable the department of agriculture and the department of ecology to pursue the United States environmental protection agency's approval of the transfer of the permitting program as it relates to the concentrated animal feeding operations from the department of ecology to the department of agriculture;

(b) Statutory changes necessitated by the transfer of functions under chapter 90.64 RCW from the department of ecology to the department of agriculture;

(c) Continued inspection of dairy operations at least once every two years;

(d) An outreach and education program to inform the various animal feeding operations and concentrated animal feeding operations of the program's elements; and

(e) Annual reporting to the legislature on the progress of the state strategy for implementing the animal feeding operation and concentrated animal feeding operation.

(8) The committee shall provide a report by December 1, 2003, to appropriate committees of the legislature that includes the results of the committee's evaluation under subsection (5) of this section and draft legislation to initiate the program.

(9) This section expires June 30, 2006.

Sec. 3. RCW 90.64.030 and 2002 c 327 s 1 are each amended to read as follows:

(1) Under the inspection program established in RCW 90.64.023, the department may investigate a dairy farm to determine whether the operation is discharging pollutants or has a record of discharging pollutants into surface or ground waters of the state. Upon concluding an investigation, the department shall make a written report of its findings, including the results of any water quality measurements, photographs, or other pertinent information, and provide a copy of the report to the dairy producer within twenty days of the investigation.

(2) The department shall investigate a written complaint filed with the department within three working days and shall make a written report of its findings including the results of any water quality measurements, photographs, or other pertinent information. Within twenty days of receiving a written complaint, a copy of the findings shall be provided to the dairy producer subject to the complaint, and to the complainant if the person gave his or her name and address to the department at the time the complaint was filed.

(3) The department may consider past complaints against the same dairy farm from the same person and the results of its previous inspections, and has the discretion to decide whether to conduct an inspection if:

(a) The same or a similar complaint or complaints have been filed against the same dairy farm within the immediately preceding six-month period; and

(b) The department made a determination that the activity that was the subject of the prior complaint was not a violation.

(4) If the decision of the department is not to conduct an inspection, it shall document the decision and the reasons for the decision within twenty days. The department shall provide the decision to the complainant if the name and address were provided to the department, and to the dairy producer subject to the complaint, and the department shall place the decision in the department's administrative records.

(5) The report of findings of any inspection conducted as the result of either an oral or a written complaint shall be placed in the department's administrative records. Only findings of violations shall be entered into the data base identified in RCW 90.64.130.

(6) A dairy farm that is determined to be a significant contributor of pollution based on actual water quality tests, photographs, or other pertinent information is subject to the provisions of this chapter and to the enforcement provisions of chapters 43.05 and 90.48 RCW, including civil penalties levied under RCW 90.48.144.

(7) If the department determines that an unresolved water quality problem from a dairy farm requires immediate corrective action, the department shall notify the producer and the district in which the problem is located. When corrective actions are required to address such unresolved water quality problems, the department shall provide copies of all final dairy farm inspection reports and documentation of all formal regulatory and enforcement actions taken by the department against that particular dairy farm to the local conservation district and to the appropriate dairy farm within twenty days.

(8) For a violation of water quality laws that is a first offense for a dairy producer, the penalty may be waived to allow the producer to come into compliance with water quality laws. The department shall record all legitimate violations and subsequent enforcement actions.

(9) A discharge, including a storm water discharge, to surface waters of the state shall not be considered a violation of this chapter, chapter 90.48 RCW, or chapter 173-201A WAC, and shall therefore not be enforceable by the department of ecology or a third party, if at the time of the discharge, a violation is not occurring under RCW 90.64.010(18). In addition, a dairy producer shall not be held liable for violations of this chapter, chapter 90.48 RCW, chapter 173-201A WAC, or the federal clean water act due to the discharge of dairy nutrients to waters of the state resulting from spreading these materials on lands other than where the nutrients were generated, when the nutrients are spread by persons other than the dairy producer or the dairy producer's agent.

(10) As provided under RCW 7.48.305, agricultural activities associated with the management of dairy nutrients are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity has a substantial adverse effect on public health and safety.

(11) This section specifically acknowledges that if a holder of a general or individual national pollutant discharge elimination system permit complies with the permit and the dairy nutrient management plan conditions for appropriate land application practices, the permit provides compliance with the federal clean water act and acts as a shield against citizen or agency enforcement for any additions of pollutants to waters of the state or of the United States as authorized by the permit.

(12) A dairy producer who fails to have an approved dairy nutrient management plan by July 1, 2002, or a certified dairy nutrient management plan by December 31, 2003, and for which no appeals have been filed with the pollution control hearings board, is in violation of this chapter. Each month beyond these deadlines that a dairy producer is out of compliance with the requirement for either plan approval or plan certification shall be considered separate violations of chapter 90.64 RCW that may be subject to penalties. Such penalties may not exceed one hundred dollars per month for each violation up to a combined total of five thousand dollars. The department has discretion in imposing penalties for failure to meet deadlines for plan approval or plan certification if the failure to comply is due to lack of state funding for implementation of the program. Failure to register as required in RCW 90.64.017 shall subject a dairy producer to a maximum penalty of one hundred dollars. Penalties shall be levied by the department.

Sec. 4. RCW 90.64.120 and 1993 c 221 s 13 are each amended to read as follows:

(1) Nothing in this chapter shall affect the ~~((department's))~~ department of ecology's authority or responsibility to administer or enforce the national pollutant discharge elimination system permits for operators of concentrated dairy animal feeding operations, where required by federal regulations or to administer the provisions of chapter 90.48 RCW.

(2) Unless the department of ecology delegates its authority under chapter 90.48 RCW to the department of agriculture pursuant to RCW 90.48.260, and until any such delegation of authority receives federal approval, the transfer specified in section 6 of this act shall not preclude the department of ecology from taking action related to animal feeding operations or concentrated animal feeding operations to protect water quality pursuant to its authority in chapter 90.48 RCW. Before taking such actions, the department of ecology shall notify the department of agriculture.

Sec. 5. RCW 90.64.150 and 1998 c 262 s 15 are each amended to read as follows:

The ~~((dairy waste))~~ livestock nutrient management account is created in the custody of the state treasurer. All receipts from monetary penalties levied pursuant to violations of this chapter must be deposited into the account. Expenditures from the account may be used only ~~((for the commission))~~ to provide grants ~~((to local conservation districts for the sole purpose of assisting dairy producers to develop and fully implement dairy nutrient management plans))~~ for research or education proposals that assist livestock operations to achieve compliance with state and federal water quality laws. The director of agriculture shall accept and prioritize research proposals and education proposals. Only the ~~((chairman of the commission))~~ director or the ~~((chairman's))~~ director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 6. A new section is added to chapter 90.64 RCW to read as follows:

(1) All powers, duties, and functions of the department of ecology pertaining to chapter 90.64 RCW are transferred to the department of agriculture. All references to the director of ecology or the department of ecology in the Revised Code of Washington shall be construed to mean the director of agriculture or the department of agriculture when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of agriculture. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the department of agriculture. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of agriculture.

(b) Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of agriculture.

(c) Whenever any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of agriculture. All existing contracts and obligations shall remain in full force and shall be performed by the department of agriculture.

(4) The transfer of the powers, duties, and functions of the department of ecology shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

Sec. 7. RCW 90.48.260 and 1988 c 220 s 1 are each amended to read as follows:

The department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound water quality authority. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance

and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

NEW SECTION. Sec. 8. Such actions as are necessary to make the appointments to the committee created in section 2 of this act shall be taken before July 1, 2003, to make the appointments on that date.

NEW SECTION. Sec. 9. Sections 2 and 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2003."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTIONS

On motion of Senator Swecker, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5889.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West Winsley and Zarelli - 39.

Voting nay: Senators Franklin, Fraser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala and Spanel - 8.

Excused: Senators Finkbeiner and Parlette - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

SECOND READING

HOUSE BILL NO. 1210, by Representatives O'Brien, Haigh, Mielke, Conway and Campbell (by request of Governor Locke and Attorney General Gregoire)

Enacting the Washington Antiterrorism Act of 2003.

The bill was read the second time.

MOTION

Senator Jacobsen moved that the following amendment by Senators Fairley, Zarelli, Sheahan and Kohl-Welles be adopted:

On page 1, line 19, after "their" insert "state and federal"
Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Fairley, Zarelli, Sheahan and Kohl-Welles on page 1, line 19, to House Bill No. 1210.

The motion by Senator Jacobsen carried and the amendment was adopted.

MOTION

Senator Roach moved that the following amendments by Senators Roach, Brandland, Esser, McCaslin, T. Sheldon, Zarelli, Stevens and Mulliken be considered simultaneously and be adopted:

On page 2, line 2, after "First Amendment" insert "and Second Amendment"
On page 2, line 3, after "Constitution" insert ", as well as Article I, section 24 of the Washington state Constitution"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Roach, Brandland, Esser, McCaslin, T. Sheldon, Zarelli, Stevens and Mulliken on page 2, lines 2 and 3, to House Bill No. 1210.

The motion by Senator Roach carried and the amendments were adopted on a rising vote.

MOTION

Senator Roach moved that the following amendments by Senators Roach, Brandland, Esser, McCaslin, Mulliken, Johnson, T. Sheldon, Zarelli, Stevens and Benton be considered simultaneously and be adopted:

On page 2, after line 21, insert the following:

"(3) "Explosive" means an explosive as defined in RCW 70.74.010, but does not include fireworks as defined in chapter 70.77 RCW."

Renumber the following subsections consecutively and correct any internal references accordingly.

On page 3, after line 15, strike all of subsection (10) and insert the following:

"(10) "Weapon of mass destruction" means any explosive, chemical, biological, radiological, or nuclear agent, object, or device, that is designed, intended, and capable of being used for terrorism by explosion or through the unlawful release, dissemination, or impact of any toxic or poisonous chemicals, or their precursors, disease organism, or radiation, at a level dangerous to human life; or an aircraft under RCW 47.68.020, vessel under RCW 88.02.010, or vehicle under RCW 46.04.670, which is used as a destructive weapon."

Debate ensued.

Senator Sheahan demanded a roll and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Roach, Brandland, Esser, McCaslin, Mulliken, Johnson, T. Sheldon, Zarelli, Stevens and Benton on page 2, line 21, and page 3, line 15, to House Bill No. 1210.

ROLL CALL

The Secretary called the roll and the amendments were adopted by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Franklin, Fraser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 11.

MOTION

On motion of Senator McCaslin, the rules were suspended, House Bill No. 1210, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Esser: "Senator McCaslin, the second amendment to the United States Constitution provides that the right of the people to bear arms in defense of himself or the state shall not be impaired. My question is, does House Bill 1210, in any way, impair or is it intended to impair, these constitutionally guaranteed rights?"

Senator McCaslin: "No, Senator Esser. That is neither the intent nor the effect of House Bill No. 1210. There is no question that the citizens of this state retain their constitutional right to lawfully bear arms within the existing provisions of Chapter 9.14 RCW. House Bill No. 1210 does not, nor is it intended to, restrict or affect these rights in any way.

"The bill prescribes penalties for terrorist crimes, regardless of the means used to commit those crimes. It focuses on the criminal act and the intent behind it, not with whether the terrorist uses a gun or any other type of weapon or device."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 1210, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1210, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 37.

Voting nay: Senators Fairley, Franklin, Fraser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel and Thibaudeau - 12.

HOUSE BILL NO. 1210, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, House Bill NO. 1210, as amended by the Senate, was ordered to be immediately transmitted to the House of Representatives.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House insists on its position regarding the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 1085 and again asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Benton moved that the Senate refuse to recede from the Senate amendment(s) to Substitute House Bill No. 1085, adheres to its position, and once again asks the House to concur therein.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Benton to refuse to recede from its amendment(s) to Substitute House Bill No. 1085 and once again asks the House to concur therein.

The motion by Senator Benton carried and the Senate adheres to its position regarding the Senate amendment(s) to Substitute House Bill No. 1085.

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTIONS

On motion of Senator Horn, the Senate receded from the Senate amendment(s) to Engrossed Substitute House Bill No. 2228.

On motion of Senator Horn, the rules were suspended, Engrossed Substitute House Bill No. 2228 was returned to second reading and read the second time.

MOTION

On motion of Senator Horn, the following striking amendment by Senators Horn and Haugen was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter and section 9 of this act unless the context clearly requires otherwise.

(1) "Public agency" means any county, city, or other local government agency or any state government agency, board, or commission.

(2) "Public transportation" means the same as "public transportation service" as defined in RCW 36.57A.010 and includes passenger services of the Washington state ferries.

(3) "Nonmotorized commuting" means commuting to and from the workplace by an employee by walking or running or by riding a bicycle or other device not powered by a motor.

(4) "Ride sharing" means the same as "flexible commuter ride sharing" as defined in RCW 46.74.010, including ride sharing on Washington state ferries.

(5) "Car sharing" means a membership program intended to offer an alternative to car ownership under which persons or entities that become members are permitted to use vehicles from a fleet on an hourly basis.

(6) "Telework" means a program where work functions that are normally performed at a traditional workplace are instead performed by an employee at his or her home at least one day a week for the purpose of reducing the number of trips to the employee's workplace.

NEW SECTION. Sec. 2. TAX CREDITS--BUSINESS AND OCCUPATION AND PUBLIC UTILITY TAXES. (1) Employers in this state who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to their own or other employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of employees for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per employee per year.

(2) Property managers who are taxable under chapter 82.04 or 82.16 RCW and provide financial incentives to persons employed at a worksite in this state managed by the property manager for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting before July 1, 2013, are allowed a credit against taxes payable under chapters 82.04 and 82.16 RCW for amounts paid to or on behalf of these persons for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, not to exceed sixty dollars per person per year.

(3) The credit under this section is equal to the amount paid to or on behalf of each employee multiplied by fifty percent, but may not exceed sixty dollars per employee per year. The credit may not exceed the amount of tax that would otherwise be due under chapters 82.04 and 82.16 RCW.

(4) A person may not receive credit under this section for amounts paid to or on behalf of the same employee under both chapters 82.04 and 82.16 RCW.

(5) A person may not take a credit under this section for amounts claimed for credit by other persons.

NEW SECTION. Sec. 3. TAX CREDIT FILING. (1) Application for tax credit under section 2 of this act may only be made in the form and manner prescribed in rules adopted by the department.

(2) The credit under this section must be taken or deferred under section 4 of this act against taxes due for the same fiscal year in which the amounts for which credit is claimed were paid to or on behalf of employees for ride sharing, for using public transportation, for using car sharing, or for using nonmotorized commuting and must be claimed by the due date of the last tax return for the fiscal year in which the payment is made.

(3) Any person who knowingly makes a false statement of a material fact in the application for a credit under section 2 of this act is guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. TAX CREDIT LIMITATIONS. (1) The department shall keep a running total of all credits accrued under section 2 of this act during each fiscal year. No person is eligible for tax credits under section 2 of this act if the credits would cause the tabulation for the total amount of credits taken in any fiscal year to exceed two million two hundred fifty thousand dollars. This limitation includes any credits carried forward under subsection (2)(b) of this section from prior years.

(2)(a) No person is eligible for tax credits under section 2 of this act in excess of the amount of tax that would otherwise be due under chapter 82.04 or 82.16 RCW.

(b) A person with taxes equal to or in excess of the credit under section 2 of this act, and therefore not subject to the limitation in (a) of this subsection, may defer tax credits for a period of not more than three years after the year in which the credits accrue. A person deferring tax credits under this subsection (2)(b) must submit an application in the year in which the tax credits will be applied. This application is subject to eligibility under subsection (1) of this section for the fiscal year in which the tax credits will be applied.

(3) No person is eligible for tax credits under section 2 of this act in excess of two hundred thousand dollars in any fiscal year. This limitation does not apply to credits deferred in prior years under subsection (2)(b) of this section.

(4) No person is eligible for tax credits, including deferred credits authorized under subsection (2)(b) of this section, after June 30, 2013.

(5) Credits may not be carried forward or carried backward other than as authorized in subsection (2)(b) of this section.

(6) No person is eligible for tax credits under section 2 of this act if the additional revenues for the multimodal transportation account created by Engrossed Substitute House Bill No. 2231 are terminated.

NEW SECTION. Sec. 5. FUND TRANSFER. (1) The director shall on the 25th of February, May, August, and November of each year advise the state treasurer of the amount of credit taken under section 2 of this act during the preceding calendar quarter ending on the last day of December, March, June, and September, respectively.

(2) On the last day of March, June, September, and December of each year, the state treasurer, based upon information provided by the department, shall deposit to the general fund a sum equal to the dollar amount of the credit provided under section 2 of this act from the multimodal transportation account.

NEW SECTION. Sec. 6. COMMUTE TRIP REDUCTION REPORTING. The commute trip reduction task force shall determine the effectiveness of the tax credit under section 2 of this act, the grant program in section 9 of this act, and the relative effectiveness of the tax credit and the grant program as part of its ongoing evaluation of the commute trip reduction law and report to the legislative transportation committee and to the fiscal committees of the house of representatives and the senate. The report must include information on the amount of tax credits claimed to date and recommendations on future funding between the tax credit program and the grant program. The report must be incorporated into the recommendations required in RCW 70.94.537(5).

NEW SECTION. Sec. 7. ADMINISTRATION. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 8. EXPIRATION. This chapter expires July 1, 2013, except for section 5 of this act, which expires January 1, 2014.

NEW SECTION. Sec. 9. A new section is added to chapter 70.94 RCW to read as follows:

(1) To the extent that funds are appropriated, the department of transportation shall administer a performance-based grant program for private employers, public agencies, nonprofit organizations, developers, and property managers who provide financial incentives for ride sharing in vehicles carrying two or more persons, for using public transportation, for using car sharing, or for using nonmotorized commuting, including telework, before July 1, 2013, to their own or other employees.

(2) The amount of the grant will be determined based on the value to the transportation system of the vehicle trips reduced. The commute trip reduction task force shall develop an award rate giving priority to applications achieving the greatest reduction in trips and commute miles per public dollar requested and considering the following criteria: The local cost of providing new highway capacity, congestion levels, and geographic distribution.

(3) No private employer, public agency, nonprofit organization, developer, or property manager is eligible for grants under this section in excess of one hundred thousand dollars in any fiscal year.

(4) The total of grants provided under this section may not exceed seven hundred fifty thousand dollars in any fiscal year.

(5) The department of transportation shall report to the department of revenue by the 15th day of each month the aggregate monetary amount of grants provided under this section in the prior month and the identity of the recipients of those grants.

(6) The source of funds for this grant program is the multimodal transportation account.

(7) This section expires January 1, 2014.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) RCW 82.04.4453 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 1, 1996 c 128 s 1, & 1994 c 270 s 2;

(2) RCW 82.04.4454 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 3, 1996 c 128 s 2, & 1994 c 270 s 3;

(3) RCW 82.16.048 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Penalty--Report to legislature) and 1999 c 402 s 2, 1996 c 128 s 3, & 1994 c 270 s 4;

(4) RCW 82.16.049 (Credit--Ride-sharing, public transportation, or nonmotorized commuting incentives--Ceiling) and 1999 c 402 s 4, 1996 c 128 s 4, & 1994 c 270 s 5; and

(5) RCW 47.01.900 (Commute trip reduction program--Transfer from state energy office--References to director or state energy office) and 1998 c 245 s 93 & 1996 c 186 s 301.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 12. The code reviser shall place cross- reference sections to chapter 82.-- RCW (sections 1 through 8 of this act) in chapters 82.04 and 82.16 RCW.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect on July 1, 2003, but only if Engrossed Substitute House Bill No. 2231 becomes law by July 1, 2003. If Engrossed Substitute House Bill No. 2231 does not become law by July 1, 2003, this act is null and void.

NEW SECTION. Sec. 14. Captions used in this act are not part of the law."

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

On page 1, line 1 of the title, after "incentives;" strike the remainder of the title and insert "adding a new section to chapter 70.94 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.4453, 82.04.4454, 82.16.048, 82.16.049, and 47.01.900; prescribing penalties; providing a contingent effective date; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Horn, Engrossed Substitute House Bill No. 2228, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2228, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2228, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 38.

Voting nay: Senators Benton, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Rossi, Sheldon, T., Stevens and Zarelli - 11.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

RECONSIDERATION OF ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1689, deferred earlier today, after Senator Sheahan moved to reconsider the vote by which the Senate receded from the Senate amendment(s) to the bill.

The President declared the question before the Senate to be the motion to reconsider the vote by which the Senate receded from its amendment(s).

The motion by Senator Sheahan carried and the Senate will reconsider the vote by which the Senate receded from its amendment(s).

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 1689, on reconsideration, was returned to second reading and read the second time.

MOTION

On motion of Senator Morton, the following striking amendment by Senators Morton and Fraser was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature recognizes that much work on municipal storm water management has already occurred throughout the state by counties, cities, and ports. The legislature also recognizes that municipal separate storm sewer systems face challenges that are different from other types of storm sewer systems and that implementing these programs involves great effort, significant costs, and inherent difficulties in identifying sources and controlling introduction of pollutants from a wide variety of sources that may contribute to the contamination of storm water discharged through municipal separate storm sewer systems. The legislature finds that phase one and phase two municipal separate storm sewer system permits developed by the department of ecology under the national pollutant discharge elimination system permit program of the federal clean water act (33 U.S.C. Sec. 1251 et seq.) need to identify storm water management mechanisms to best achieve environmental benefits and satisfy federal clean water act requirements in the most cost-effective manner.

(2) The legislature recognizes the need to determine whether it is in the state's interest to integrate municipal separate storm sewer system permit programs developed under phase one and phase two of the national pollutant discharge elimination system permit program. The legislature finds that coordinated permit programs and cooperative storm water management programs between and among local governments may reduce costs and enhance program effectiveness.

(3) The legislature finds that issues associated with storm water management are significantly different in eastern Washington, Puget Sound, and other areas of western Washington. The legislature also finds that the federal phase two permits developed by the department of ecology must recognize these differences.

NEW SECTION. Sec. 2. (1) The department of ecology shall establish a permit development advisory group for the geographic areas draining to Puget Sound in western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The permit development advisory group shall work within a facilitated process according to subsection (2) of this section to review the issues identified in section 5 of this act and to make recommendations and submit reports to the legislature according to section 6 of this act. The permit development advisory group, which may include up to eighteen members, of which at least half shall be representatives of local government, shall:

(a) Review and address the issues specified in section 5 of this act and any other issues regarding municipal separate storm sewer systems for which the department of ecology requests advice and assistance; and

(b) Advise and assist the department of ecology in drafting a permit or permits for municipal separate storm sewer systems in geographic areas draining to Puget Sound in western Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) At its first meeting, the permit development advisory group shall establish an executive committee with a minimum of three and a maximum of five members. The executive committee shall include representatives of local government, business associations, and environmental organizations. The executive committee shall advise and assist the department of ecology to develop a request for proposals for a facilitator to work with and facilitate the permit development advisory group's review of the issues identified in section 5 of this act and to develop recommendations and submit reports to the legislature according to section 6 of this act. The executive committee also shall review the responses to the request for proposals and select the facilitator. The department of ecology and the executive committee shall work expeditiously to select a facilitator who can begin working with the permit development advisory group by June 1, 2003.

(3) This section expires June 30, 2005.

NEW SECTION. Sec. 3. (1) The department of ecology shall develop a municipal separate storm sewer system permit or permits that address the issues and needs of municipalities operating these systems in eastern Washington. The department shall use the existing storm water advisory group it has established in eastern Washington to advise and assist the department regarding permits for municipal separate storm sewer systems to be issued in eastern Washington. The eastern Washington storm water advisory group shall:

(a) Review and address the issues specified in section 5 of this act as they pertain to eastern Washington and any other issues regarding municipal separate storm sewer systems for which the department of ecology requests advice and assistance; and

(b) Assist and advise the department of ecology in drafting a permit or permits for municipal separate storm sewer systems in eastern Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 4. (1) The department of ecology shall establish a permit development advisory group for the coastal and southwest areas in western Washington to advise and assist the department regarding permits for municipal separate storm sewer systems. The permit development advisory group shall:

(a) Review and address the issues specified in section 5 of this act and any other issues regarding municipal separate storm sewer systems for which the department requests advice and assistance; and

(b) Advise and assist the department in drafting a permit or permits for municipal separate storm sewer systems in coastal and southwest Washington as required by federal regulations implementing phase two of the national pollutant discharge elimination system permit program under the federal clean water act (33 U.S.C. Sec. 1251 et seq.).

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 5. (1) The permit development advisory group for Puget Sound areas in western Washington established in section 2 of this act, the eastern Washington storm water advisory group identified in section 3 of this act, and the permit development advisory group for coastal and

southwest areas in western Washington established in section 4 of this act shall review and make recommendations to the department of ecology regarding the development of permits for municipal separate storm sewer systems. Issues considered by these groups shall include the:

- (a) Types of discharges being regulated under these permits;
- (b) Areas being regulated by these permits under phases one and two of the federal national pollutant discharge elimination system permit program as they relate to municipal borders;
- (c) Issuance of these permits on a watershed basis;
- (d) Integration of permits and permit requirements for phase one and phase two of the federal national pollutant discharge elimination system permit program;
- (e) Application of these permits to ground water discharges;
- (f) Level of effort required of municipalities to satisfy permit requirements regarding:
 - (i) Public education and outreach;
 - (ii) Public participation and public involvement;
 - (iii) Illicit discharge detection and elimination;
 - (iv) Construction site runoff control;
 - (v) Postconstruction runoff control;
 - (vi) Pollution prevention and good housekeeping;
 - (vii) Implementation of applicable total maximum daily loads; and
 - (viii) Program evaluation and reporting;
- (g) Protection for shellfish areas;
- (h) Costs and benefits associated with each permit element not required under federal law;
- (i) The use of land use planning and existing land use plans and rules as a best management practice for storm water management; and
- (j) Potential funding sources for implementation of permit requirements.

(2) This section expires June 30, 2005.

NEW SECTION. Sec. 6. (1) No later than December 15, 2003, the permit development advisory groups established and identified in sections 2, 3, and 4 of this act shall report regarding their work to the appropriate committees of the legislature.

(2) After the permits are developed but no later than December 1, 2004, the department of ecology shall submit a final report to the appropriate committees of the legislature regarding these permits and the work of the advisory groups. The department shall also identify any legislative recommendations from these groups or from the department based on the work of these groups.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "creating new sections; providing expiration dates; and declaring an emergency."

MOTION

On motion of Senator Morton, the rules were suspended, Engrossed Substitute House Bill No. 1689 on reconsideration, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1689 on reconsideration, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1689, on reconsideration, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators McCaslin and Sheldon, T. - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689, on reconsideration, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION TO ADJOURN

At 9:19 p.m., Senator Benton moved that the Senate adjourn until 12:30 p.m., Sunday, April 27, 2003.

The President declared the question before the Senate to be the motion by Senator Benton to adjourn until 12:30 p.m., Sunday, April 27, 2003.

The motion by Senator Benton to adjourn failed.

MESSAGE FROM THE HOUSE

April 18, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5659 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that local governments in the state of Washington face enormous challenges in the area of criminal justice and public health. It is the legislature's intent to allow local governments to raise revenues in order to better protect the health and safety of Washington state and its residents. It is further the intent of the legislature to provide local governments relief from regulatory burdens that do not harm the public health and safety of the citizens of the state as a means of minimizing the need to generate new revenues authorized under this act.

NEW SECTION. Sec. 2. A new section is added to chapter 82.14 RCW to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must include the purposes for which the proposed sales and use tax will be used. The rate of tax under this section shall not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale of new motor vehicles, and the lease of new motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section shall be used solely for criminal justice purposes. For the purposes of this subsection, "criminal justice purposes" means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities.

(5) Money received under this section shall be shared between the county and the cities as follows: Sixty percent shall be retained by the county and forty percent shall be distributed on a per capita basis to cities in the county.

(6) Any city or county that receives voter approval for authorization of new or increased taxes under this act must have a performance audit conducted by the state auditor every five years, must implement a quality management program within five years of voter approval, and must conduct a yearly quality management self-assessment after the initial implementation of a quality management program.

Sec. 3. RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. A county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(b) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. The schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for (~~Clallam~~) Clark, (~~Jefferson~~) King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, Clallam, Jefferson, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section shall have the requisite authority to receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. Only those counties and cities in compliance with the schedules in this section shall receive preference for grants or loans subject to the provisions of RCW 43.17.250.

Sec. 4. RCW 84.55.050 and 1989 c 287 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose

of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (3)(b) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state any conditions which are applicable under subsection (3) of this section.

(2) After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, except as provided in subsections (3) and (4) of this section.

(3) A proposition placed before the voters under this section may:

(a) Limit the period for which the increased levy is to be made;

(b) Authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years;

(c) Limit the purpose for which the increased levy is to be made, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

~~((e))~~ (d) Set the levy at a rate less than the maximum rate allowed for the district;

(e) Provide that the maximum allowable dollar amount of the final annual levy of the period specified in the measure shall be used to compute the limitations provided for in this chapter on levy increases occurring after the expiration of the period; or

~~((f))~~ (f) Include any combination of the conditions in this subsection.

(4) Except as otherwise provided in an approved ballot measure under this section, after the expiration of a limited period or the satisfaction of a limited purpose, whichever comes first, subsequent levies shall be computed as if:

(a) The limited proposition under subsection (3) of this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the limited proposition.

Sec. 5. RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read as follows:

(1)(a) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection ~~((5))~~ (6) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

(b) Once a county meets either of these sets of criteria and the county has not removed itself from the requirement to plan under this section pursuant to subsection (3) of this section, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter unless the county removes itself from the requirement to plan under this section pursuant to subsection (3) of this section.

(3) A county that meets the requirements of this subsection, and a city located within the county, may be relieved from the requirement to plan under this section.

(a) A county may be relieved from the planning requirement of this section only if the county: (i) Has a population of less than ten thousand; (ii) has a privately owned taxable land base of less than twenty percent; and (iii) includes no more than one incorporated city.

(b) To be relieved from the planning requirement of this section, a county shall adopt a resolution that removes the county and the city from the requirement to plan and shall file the resolution with the department. Removal shall be deemed to occur on the date the resolution is filed with the department.

(4) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section and has not removed itself under subsection (3) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the

county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((4))~~ (5) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section and the county has not removed itself pursuant to subsection (3) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((5))~~ (6) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((6))~~ (7) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

~~((7))~~ (8) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Winsley moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5659.

POINT OF ORDER

Senator Benton: " A point of order, Mr. President. I believe that Engrossed Substitute Senate Bill No. 5659 is not properly before the Senate. Engrossed Substitute Senate Bill No. 5659, in order to pass the Senate, I believe requires a two-thirds vote from this body since the bill amends the provisions referenced by Initiative 747, which was approved by the voters on November 6, 2001. Since, I do believe it requires a two-thirds vote, I believe the bill is unconstitutionally before this body, because the House of Representatives passed Engrossed Substitute Senate Bill No. 5659 with only fifty-six 'yes' votes--well below the two-thirds constitutional requirement for changing an initiative within the first two years of its passage. Mr. President, I ask that you rule that this bill is improperly before the State Senate."

MOTION

On motion of Senator Sheahan, the Senate deferred further consideration of Engrossed Substitute Senate Bill No. 5659.

MOTION

On motion of Senator Sheahan, Rule 15 was suspended for the day.

EDITOR'S NOTE: Rule 15 states "The senate shall adjourn not later than 10:00 p.m. each working day. The rule may be suspended by a majority.

President Pro Tempore Winsley assumed the Chair.

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6029 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.45.035 and 2001 2nd sp.s. c 11 s 6 are each amended to read as follows:

(1) Beginning July 1, 2001, the following long-term economic assumptions shall be used by the state actuary for the purposes of RCW 41.45.030:

- (a) The growth in inflation assumption shall be 3.5 percent;
- (b) The growth in salaries assumption, exclusive of merit or longevity increases, shall be 4.5 percent;
- (c) The investment rate of return assumption shall be 8 percent; and
- (d) The growth in system membership assumption shall be 1.25 percent for the public employees' retirement system, the school employees' retirement system, and the law enforcement officers' and fire fighters' retirement system. The assumption shall be .90 percent for the teachers' retirement system.

(2) Beginning with actuarial studies done after July 1, ~~((2001))~~ 2003, changes to plan asset values that vary from the long-term investment rate of return assumption shall be recognized over a ~~((four-year))~~ period that varies up to eight years depending on the magnitude of the deviation of each year's investment rate of return relative to the long-term rate of return assumption. Beginning April 1, 2004, the council, by affirmative vote of four councilmembers, may adopt changes to this asset value smoothing technique. Any changes adopted by the council shall be subject to revision by the legislature.

Sec. 2. RCW 41.45.054 and 2002 c 7 s 1 are each amended to read as follows:

The basic employer and state contribution rates and plan 2 member contribution rates are changed to reflect the 2000 actuarial valuation, incorporating the 1995-2000 actuarial experience study conducted by the office of the state actuary. The results of the ~~((2000))~~ 2001 actuarial valuation for the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system shall be ~~((adjusted to reflect an April 1, 2002, implementation date.))~~ restated as a result of the new asset smoothing method adopted in RCW 41.45.035, and suspension of payments on the unfunded liability in the public employees' retirement system and teachers' retirement system, to collect the following contribution rates:

- (1) Beginning ~~((April 1, 2002))~~ July 1, 2003, the following employer contribution rates shall be charged:
 - (a) ~~((1.10))~~ 1.18 percent for the public employees' retirement system; and
 - (b) ~~((2.64))~~ 3.03 percent for the law enforcement officers' and fire fighters' retirement system plan 2.
- (2) Beginning ~~((April 1, 2002))~~ July 1, 2003, the basic state contribution rate for the law enforcement officers' and fire fighters' retirement system plan 2 shall be ~~((1.75))~~ 2.02 percent.
- (3) Beginning ~~((April 1, 2002))~~ September 1, 2003, the following employer contribution rates shall be charged:
 - (a) ~~((0.96))~~ 0.84 percent for the school employees' retirement system; and
 - (b) ~~((1.05))~~ 1.17 percent for the teachers' retirement system.
- (4) Beginning ~~((April 1, 2002))~~ July 1, 2003, the following member contribution rates shall be charged:
 - (a) ~~((0.65))~~ 1.18 percent for the public employees' retirement system plan 2; and
 - (b) ~~((4.39))~~ 5.05 percent for the law enforcement officers' and fire fighters' retirement system plan 2.
- (5) Beginning ~~((April 1, 2002))~~ September 1, 2003, the following member contribution rates shall be charged:
 - (a) ~~((0.35))~~ 0.84 percent for the school employees' retirement system plan 2; and

(b) ~~((0.15))~~ 0.87 percent for the teachers' retirement system plan 2.

(6) The contribution rates in this section shall be collected through ~~((June 30, 2003))~~ June 30, 2005, for the public employees' retirement system and the law enforcement officers' and fire fighters' retirement system, and August 31st, 2005, for the school employees' retirement system and the teachers' retirement system.

Sec. 3. RCW 41.45.070 and 2001 2nd sp.s. c 11 s 16 and 2001 2nd sp.s. c 11 s 15 are each reenacted and amended to read as follows:

(1) In addition to the basic employer contribution rate established in RCW 41.45.060 or ~~((41.45.053))~~ 41.45.054, the department shall also charge employers of public employees' retirement system, teachers' retirement system, school employees' retirement system, or Washington state patrol retirement system members an additional supplemental rate to pay for the cost of additional benefits, if any, granted to members of those systems. Except as provided in subsections (6) and (7) of this section, the supplemental contribution rates required by this section shall be calculated by the state actuary and shall be charged regardless of language to the contrary contained in the statute which authorizes additional benefits.

(2) In addition to the basic state contribution rate established in RCW 41.45.060 or ~~((41.45.053))~~ 41.45.054 for the law enforcement officers' and fire fighters' retirement system plan 2, the department shall also establish a supplemental rate to pay for the cost of additional benefits, if any, granted to members of the law enforcement officers' and fire fighters' retirement system plan 2. Except as provided in subsection (6) of this section, this supplemental rate shall be calculated by the state actuary and the state treasurer shall transfer the additional required contributions regardless of language to the contrary contained in the statute which authorizes the additional benefits.

(3) The supplemental rate charged under this section to fund benefit increases provided to active members of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and Washington state patrol retirement system, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit not later than June 30, 2024.

(4) The supplemental rate charged under this section to fund benefit increases provided to active and retired members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, the school employees' retirement system plan 2 and plan 3, or the law enforcement officers' and fire fighters' retirement system plan 2, shall be calculated as the level percentage of all members' pay needed to fund the cost of the benefit, as calculated under RCW 41.45.060, 41.45.061, or 41.45.067.

(5) The supplemental rate charged under this section to fund postretirement adjustments which are provided on a nonautomatic basis to current retirees shall be calculated as the percentage of pay needed to fund the adjustments as they are paid to the retirees. The supplemental rate charged under this section to fund automatic postretirement adjustments for active or retired members of the public employees' retirement system plan 1 and the teachers' retirement system plan 1 shall be calculated as the level percentage of pay needed to fund the cost of the automatic adjustments not later than June 30, 2024.

(6) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 340, Laws of 1998.

(7) A supplemental rate shall not be charged to pay for the cost of additional benefits granted to members pursuant to chapter 41.31A RCW; section 309, chapter 341, Laws of 1998; or section 701, chapter 341, Laws of 1998.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."
Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Rossi moved that the Senate refuse to concur in the House amendment to Senate Bill No. 6029 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rossi to not concur in the House amendment to Senate Bill No. 6029.

The motion by Senator Rossi carried on a rising vote and the Senate did not concur in the House amendment to Senate Bill No. 6029.

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 5341 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of revenue.

"Gross income" does not include other operating revenue or nonoperating revenue.

(3) "Other operating revenue" means income from nonpatient care services to patients, as well as sales and activities to persons other than patients. It is derived in the course of operating the facility, such as providing personal laundry service for patients, or from other sources such as meals provided to persons other than patients, personal telephones, gift shops, and vending machine commissions.

(4) "Nonoperating revenue" means income from activities not relating directly to the day-to-day operations of an organization. "Nonoperating revenue" includes such items as gains on disposal of a facility's assets, dividends, and interest from security investments, gifts, grants, and endowments.

(5) "Patient day" means a calendar day of care provided to a nursing facility resident, excluding a medicare patient day. Patient days include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(6) "Medicare patient day" means a patient day for medicare beneficiaries on a medicare Part A stay and a patient day for persons who have opted for managed care coverage using their medicare benefit.

(7) "Nonexempt nursing facility" means a nursing facility that is not exempt from the quality maintenance fee under section 4 of this act.

(8) "Nursing facility" has the same meaning as the term is defined in RCW 18.51.010; it does not include a boarding home as defined in RCW 18.20.020 or an adult family home as defined in RCW 70.128.010.

(9) "Nursing facility operator" means a person who engages in the business of operating a nursing facility or facilities within this state.

(10) "Nursing facility services" means health-related services to individuals who do not require hospital care, but whose mental or physical condition requires services that are above the level of room and board and can be made available only through institutional facilities.

NEW SECTION. Sec. 2. (1) In addition to any other tax, a quality maintenance fee is imposed on every nonexempt nursing facility in this state. The quality maintenance fee shall be six dollars per patient day.

(2) Each operator of a nonexempt nursing facility shall file a return with the department on a monthly basis. The return is due within thirty days after the end of each calendar month. The return shall include the following:

(a) The number of patient days for nonexempt nursing facilities operated by that person in that month; and

(b) Remittance of the nonexempt nursing facility operator's quality maintenance fee for that month.

NEW SECTION. Sec. 3. All of chapter 82.32 RCW, except RCW 82.32.045 and 82.32.270, applies to the fee imposed by this chapter, in addition to any other provisions of law for the payment and enforcement of the fee imposed by this chapter. The department may adopt rules, in accordance with chapter 34.05 RCW, as necessary to provide for the effective administration of this chapter.

NEW SECTION. Sec. 4. (1) By June 1st of each year, each nursing facility operator shall file a report with the department of social and health services listing the patient days and the gross income for the prior calendar year for each nursing facility that he or she operates.

(2) By August 1, 2003, the department of social and health services shall submit for approval to the federal department of health and human services a request for a waiver pursuant to 42 C.F.R. 433.68. The waiver shall identify the nursing facilities that the department proposes to exempt from the quality maintenance fee. Those facilities shall include at least:

(a) Nursing facilities operated by any agency of the state of Washington;

(b) Nursing facilities operated by a public hospital district; and

(c) As many nursing facilities with no or disproportionately low numbers of medicaid-funded residents as, within the judgment of the department, may be exempted from the fee pursuant to 42 C.F.R. 433.68.

(3) The department of social and health services shall notify the department of revenue and the nursing facility operator of the nursing facilities that would be exempted from the quality maintenance fee pursuant to the waiver request submitted to the federal department of health and human services. The nursing facilities included in the waiver request may withhold payment of the fee pending final action by the federal government on the request for waiver.

(4) If the request for waiver is approved, the department of social and health services shall notify the department of revenue and the nursing facility operator that no quality maintenance fee is due from the facility. If the request for waiver is denied, nursing facility operators who have withheld payment of the fee shall pay all such fees as have been withheld.

(5) The department of social and health services shall take whatever action is necessary to continue the waiver from the federal government.

(6) The department of social and health services may adopt such rules, in accordance with chapter 34.05 RCW, as necessary to provide for effective administration of this section and section 5 of this act.

NEW SECTION. Sec. 5. The department of social and health services shall prospectively add the medicaid cost of the quality maintenance fee under section 2 of this act to the nursing facility component rate allocation calculated after application of all other provisions of RCW 74.46.521.

NEW SECTION. Sec. 6. (1) Sections 1 through 5 of this act shall expire on the effective date that federal medicaid matching funds are substantially reduced or that a federal sanction is imposed due to the quality maintenance fee under section 2 of this act, as such date is certified by the secretary of social and health services.

(2) The expiration of sections 1 through 5 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under those sections or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. (1) Sections 1 through 3 of this act constitute a new chapter in Title 82 RCW.

(2) Sections 4 and 5 of this act are each added to chapter 74.46 RCW.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2003."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Rossi moved that the Senate refuse to concur in the House amendment to Second Substitute Senate Bill No. 5341 and asks the House to recede therefrom.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Rossi to not concur in the House amendment to Second Substitute Senate Bill No. 5341.

The motion by Senator Rossi carried and the Senate did not concur in the House amendment to Second Substitute Senate Bill No. 5341 and asks the House to recede therefrom.

MOTION

At 9:34 p. m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 10:26 p.m by President Owen.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5659, deferred earlier this evening.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Benton that the house amendment to Engrossed Substitute Senate Bill No. 5659 is improperly before the body because it amends Initiative 747 without the necessary two-thirds vote of the House, the President finds as follows:

"Initiative 747 changed the amount a taxing district could increase its property taxes from six percent down to one percent without a vote of the people. The amendment does not change any language amended or set forth in the original initiative. Initiative 747 merely changed the rate and allowed taxes to increase above that rate upon a vote of the people.

"A vote of the people is still required to increase taxes above that rate under this amendment. As such, the amendment violates neither the intent nor the spirit of Initiative 747. It is true that the House amendment does make changes to a section referenced within Initiative 747; however, the only change made by the House amendment is to the methodology by which a vote may take place and similarly does not violate the intent of the initiative.

Senator Benton's point is not well taken, and the President finds that Engrossed Substitute Senate Bill 5659 is properly before the body."

The President ruled that Engrossed Substitute Senate Bill No. 5659 was properly before the Senate.

MOTION

At 10:28 p.m., Senator Benton moved that the Senate adjourn until 12:30 p.m., Sunday, April 27, 2003.

The President declared the question before the Senate to be the motion by Senator Benton to adjourn until 12:30 p.m., Sunday, April 27, 2003.

The motion by Senator Benton to adjourn failed.

POINT OF ORDER

Senator Roach: "An inquiry, Mr President. Is Engrossed Substitute Senate Bill No. 5659 improperly before the Senate by violating Article II, Section 19, of the State Constitution? I would add to that Rule 25 of the Permanent Rules of the Senate. The Constitution says that no bill shall embrace more than one subject and that shall be expressed in the title. Rule 25 says that no bill shall embrace more than one subject and that shall be expressed in the title.

"Engrossed Substitute Senate Bill No. 5659 is 'An Act Relating to Authorizing Additional Funding for Local Governments.' However, in the body of the bill, it amends the 'Growth Management Act, RCW 36.70.130.' Section 3,

page 2 of Engrossed Substitute Senate Bill No. 5659 allows a county east of the Cascade Crest and north of Interstate 90 that has a population of less than 10,000 and has a taxable land base of fifteen percent or less, the county may adopt a resolution removing the county and the cities located within the county from the requirement to plan under the Growth Management Act. It allows Jefferson and Clallam Counties an additional year to update their comprehensive plans.

“Again, what has this to do with the title of the bill, ‘An Act Relating to Authorizing Additional Funding for Local Governments?’ In addition, the House of Representatives amended the bill by requiring the State Auditor to audit once every five years in a jurisdiction that imposes taxes under the bill. It also requires jurisdictions that impose taxes under the bill to implement a quality management program and to conduct yearly self assessments.

“That would be my inquiry.”

REMARKS BY SENATOR WINSLEY

Senator Winsley: “Thank you, Mr. President. In Reed’s Rules No 112, it says, ‘Time for making these objections--both of these objections to present action must be presented before consideration has been entered upon. After debate has begun or other action has been taken it is too late. Engrossed Substitute Senate Bill No. 5659 passed the Senate; it has passed the House. It seems to me that if you are going to raise these objections, they should have been raised at the time that this bill was before the Senate on final passage.’”

MOTION

On motion of Senator Sheahan, further consideration of Engrossed Substitute Senate Bill No. 5659 was deferred.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5389,
SENATE BILL NO. 5437,
ENGROSSED SENATE BILL NO. 5676,
SUBSTITUTE SENATE BILL NO. 6012,
SUBSTITUTE SENATE BILL NO. 6054.

MOTION TO ADJOURN

At 10:32 p.m., Senator Benton moved that the Senate adjourn until 12:30 p.m. Sunday, April 27, 2003.

MOTION TO ADJOURN

At 10:32 p.m., Senator Sheahan moved that the Senate adjourn until 12:40 p.m. Sunday, April 27, 2003.

The President declared the question before the Senate to be the amended motion by Senator Sheahan that the Senate adjourn until 12:40 p.m., Sunday, April 27, 2003.

The motion by Senator Sheahan carried and at 10:33 p.m., the Senate adjourned until 12:40 p.m., Sunday, April 27, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate.

JOURNAL OF THE SENATE

ONE HUNDRED-FOURTH DAY, APRIL 26, 2003

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

ONE HUNDRED-FIFTH DAY

----- AFTERNOON SESSION -----

Senate Chamber, Olympia, Sunday, April 27, 2003

The Senate was called to order at 12:40 p.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators McCaslin, Oke, Poulsen and West. On motion of Senator Hewitt, Senators McCaslin, Oke and West were excused.

The Sergeant at Arms Color Guard, consisting of Loren Gregory and Earl Emerson, presented the Colors. Senator Paull Shin offered the prayer.

Sergeant Tara Montgomery from the 56th Army Band in Fort Lewis sang the National Anthem.

MOTION

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

MESSAGE FROM THE HOUSE

April 25, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

**SUBSTITUTE HOUSE BILL NO. 1571,
HOUSE BILL NO. 1712,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827,
SECOND SUBSTITUTE HOUSE BILL NO. 1841,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE Bill No. 1788 and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE Bill No. 1163,
ENGROSSED SUBSTITUTE HOUSE NO. 2231.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056 and has passed the bill as recommended by the Conference Committee.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SENATE BILL NO. 5073,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5178,
SUBSTITUTE SENATE BILL NO. 5190,
SUBSTITUTE SENATE BILL NO. 5310,
SENATE BILL NO. 5363,
ENGROSSED SENATE BILL NO. 5389,
SENATE BILL NO. 5437,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5448,
SUBSTITUTE SENATE BILL NO. 5497,
SUBSTITUTE SENATE BILL NO. 5520,
SUBSTITUTE SENATE BILL NO. 5545,
**ENGROSSED SENATE BILL NO. 5676,
SUBSTITUTE SENATE BILL NO. 5748,
SENATE BILL NO. 5783,
SUBSTITUTE SENATE BILL NO. 5891,
ENGROSSED SENATE BILL NO. 5991,
SUBSTITUTE SENATE BILL NO. 6012,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6023,
SUBSTITUTE SENATE BILL NO. 6054,
SENATE BILL NO. 6057,
SUBSTITUTE SENATE BILL NO. 6073, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Mr. President. While we are getting ready to get started this afternoon, I would like to mention that we are all here in this enclosure on a beautiful day--and it is was opening day of fishing season yesterday. My son won the Mineral Lake Fishing Derby. He caught an eight pound trout, so that is in Mineral Lake in Senator Swecker's District. But, I wanted you to know that there are people out fishing while we are in here working."

PERSONAL PRIVILEGE

Senator Swecker: "A point of personal privilege, Mr. President. I just wanted to thank the good Senator for reminding me to mention that we have some of the best fishing in the world up in East Lewis County. You are welcome to come up and join us and hopefully we will see a lot more of those fish. Thank you."

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Parlette, Gubernatorial Appointment No. 9165, Earl Tilly, as a member of the Public Disclosure Commission, was confirmed.

Senators Parlette, Jacobsen and Carlson spoke to the confirmation of Earl Tilly as a member of the Public Disclosure Commission.

APPOINTMENT OF EARL TILLY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Parlette, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 45.

Absent: Senator Poulsen - 1.

Excused: Senators McCaslin, Oke and West - 3.

MOTION

On motion of Senator Esser, Gubernatorial Appointment No. 9188, John Giese, as a member of the Forest Practices Appeals Board, was confirmed.

Senators Esser and Deccio spoke to the confirmation of John Giese as a member of the Forest Practices Appeals Board.

APPOINTMENT OF JOHN GIESE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Absent: Senator Kline - 1.

Excused: Senators McCaslin and West

MOTION

At 1:10 p.m., on motion of Senator Sheahan, the Senate recessed until 1:50 p.m.

The Senate was called to order at 2:20 p.m. by President Owen.

MOTION

On motion of Senator Spanel, the following resolution was adopted:

SENATE RESOLUTION 8680

By Senators Spanel, Hale, Franklin, Kastama, Fraser, Haugen, T. Sheldon, Prentice, Rasmussen, McAuliffe, Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, B. Sheldon, Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli

WHEREAS, Gene Gotovac was a beloved friend, colleague, and eighteen year member of the Senate family; and

WHEREAS, He began working for Senate security in 1985, and was elected sergeant-at-arms in 1999; and

WHEREAS, Reminiscent of a Vatican Guard, Gene displayed a quiet dignity, upholding confidentiality and using discretion at all times; and

WHEREAS, He was a wonderful ambassador of the Capitol Campus, taking great pride in the legislative institution and treating legislators, staff, pages, and visitors with kindness and respect; and

WHEREAS, An Aberdeen native, he loved both Grays Harbor and Pacific Counties, always striving to make the area a better place to live; and

WHEREAS, Concerned about Aberdeen's youth, Gene was instrumental in conducting a community fund raiser whose proceeds went toward the purchase of lights for Pioneer Park Baseball Field, allowing children to play baseball safely into the evening; and

WHEREAS, A successful businessman, he owned Gotovac's, a men's clothing store, and the Spar Café in Aberdeen, a favorite gathering place for discussions of sports and politics; and

WHEREAS, Gene was "everyone's friend," always giving generously of himself, joyfully making others happy; and

WHEREAS, An avid sportsman, he enjoyed going to Seattle Mariners baseball games and playing golf, particularly at Airport Golf Center in Tumwater, where within a year, he scored two holes in one; and

WHEREAS, He is survived by his loving wife, Linda; daughter, Joanne Romayne Leach; grandson Patrick Leach; son, Norman Eugene; stepsons Wade Mitchell and Dave Mitchell; stepdaughters Kori Mitchell and Valerie Deyette; and extended family; and

WHEREAS, On June 10, 2002, Gene Gotovac ended his fight with leukemia, surrounded by his loving family and close friends; and

WHEREAS, Gene will forever remain in our hearts; in the words of former Senator Sid Snyder, "Goodbye – and Sine Die – old friend";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate the life of our colleague, Gene Gotovac, and recognize his devotion to public service; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Gotovac family.

Senators Spanel, Hale, Betti Sheldon, Thibaudeau, Carlson, Shin, Franklin, Kastama, Jacobsen, Deccio, McAuliffe and Eide spoke to Senate Resolution 8680.

INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Gene's wife, Linda Gotovac, who was seated in the back of the Chamber.

MOTION

On motion of Senator Eide, Senator Prentice was excused.

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9078, Dr. Gloria Mitchell, as a member of the Professional Education Standards Board, was confirmed.

APPOINTMENT OF DR. GLORIA MITCHELL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McCaslin and Prentice -2.

MOTION

On motion of Senator Johnson, Gubernatorial Appointment No. 9013, Beverly Cheney, as a member of the Professional Education Standards Board, was confirmed.

APPOINTMENT OF BEVERLY CHENEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McCaslin and Prentice -2.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

MOTION

On motion of Senator Oke, Gubernatorial Appointment No. 9004, Clyde B. Anderson, as a member of the Parks and Recreation Commission, was confirmed.

APPOINTMENT OF CLYDE B. ANDERSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Horn - 1.

Excused: Senators Fairley and McCaslin -2.

MOTION

On motion of Senator Carlson, Gubernatorial Appointment No. 9018, Susan I. Davidson, as a member of the Board of Trustees for the State School for the Blind, was confirmed.

APPOINTMENT OF SUSAN I. DAVIDSON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Fairley and McCaslin -2.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 5659, deferred April 26, 2003.

RULING BY THE PRESIDENT

President Owen: "In ruling upon the point of order by Senator Roach that the House amendment to Engrossed Substitute Senate Bill No. 5659 is improperly before the body because it violates Constitutional and Senate rule provisions limiting a bill to a single subject, the President finds as follows:

"Both the Washington State Constitution and Senate Rule 25 mandate that 'no bill shall embrace more than one subject and that shall be expressed in the title.' The President has consistently ruled that issues relating to the legality of particular measures are better left to the courts, and that rulings will therefore address only parliamentary, not legal, inquiries. It is the duty of the President, however, to give full force and effect to the parliamentary rules and practices of this body.

"It is instructive to keep in mind that the purpose of parliamentary procedure is to provide clear processes that ensure the rights of all members are observed and the will of the body, as expressed through a majority of its members, may be done. Reed's Rule 49, under the duties of members, makes clear that members have both duties and responsibilities to the body.

"The object and purpose of an assembly is to enable members to act together as a body, and each member ought to so conduct him- or her-self as to facilitate the result, or at least so as not to hinder it. Part of this conduct includes timely raising of parliamentary issues before the body has taken action upon a question. Reed's Rule 112 provides in part, 'Objections to present action must be presented before consideration has been entered upon. After debate has begun or other action has been taken it is too late.'

"The purpose of this rule is clear. There must be some point at which the body may be assured that questions upon which it has expressed its will, most commonly by a vote of its majority, are properly concluded and may not be revisited time and time again. Any other result would allow for any member to hold the body hostage by raising procedural questions which should have been earlier debated and decided. As the rules make clear, a member has a duty to raise such issues as soon as possible or the right to object is deemed waived. The President reserves, for future consideration, the issue of timeliness with respect to other parliamentary inquiries.

"Applying this rationale to the matters before us, the amendments to the bill which added modifications to the Growth Management Act may or may not violate the 'single subject' rule, but the time for raising such an objection was prior to the passage of that amendment in the Senate. Once the measure left this body with that language, that objection was waived along with the final passage.

"With respect to the performance audit language added by the House, however, the first opportunity which any member of this body had to raise a 'single subject' objection was when the measure came back for concurrence or dispute. In this case, Senator Roach's point is timely, and the President finds that performance audits of cities and counties constitute an entirely new policy which is well outside of the original title, which relates to local funding. This language is not limited to the tax increase, but would appear to apply to all aspects of the city or county government, and this is clearly another subject from local funding. For this reason, the House amendment includes a second subject in violation of Rule 25, and Senator Roach's point is well taken. The House amendment is out of order."

The President ruled that the House amendment to Engrossed Substitute Senate Bill No. 5659 to be out of order.

MOTION

On motion of Senator Winsley, the Senate refuses to concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5659 and asks the House to recede therefrom.

MOTION

On motion of Senator Sheahan, the Senate recessed until 5:00 p.m.

The Senate was called to order at 5:05 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate recessed until 7:00 p.m.

The Senate was called to order at 7:00 p.m. by President Owen.

MOTION

At 7:00 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 9:17 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2172.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to following bills and passed the bills as amended by the Senate.
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,
HOUSE BILL NO. 2065.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
SUBSTITUTE HOUSE BILL NO. 1788,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed:

HOUSE BILL NO. 1126,
SUBSTITUTE HOUSE BILL NO. 1173,
SUBSTITUTE HOUSE BILL NO. 1204,
SUBSTITUTE HOUSE BILL NO. 1233,
SUBSTITUTE HOUSE BILL NO. 1335,
SUBSTITUTE HOUSE BILL NO. 1571,
HOUSE BILL NO. 1712,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827,
SUBSTITUTE HOUSE BILL NO. 1829,
SECOND SUBSTITUTE HOUSE BILL NO. 1841,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933,
SUBSTITUTE HOUSE BILL NO. 2215, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has passed:

**SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5974,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,
SENATE BILL NO. 6052,
ENGROSSED SENATE BILL NO. 6062,** and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amendment by the Senate.

SUBSTITUTE HOUSE BILL NO. 1100,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1100,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 2172, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,
HOUSE BILL NO. 2065, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6072, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

**The President signed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1163,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754,
SUBSTITUTE HOUSE BILL NO. 1788,**

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2056,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2231.**

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1126,
SUBSTITUTE HOUSE BILL NO. 1173,
SUBSTITUTE HOUSE BILL NO. 1204,
SUBSTITUTE HOUSE BILL NO. 1233,
SUBSTITUTE HOUSE BILL NO. 1335,
SUBSTITUTE HOUSE BILL NO. 1571,
HOUSE BILL NO. 1712,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1827,
SUBSTITUTE HOUSE BILL NO. 1829,
SECOND SUBSTITUTE HOUSE BILL NO. 1841,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1933,
SUBSTITUTE HOUSE BILL NO. 2215.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5247,
SENATE BILL NO. 5769,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402.

SIGNED BY THE PRESIDENT

The President signed:

***SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5974,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,
SENATE BILL NO. 6052,
ENGROSSED SENATE BILL NO. 6062.***

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,
SUBSTITUTE HOUSE BILL NO. 1100,
HOUSE BILL NO. 2065,
SUBSTITUTE HOUSE BILL NO. 2172,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2228.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6072.

APPOINTMENT TO INTERIM COMMITTEES

The President announced the following appointments to the interim committees:

JOINT LEGISLATIVE AND AUDIT REVIEW COMMITTEE: Senators Fairley, Horn, Kohl-Welles, Oke, Regala, Stevens, Thibaudeau and Zarelli

LEGISLATIVE COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERNATIONAL RELATIONS: Senators Franklin, Hale, Hewitt, Sheahan Betti Sheldon and Shin

LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM : Senators Fairley, Horn, Kastama and Winsley

LEGISLATIVE TRANSPORTATION COMMITTEE: Senators Benton, Finkbeiner, Haugen, Horn, Kastama, Jacobsen, Mulliken, Oke, Prentice, Tim Sheldon, Spanel and Swecker

MOTION

On motion of Senator Sheahan, the Interim Committee Appointments were confirmed.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 5179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5247,
SENATE BILL NO. 5769,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5974,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5990,
SENATE BILL NO. 6052,
ENGROSSED SENATE BILL NO. 6062,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6072,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8402, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House insists on its position regarding the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5039 and once again asks the Senate to concur therein, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Kastama moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5039.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Kastama that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 5039.

The motion by Senator Kastama carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 5039.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5039, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5039, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE SENATE BILL NO. 5039, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1689 and asks the Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Morton moved that the Senate insist on its position regarding the Senate amendment(s) to Engrossed Substitute House Bill No. 1689 and asks that the House concur therein.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Morton that the Senate insists on its position regarding the Senate amendment(s) to Engrossed Substitute House Bill No. 1689.

The motion by Senator Morton carried and the Senate insists on its position regarding the Senate amendment(s) to Engrossed Substitute House Bill No. 1689.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

Under suspension of the rules, ENGROSSED SUBSTITUTE SENATE BILL NO. 5903 was returned to second reading for purpose of an amendment and the following amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 72.05 RCW to read as follows:

(1) It is the intent of the legislature that appropriate treatment services be provided to juvenile offenders in order to achieve rehabilitation. The treatment should be provided at either local detention facilities or at state institutions depending upon which facility best meets the needs of the individual juvenile offender.

(2) No juvenile rehabilitation administration institution shall be closed without specific authorization in an act of the legislature.

(3) If a juvenile rehabilitation administration institution is closed by the legislature, the department of corrections shall be prohibited from operating the institution and the institution shall not be used to incarcerate adult offenders.

Sec. 2. RCW 13.40.0357 and 2002 c 324 s 3 and 2002 c 175 s 20 are each reenacted and amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	<i>DESCRIPTION (RCW CITATION)</i>	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
	Arson and Malicious Mischief	
A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (<\$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

Assault and Other Crimes Involving Physical Harm

	<i>Assault 1 (9A.36.011)</i>	<i>B +</i>
<i>A</i>		
	<i>Assault 2 (9A.36.021)</i>	<i>C +</i>
<i>B +</i>		
	<i>Assault 3 (9A.36.031)</i>	<i>D +</i>
<i>C +</i>		
	<i>Assault 4 (9A.36.041)</i>	<i>E</i>
<i>D +</i>		
	<i>Drive-By Shooting (9A.36.045)</i>	<i>C +</i>
<i>B +</i>		
	<i>Reckless Endangerment (9A.36.050)</i>	<i>E</i>
<i>D +</i>		
	<i>Promoting Suicide Attempt (9A.36.060)</i>	<i>D +</i>
<i>C +</i>		
	<i>Coercion (9A.36.070)</i>	<i>E</i>
<i>D +</i>		
	<i>Custodial Assault (9A.36.100)</i>	<i>D +</i>
<i>C +</i>		
	<i>Burglary and Trespass</i>	
	<i>Burglary 1 (9A.52.020)</i>	<i>C +</i>
<i>B +</i>		
	<i>Residential Burglary (9A.52.025)</i>	<i>C</i>
<i>B</i>		
	<i>Burglary 2 (9A.52.030)</i>	<i>C</i>
<i>B</i>		
	<i>Burglary Tools (Possession of) (9A.52.060)</i>	<i>E</i>
<i>D</i>		
	<i>Criminal Trespass 1 (9A.52.070)</i>	<i>E</i>
<i>D</i>		

E	<i>Criminal Trespass 2 (9A.52.080)</i>	E
C	<i>Vehicle Prowling 1 (9A.52.095)</i>	D
D	<i>Vehicle Prowling 2 (9A.52.100)</i>	E
	Drugs	
E	<i>Possession/Consumption of Alcohol (66.44.270)</i>	E
C	<i>Illegally Obtaining Legend Drug (69.41.020)</i>	D
C +	<i>Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)</i>	D +
E	<i>Possession of Legend Drug (69.41.030)</i>	E
B +	<i>Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (I) or (ii))</i>	B +
C	<i>Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))</i>	C
E	<i>Possession of Marihuana <40 grams (69.50.401(e))</i>	E
C	<i>Fraudulently Obtaining Controlled Substance (69.50.403)</i>	C
C +	<i>Sale of Controlled Substance for Profit (69.50.410)</i>	C +
E	<i>Unlawful Inhalation (9.47A.020)</i>	E
B	<i>Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (I) or (ii))</i>	B
C	<i>Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))</i>	C

C	<i>Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))</i>	C
C	<i>Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))</i>	C
	Firearms and Weapons	
	<i>Theft of Firearm (9A.56.300)</i>	C
B		
B	<i>Possession of Stolen Firearm (9A.56.310)</i>	C
E	<i>Carrying Loaded Pistol Without Permit (9.41.050)</i>	E
C	<i>Possession of Firearms by Minor (<18) (9.41.040(1)(b)(iii))</i>	C
D +	<i>Possession of Dangerous Weapon (9.41.250)</i>	E
D	<i>Intimidating Another Person by use of Weapon (9.41.270)</i>	E
	Homicide	
A +	<i>Murder 1 (9A.32.030)</i>	A
A +	<i>Murder 2 (9A.32.050)</i>	B +
B +	<i>Manslaughter 1 (9A.32.060)</i>	C +
C +	<i>Manslaughter 2 (9A.32.070)</i>	D +
B +	<i>Vehicular Homicide (46.61.520)</i>	C +

Kidnapping

	<i>Kidnap 1 (9A.40.020)</i>	<i>B +</i>
<i>A</i>		
	<i>Kidnap 2 (9A.40.030)</i>	<i>C +</i>
<i>B +</i>		
	<i>Unlawful Imprisonment (9A.40.040)</i>	<i>D +</i>
<i>C +</i>		

Obstructing Governmental Operation

	<i>Obstructing a Law Enforcement Officer (9A.76.020)</i>	<i>E</i>
<i>D</i>		
	<i>Resisting Arrest (9A.76.040)</i>	<i>E</i>
<i>E</i>		
	<i>Introducing Contraband 1 (9A.76.140)</i>	<i>C</i>
<i>B</i>		
	<i>Introducing Contraband 2 (9A.76.150)</i>	<i>D</i>
<i>C</i>		
	<i>Introducing Contraband 3 (9A.76.160)</i>	<i>E</i>
<i>E</i>		
	<i>Intimidating a Public Servant (9A.76.180)</i>	<i>C +</i>
<i>B +</i>		
	<i>Intimidating a Witness (9A.72.110)</i>	<i>C +</i>
<i>B +</i>		

Public Disturbance

	<i>Riot with Weapon (9A.84.010)</i>	<i>D +</i>
<i>C +</i>		
	<i>Riot Without Weapon (9A.84.010)</i>	<i>E</i>
<i>D +</i>		

<i>E</i>	<i>Failure to Disperse (9A.84.020)</i>	<i>E</i>
<i>E</i>	<i>Disorderly Conduct (9A.84.030)</i>	<i>E</i>
	<i>Sex Crimes</i>	
<i>A</i>	<i>Rape 1 (9A.44.040)</i>	<i>B +</i>
<i>A-</i>	<i>Rape 2 (9A.44.050)</i>	<i>B +</i>
<i>C +</i>	<i>Rape 3 (9A.44.060)</i>	<i>D +</i>
<i>A-</i>	<i>Rape of a Child 1 (9A.44.073)</i>	<i>B +</i>
<i>B +</i>	<i>Rape of a Child 2 (9A.44.076)</i>	<i>C +</i>
<i>B</i>	<i>Incest 1 (9A.64.020(1))</i>	<i>C</i>
<i>C</i>	<i>Incest 2 (9A.64.020(2))</i>	<i>D</i>
<i>D +</i>	<i>Indecent Exposure (Victim <14) (9A.88.010)</i>	<i>E</i>
<i>E</i>	<i>Indecent Exposure (Victim 14 or over) (9A.88.010)</i>	<i>E</i>
<i>B +</i>	<i>Promoting Prostitution 1 (9A.88.070)</i>	<i>C +</i>
<i>C +</i>	<i>Promoting Prostitution 2 (9A.88.080)</i>	<i>D +</i>
<i>E</i>	<i>O & A (Prostitution) (9A.88.030)</i>	<i>E</i>
<i>B +</i>	<i>Indecent Liberties (9A.44.100)</i>	<i>C +</i>

A-	<i>Child Molestation 1 (9A.44.083)</i>	B +
B	<i>Child Molestation 2 (9A.44.086)</i>	C +
	<i>Theft, Robbery, Extortion, and Forgery</i>	
B	<i>Theft 1 (9A.56.030)</i>	C
C	<i>Theft 2 (9A.56.040)</i>	D
D	<i>Theft 3 (9A.56.050)</i>	E
B	<i>Theft of Livestock (9A.56.080)</i>	C
C	<i>Forgery (9A.60.020)</i>	D
A	<i>Robbery 1 (9A.56.200)</i>	B +
B +	<i>Robbery 2 (9A.56.210)</i>	C +
B +	<i>Extortion 1 (9A.56.120)</i>	C +
C +	<i>Extortion 2 (9A.56.130)</i>	D +
C	<i>Identity Theft 1 (9.35.020(2)(a))</i>	D
D	<i>Identity Theft 2 (9.35.020(2)(b))</i>	E
D	<i>Improperly Obtaining Financial Information (9.35.010)</i>	E
B	<i>Possession of Stolen Property 1 (9A.56.150)</i>	C

C	<i>Possession of Stolen Property 2 (9A.56.160)</i>	D
D	<i>Possession of Stolen Property 3 (9A.56.170)</i>	E
C	<i>Taking Motor Vehicle Without Permission 1 and 2 (9A.56.070 (1) and (2))</i>	D
	Motor Vehicle Related Crimes	
E	<i>Driving Without a License (46.20.005)</i>	E
B +	<i>Hit and Run - Death (46.52.020(4)(a))</i>	C +
C	<i>Hit and Run - Injury (46.52.020(4)(b))</i>	D
D	<i>Hit and Run-Attended (46.52.020(5))</i>	E
E	<i>Hit and Run-Unattended (46.52.010)</i>	E
C	<i>Vehicular Assault (46.61.522)</i>	D
C	<i>Attempting to Elude Pursuing Police Vehicle (46.61.024)</i>	D
E	<i>Reckless Driving (46.61.500)</i>	E
D	<i>Driving While Under the Influence (46.61.502 and 46.61.504)</i>	E
	Other	
B	<i>Bomb Threat (9.61.160)</i>	C
C	<i>Escape 1¹ (9A.76.110)</i>	C

C	Escape 2¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B +
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200)²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

²If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, ((~~☒~~)) C, D, or section 4 of this act.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

180 WEEKS TO AGE 21 YEARS

A+

103 WEEKS TO 129 WEEKS

A

15-36

52-65

80-100

103-129

A-

WEEKS

WEEKS

WEEKS

WEEKS

EXCEPT

30-40

WEEKS FOR

15-17

YEAR OLDS

B+

15-36

52-65

80-100

103-129

Current

Offense

Category

WEEKS

WEEKS

WEEKS

WEEKS

LOCAL

52-65

B

15-36 WEEKS

WEEKS

SANCTIONS (LS)

LS

C+

15-36 WEEKS

LS

15-36 WEEKS

C

Local Sanctions:

0 to 30 Days

D+	LS	0 to 12 Months Community Supervision			
		0 to 150 Hours Community Restitution			
D	LS	\$0 to \$500 Fine			
	LS				
E		1	2	3	4 or more
		0			

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B SUSPENDED DISPOSITION ALTERNATIVE

(1) If the offender is subject to a standard range disposition involving confinement by the department, the court may impose the standard range and suspend the disposition on condition that the offender comply with one or more local sanctions and any educational or treatment requirement. The treatment programs provided to the offender must be research-based best practice programs as identified by the Washington state institute for public policy or the joint legislative audit and review committee.

(2) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(3) An offender is ineligible for the suspended disposition option under this section if the offender is:

(a) Adjudicated of an A+ offense;

(b) Fourteen years of age or older and is adjudicated of one or more of the following offenses:

(i) A class A offense, or an attempt, conspiracy, or solicitation to commit a class A offense;

(ii) Manslaughter in the first degree (RCW 9A.32.060); or

(iii) Assault in the second degree (RCW 9A.36.021), extortion in the first degree (RCW 9A.56.120), kidnapping in the second degree (RCW 9A.40.030), robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), drive-by shooting (RCW 9A.36.045), vehicular homicide (RCW 46.61.520), hit and run death (RCW

46.52.020(4)(a)), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401(a)(1) (I) or (ii)), or manslaughter 2 (RCW 9A.32.070), when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon;

(c) Ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(d) Adjudicated of a sex offense as defined in RCW 9.94A.030.

OR

OPTION C CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION ~~(e)~~ D MANIFEST INJUSTICE

If the court determines that a disposition under option A ~~((e))~~, B, or C would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 3. RCW 13.40.160 and 2002 c 175 s 22 are each amended to read as follows:

(1) The standard range disposition for a juvenile adjudicated of an offense is determined according to RCW 13.40.0357.

(a) When the court sentences an offender to a local sanction as provided in RCW 13.40.0357 option A, the court shall impose a determinate disposition within the standard ranges, except as provided in subsection(s) (2), (3), ~~((and))~~ (4), (5), or (6) of this section. The disposition may be comprised of one or more local sanctions.

(b) When the court sentences an offender to a standard range as provided in RCW 13.40.0357 option A that includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement, except as provided in subsection(s) (2), (3), ~~((and))~~ (4), (5), or (6) of this section.

(2) If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range, as indicated in option ~~(e)~~ D of RCW 13.40.0357. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(2) shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230 by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230.

(3) When a juvenile offender is found to have committed a sex offense, other than a sex offense that is also a serious violent offense as defined by RCW 9.94A.030, and has no history of a prior sex offense, the court, on its own motion or the motion of the state or the respondent, may order an examination to determine whether the respondent is amenable to treatment.

The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of problems in addition to alleged deviant behaviors, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the evaluator's information.

The examiner shall assess and report regarding the respondent's amenability to treatment and relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a)(I) Frequency and type of contact between the offender and therapist;

(ii) Specific issues to be addressed in the treatment and description of planned treatment modalities;

(iii) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(iv) Anticipated length of treatment; and

(v) Recommended crime-related prohibitions.

The court on its own motion may order, or on a motion by the state shall order, a second examination regarding the offender's amenability to treatment. The evaluator shall be selected by the party making the motion. The defendant shall pay the cost of any second examination ordered unless the court finds the defendant to be indigent in which case the state shall pay the cost.

After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this special sex offender disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section. If the court determines that this special sex offender disposition alternative is appropriate, then the court shall impose a determinate disposition within the standard range for the offense, or if the court concludes, and enters reasons for its conclusions, that such disposition would cause a manifest injustice, the court shall impose a disposition under option ~~(e)~~ D, and the court may suspend the execution of the disposition and place the offender on community supervision for at least two years. As a condition of the suspended disposition, the court may impose the conditions of community supervision and other conditions, including up to thirty days of confinement and requirements that the offender do any one or more of the following:

(b)(I) Devote time to a specific education, employment, or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment. The respondent shall not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and shall not change providers without court approval after a hearing if the prosecutor or probation counselor object to the change;

(iii) Remain within prescribed geographical boundaries and notify the court or the probation counselor prior to any change in the offender's address, educational program, or employment;

(iv) Report to the prosecutor and the probation counselor prior to any change in a sex offender treatment provider. This change shall have prior approval by the court;

(v) Report as directed to the court and a probation counselor;

(vi) Pay all court-ordered legal financial obligations, perform community restitution, or any combination thereof;

(vii) Make restitution to the victim for the cost of any counseling reasonably related to the offense;

(viii) Comply with the conditions of any court-ordered probation bond; or

(ix) The court shall order that the offender may not attend the public or approved private elementary, middle, or high school attended by the victim or the victim's siblings. The parents or legal guardians of the offender are responsible for transportation or other costs associated with the offender's change of school that would otherwise be paid by the school district. The court shall send notice of the disposition and restriction on attending the same school as the victim or victim's siblings to the public or approved private school the juvenile will attend, if known, or if unknown, to the approved private schools and the public school district board of directors of the district in which the juvenile resides or intends to reside. This notice must be sent at the earliest possible date but not later than ten calendar days after entry of the disposition.

The sex offender treatment provider shall submit quarterly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

Except as provided in this subsection (3), after July 1, 1991, examinations and treatment ordered pursuant to this subsection shall only be conducted by sex offender treatment providers certified by the department of health pursuant to chapter 18.155 RCW. A sex offender therapist who examines or treats a juvenile sex offender pursuant to this subsection does not have to be certified by the department of health pursuant to chapter 18.155 RCW if the court finds that: (A) The offender has already moved to another state or plans to move to another state for reasons other than circumventing the certification requirements; (B) no certified providers are available for treatment within a reasonable geographical distance of the offender's home; and (c) the evaluation and treatment plan comply with this subsection (3) and the rules adopted by the department of health.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may revoke the suspension and order execution of the disposition or the court may impose a penalty of up to thirty days' confinement for violating conditions of the disposition. The court may order both execution of the disposition and up to thirty days' confinement for the violation of the conditions of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged. "Victim" may also include a known parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

A disposition entered under this subsection (3) is not appealable under RCW 13.40.230.

(4) If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose the disposition alternative under RCW 13.40.165.

~~(5) If a juvenile is subject to a commitment of 15 to 65 weeks of confinement, the court may impose the disposition alternative under section 4 of this act.~~

~~(6) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under section 5 of this act may impose the disposition alternative under section 5 of this act.~~

(7) RCW 13.40.193 shall govern the disposition of any juvenile adjudicated of possessing a firearm in violation of RCW 9.41.040(1)(b)(iii) or any crime in which a special finding is entered that the juvenile was armed with a firearm.

~~((6))~~ (8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

~~((7))~~ (9) Except as provided under subsection (3) ~~((6))~~, (4), (5), or (6) of this section, or option B of RCW 13.40.0357, or RCW 13.40.127, the court shall not suspend or defer the imposition or the execution of the disposition.

~~((8))~~ (10) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION. Sec. 4. A new section is added to chapter 13.40 RCW to read as follows:

(1) When an offender is subject to a standard range commitment of 15 to 65 weeks, the court may:

(a) Impose the standard range; or

(b) Suspend the standard range disposition on condition that the offender complies with the terms of this mental health disposition alternative.

(2) The court may impose this disposition alternative when the court finds the following:

(a) The offender has a current diagnosis, consistent with the American psychiatry association diagnostic and statistical manual of mental disorders, of axis I psychiatric disorder, excluding youth that are diagnosed as solely having a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia;

(b) An appropriate treatment option is available in the local community;

(c) The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program including: Incentives and graduated sanctions designed specifically for amenable youth, including the use of detention, detoxication, and in-patient or outpatient substance abuse treatment and psychiatric hospitalization, and structured community support consisting of mental health providers, probation, educational and vocational advocates, child welfare services, and family and community support. For any mental health treatment ordered for an offender under this section, the treatment option selected shall be chosen from among programs which have been successful in addressing mental health needs of juveniles and successful in mental health treatment of juveniles and identified as research-based best practice programs. A list of programs which meet these criteria shall be agreed upon by: The Washington association of juvenile court administrators, the juvenile rehabilitation administration of the department of social and health services, a representative of the division of public behavioral health and justice policy at the University of Washington, and the Washington institute for public policy. The list of programs shall be created not later than July 1, 2003. The group shall provide the list to all superior courts, its own membership, the legislature, and the governor. The group shall meet annually and revise the list as appropriate; and

(d) The offender, offender's family, and community will benefit from use of the mental health disposition alternative.

(3) The court on its own motion may order, or on motion by either party, shall order a comprehensive mental health evaluation to determine if the offender has a designated mental disorder. The court may also order a chemical dependency evaluation to determine if the offender also has a co-occurring chemical dependency disorder. The evaluation shall include at a minimum the following: The offender's version of the facts and the official version of the facts, the offender's offense, an assessment of the offender's mental health and drug-alcohol problems and previous treatment attempts, and the offender's social, criminal, educational, and employment history and living situation.

(4) The evaluator shall determine if the offender is amenable to research-based treatment. A proposed case management and treatment plan shall include at a minimum:

(a) The availability of treatment;

(b) Anticipated length of treatment;

(c) Whether one or more treatment interventions are proposed and the anticipated sequence of those treatment interventions;

(d) The education plan;

(e) The residential plan; and

(f) The monitoring plan.

(5) The court on its own motion may order, or on motion by either party, shall order a second mental health or chemical dependency evaluation. The party making the motion shall select the evaluator. The requesting party shall pay the cost of any examination ordered under this subsection and subsection (3) of this section unless the court finds the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(6) Upon receipt of the assessments, evaluations, and reports the court shall consider whether the offender and the community will benefit from use of the mental health disposition alternative. The court shall consider the victim's opinion whether the offender should receive the option.

(7) If the court determines that the mental health disposition alternative is appropriate, the court shall impose a standard range disposition of not more than 65 weeks, suspend execution of the disposition, and place the offender on community supervision up to one year and impose one or more other local sanctions. Confinement in a secure county detention facility, other than county group homes, inpatient psychiatric treatment facilities, and substance abuse programs, shall be limited to thirty days. As a condition of a suspended disposition, the court shall require the offender to participate in the recommended treatment interventions.

(8) The treatment providers shall submit monthly reports to the court and parties on the offender's progress in treatment. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, medication management, the offender's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(9) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(10) An offender is ineligible for the mental health disposition option under this section if the offender is adjudicated of a sex or violent offense as defined in RCW 9.94A.030.

NEW SECTION. Sec. 5. A new section is added to chapter 13.40 RCW to read as follows:

Any charter county with a population of not more than seventy thousand shall establish a pilot program to implement the community commitment disposition alternative contained in this section. The pilot project shall be limited to five beds.

(1) When the offender is subject to a standard range commitment of 15 to 36 weeks and is ineligible for a suspended disposition alternative, a manifest injustice disposition below the standard range, special sex offender disposition alternative, chemical dependency disposition alternative, or mental health disposition alternative, the court in a county with a pilot program under this section may impose a community commitment disposition alternative and:

(a) Retain juvenile court jurisdiction over the youth;

(b) Confine the youth in a county detention facility for a period of time not to exceed thirty days; and

(c) Impose a term of postrelease community supervision for up to one year.

If the youth receives a standard range disposition, the court shall set the release date within the standard range. The court shall determine the release date prior to expiration of sixty percent of the juvenile's minimum term of confinement.

(2) The court may impose this community commitment disposition alternative if the court finds the following:

(a) Placement in a local detention facility in close proximity to the youth's family or local support systems will facilitate a smoother reintegration to the youth's family and community;

(b) Placement in the local detention facility will allow the youth to benefit from locally provided family intervention programs and other research-based treatment programs, school, employment, and drug and alcohol or mental health counseling; or

(c) Confinement in a facility operated by the department would result in a negative disruption to local services, school, or employment or impede or delay developing those services and support systems in the community.

(3) The court shall consider the youth's offense, prior criminal history, security classification, risk level, and treatment needs and history when determining whether the youth is appropriate for the community commitment disposition alternative. If the court finds that a community commitment disposition alternative is appropriate, the court shall order the youth into secure detention while the details of the reintegration program are developed.

(4) Upon approval of the treatment and community reintegration plan, the court may order the youth to serve the term of confinement in one or more of the following placements or combination of placements: Secure detention, an alternative to secure detention such as electronic home monitoring, county group care, day or evening reporting, or home detention. The court may order the youth to serve time in detention on weekends or intermittently. The court shall set periodic reviews to review the youth's progress in the program. At least fifty percent of the term of confinement shall be served in secure detention.

(5) If the youth violates the conditions of the community commitment program, the court may impose sanctions under RCW 13.40.200 or modify the terms of the reintegration plan and order the youth to serve all or a portion of the remaining confinement term in secure detention.

(6) A county may enter into interlocal agreements with other counties to develop joint community commitment programs or to allow one county to send a youth appropriate for this alternative to another county that has a community commitment program.

(7) Implementation of this alternative is subject to available state funding for the costs of the community commitment program, including costs of detention and community supervision.

The Washington association of juvenile court administrators shall submit an interim report on the pilot program established in this section to the legislature and appropriate committees by December 31, 2004, and submit a final report to the legislature and the appropriate committees by June 30, 2005.

This section expires July 1, 2005.

Sec. 6. RCW 13.40.165 and 2002 c 175 s 23 and 2002 c 42 s 1 are each reenacted and amended to read as follows:

(1) The purpose of this disposition alternative is to ensure that successful treatment options to reduce recidivism are available to eligible youth, pursuant to RCW 70.96A.520. The court must consider eligibility for the chemical dependency disposition alternative when a juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, other than a first time B+ offense under chapter 69.50 RCW. The court, on its own motion or the motion of the state or the respondent if the evidence shows that the offender may be chemically dependent or substance abusing, may order an examination by a chemical dependency counselor from a chemical dependency treatment facility approved under chapter 70.96A RCW to determine if the youth is chemically dependent or substance abusing. The offender shall pay the cost of any examination ordered under this subsection unless the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(2) The report of the examination shall include at a minimum the following: The respondent's version of the facts and the official version of the facts, the respondent's offense history, an assessment of drug-alcohol problems and previous treatment attempts, the respondent's social, educational, and employment situation, and other evaluation measures used. The report shall set forth the sources of the examiner's information.

(3) The examiner shall assess and report regarding the respondent's relative risk to the community. A proposed treatment plan shall be provided and shall include, at a minimum:

(a) Whether inpatient and/or outpatient treatment is recommended;

(b) Availability of appropriate treatment;

(c) Monitoring plans, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members, legal guardians, or others;

(d) Anticipated length of treatment; and

(e) Recommended crime-related prohibitions.

(4) The court on its own motion may order, or on a motion by the state or the respondent shall order, a second examination. The evaluator shall be selected by the party making the motion. The requesting party shall pay the cost of any examination ordered under this subsection unless the requesting party is the offender and the court finds that the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(5)(a) After receipt of reports of the examination, the court shall then consider whether the offender and the community will benefit from use of this chemical dependency disposition alternative and consider the victim's opinion whether the offender should receive a treatment disposition under this section.

(b) If the court determines that this chemical dependency disposition alternative is appropriate, then the court shall impose the standard range for the offense, or if the court concludes, and enters reasons for its conclusion, that such disposition would effectuate a manifest injustice, the court shall impose a disposition above the standard range as indicated in option ((e)) D of RCW 13.40.0357 if the disposition is an increase from the standard range and the confinement of the offender does not exceed a maximum of fifty-two weeks, suspend execution of the disposition, and place the offender on community supervision for up to one year. As a condition of the suspended disposition, the court shall require the offender to undergo available outpatient drug/alcohol treatment and/or inpatient drug/alcohol treatment. For purposes of this section, inpatient treatment may not exceed ninety days. As a condition of the suspended disposition, the court may impose conditions of community supervision and other sanctions, including up to thirty days of confinement, one hundred fifty hours of community restitution, and payment of legal financial obligations and restitution.

(6) The drug/alcohol treatment provider shall submit monthly reports on the respondent's progress in treatment to the court and the parties. The reports shall reference the treatment plan and include at a minimum the following: Dates of attendance, respondent's compliance with requirements, treatment activities, the respondent's relative progress in treatment, and any other material specified by the court at the time of the disposition.

At the time of the disposition, the court may set treatment review hearings as the court considers appropriate.

If the offender violates any condition of the disposition or the court finds that the respondent is failing to make satisfactory progress in treatment, the court may impose sanctions pursuant to RCW 13.40.200 or revoke the suspension and order execution of the disposition. The court shall give credit for any confinement time previously served if that confinement was for the offense for which the suspension is being revoked.

(7) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged.

(8) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(9) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

(10) A disposition under this section is not appealable under RCW 13.40.230.

NEW SECTION. Sec. 7. Because model adherence and competent delivery of research-based intervention programs is critical for reducing recidivism, the Washington state institute for public policy shall develop adherence and outcome standards for measuring effectiveness of treatment programs referred to in this act. The standards shall be developed and presented to the governor and legislature no later than January 1, 2004. The standards shall include methods for measuring competent delivery of interventions as well as success factors following treatment. The standards shall include, but not be limited to hiring, training and retaining qualified providers, managing and overseeing the delivery of treatment services, and developing quality assurance measures. The department shall utilize these standards to assess program effectiveness. The courts shall also utilize these standards in determining their continued use of these alternatives. The courts shall not continue to use programs that do not comply with these standards.

NEW SECTION. Sec. 8. (1) A task force is created for the purpose of examining the coordination of information, education services, and matters of public safety when juvenile offenders are placed into public schools, following their conviction.

(2) The task force shall be chaired by the superintendent of public instruction and include a representative from the juvenile rehabilitation administration of the department of social and health services, the state board of education, associations which represent school teachers, administrators, and school boards, superior court judges, the Washington association of juvenile court administrators, prosecuting attorneys, the governor, attorneys whose practice includes criminal defense work for juvenile defendants, three groups whose primary purpose is the delivery of services to families and children, and law enforcement. The three groups who deliver services shall be selected by the superintendent of public instruction.

(3) The task force shall identify specific policies and statutory, administrative, and practice processes and barriers that may operate to impede: (a) The identification and delivery of appropriate and coordinated services to juvenile offenders who are placed in, or returned to public schools following conviction of an offense; and (b) transmittal of information regarding juvenile offenders who are returned to, or placed in, public schools following conviction of an offense. The task force shall recommend specific statutory and administrative changes as it finds appropriate to eliminate or reduce the barriers identified as a result of this subsection (3).

(4) The task force shall report its findings and recommendations to the governor, the legislature, and the agencies represented on the task force not later than December 1, 2003.

NEW SECTION. Sec. 9. Sections 7 and 8 of this act expire December 31, 2003.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2003, in the omnibus appropriations act, this act is null and void."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Hargrove moved that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5903.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Hargrove that the Senate concur in the House amendment to Engrossed Substitute Senate Bill No. 5903.

The motion by Senator Hargrove carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5903.

POINT OF INQUIRY

Senator Roach: "Senator Hargrove, not to be antagonistic or anything, but I am wondering, because I am not a member of the this committee, I have noticed before that the Washington Association of Prosecuting Attorneys is not on record as supporting the bill. Can you tell me why or is that fair to ask?"

Senator Hargrove: "Yes, I believe it is the Option B provisions--that was part of the juvenile justice 'quote' deal in 1997. We passed it out of here with that in it. The House totally agreed with that provision of it. It is still in it; there were no changes to those sections of the bill in the last amendment."

Senator Roach: "And they had wanted it changed? Is that why--?"

Senator Hargrove: "No, the amendment had to do with the piece of the bill that did not relate to that."

Senator Roach: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5903, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5903, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Voting nay: Senators Doumit, Eide, Esser, Haugen, Johnson, Roach, Sheldon, T. - 7.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5903, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6056 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 47.68.233 and 2000 c 176 s 1 are each amended to read as follows:

The department shall require that every pilot who is a resident of this state and every nonresident pilot who regularly operates any aircraft in this state be registered with the department. The department shall charge an annual fee (~~(not to exceed ten dollars)~~) of fifteen dollars for each registration. For the period of July 1, 2003, through June 30, 2005, seven dollars of each registration fee collected shall be deposited into the aeronautics account, to be used solely for airport maintenance. All registration certificates issued under this section shall be renewed annually during the month of the registrant's birthdate.

Except as provided in the paragraph above, the registration fee imposed by this section shall be used by the department for the purpose of (a) search and rescue of lost and downed aircraft and airmen under the direction and supervision of the secretary, (b) safety and education, and (c) volunteer recognition and support.

Registration shall be effected by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and in connection therewith shall prescribe requirements for the possession and exhibition of the certificates.

The provisions of this section do not apply to:

(1) A pilot who operates an aircraft exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia;

(2) A pilot registered under the laws of a foreign country;

(3) A pilot engaged exclusively in commercial flying constituting an act of interstate or foreign commerce;

(4) A person piloting an aircraft equipped with fully functioning dual controls when a licensed instructor is in full charge of one set of the controls and the flight is solely for instruction or for the demonstration of the aircraft to a bona fide prospective purchaser.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident thereto.

Sec. 2. RCW 47.68.234 and 1993 c 208 s 3 are each amended to read as follows:

The department shall require that every airman or airwoman that is not registered under RCW 47.68.233 and who is a resident of this state, or every nonresident airman or airwoman who is regularly performing duties as an airman or airwoman within this state, be registered with the department. The department shall charge an annual fee (~~(not to exceed ten dollars)~~) of fifteen dollars for each registration. For the period of July 1, 2003, through June 30, 2005, seven dollars of which shall be deposited into the aeronautics account, to be used solely for airport maintenance. A registration certificate issued under this section is to be renewed annually during the month of the registrant's birthdate.

Except as provided in the paragraph above, the department shall use the registration fee imposed under this section for the purposes of: (1) Search and rescue of lost and downed aircraft and airmen or airwomen under the direction and supervision of the secretary; and (2) safety and education.

Registration is (~~(affected [effected])~~) effected by filing with the department a certified written statement that contains the information reasonably required by the department. The department shall issue certificates of registration and, in connection with the certificates, shall provide requirements for the possession and exhibition of the certificates.

Failure to register as provided in this section is a violation of RCW 47.68.230 and subjects the offender to the penalties incident to this section.

Sec. 3. RCW 47.68.240 and 2000 c 229 s 2 are each amended to read as follows:

(1) Any person violating any of the provisions of this chapter, or any of the rules, regulations, or orders issued pursuant thereto, shall be guilty of a misdemeanor and shall be punished as provided under chapter 9A.20 RCW, except that any person violating any of the provisions of RCW 47.68.220, 47.68.230, or 47.68.255 shall be guilty of a gross misdemeanor which shall be punished as provided under chapter 9A.20 RCW. In addition to, or in lieu of, the penalties provided in this section, or as a condition to the suspension of a sentence which may be imposed pursuant thereto, for violations of RCW 47.68.220 and 47.68.230, the court in its discretion may prohibit the

violator from operating an aircraft within the state for such period as it may determine but not to exceed one year. Violation of the duly imposed prohibition of the court may be treated as a separate offense under this section or as a contempt of court.

(2) In addition to the provisions of subsection (1) of this section, failure to register an aircraft, as required by this chapter is subject to the following civil penalties:

(a) If the aircraft registration is sixty days to one hundred nineteen days past due, the civil penalty is one hundred dollars.

(b) If the aircraft registration is one hundred twenty days to one hundred eighty days past due, the civil penalty is two hundred dollars.

(c) If the aircraft registration is over one hundred eighty days past due, the civil penalty is four hundred dollars.

(3) In addition to the provisions in subsection (1) of this section, failure to register as a pilot, airman, or airwoman, as required by this chapter, is subject to a civil penalty of four times the fees that are due. If the pilot registration is sixty days past due, the pilot, airman, or airwoman is subject to the civil penalty of four times the fees that are due.

(4) The revenue from penalties prescribed in subsection (2) of this section must be deposited into the aeronautics account under RCW 82.42.090. The revenue from penalties prescribed in subsection (3) of this section must be deposited into the aircraft search and rescue, safety, and education account under RCW 47.68.236.

Sec. 4. RCW 47.68.250 and 1999 c 302 s 2 are each amended to read as follows:

Every aircraft shall be registered with the department for each calendar year in which the aircraft is operated or is based within this state. A fee of ~~((eight))~~ fifteen dollars shall be charged for each such registration and each annual renewal thereof.

Possession of the appropriate effective federal certificate, permit, rating, or license relating to ownership and airworthiness of the aircraft, and payment of the excise tax imposed by Title 82 RCW for the privilege of using the aircraft within this state during the year for which the registration is sought, and payment of the registration fee required by this section shall be the only requisites for registration of an aircraft under this section.

The registration fee imposed by this section shall be payable to and collected by the secretary. The fee for any calendar year must be paid during the month of January, and shall be collected by the secretary at the time of the collection by him or her of the said excise tax. If the secretary is satisfied that the requirements for registration of the aircraft have been met, he or she shall thereupon issue to the owner of the aircraft a certificate of registration therefor. The secretary shall pay to the state treasurer the registration fees collected under this section, which registration fees shall be credited to the aeronautics account in the transportation fund.

It shall not be necessary for the registrant to provide the secretary with originals or copies of federal certificates, permits, ratings, or licenses. The secretary shall issue certificates of registration, or such other evidences of registration or payment of fees as he or she may deem proper; and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences.

The provisions of this section shall not apply to:

(1) An aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft registered under the laws of a foreign country;

(3) An aircraft which is owned by a nonresident and registered in another state: PROVIDED, That if said aircraft shall remain in and/or be based in this state for a period of ninety days or longer it shall not be exempt under this section;

(4) An aircraft engaged principally in commercial flying constituting an act of interstate or foreign commerce;

(5) An aircraft owned by the commercial manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(6) An aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

(7) An aircraft based within the state that is in an unairworthy condition, is not operated within the registration period, and has obtained a written exemption issued by the secretary.

The secretary shall be notified within ~~((one week))~~ thirty days of any change in ownership of a registered aircraft. The notification shall contain the N, NC, NR, NL, or NX number of the aircraft, the full name and address of the former owner, and the full name and address of the new owner. For failure to so notify the secretary, the registration of that aircraft may be canceled by the secretary, subject to reinstatement upon application and payment of a reinstatement fee of ten dollars by the new owner.

~~((A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration or proof of intent to register an aircraft as a condition of leasing or selling tiedown or hangar space for an aircraft. The airport shall inform the lessee or purchaser of the tiedown or hangar space of the state law requiring registration and direct the person to comply with the state law if the person has not already done so. The airport may lease or sell tiedown or hangar space to owners of nonregistered aircraft after presenting them with the appropriate state registration forms. It is then the responsibility of the lessee or purchaser to register the aircraft. The airport shall report to the department's aviation division at the end of each month, the names, addresses, and "N" numbers of those aircraft owners not yet registered)) A municipality or port district that owns, operates, or leases an airport, as defined in RCW 47.68.020, with the intent to operate, shall require from an aircraft owner proof of aircraft registration as a condition of leasing or selling tiedown or hangar space for an aircraft. It is the responsibility of the lessee or purchaser to register the aircraft. The airport shall work with the aviation division to assist in its efforts to register aircraft by providing information about based aircraft on an annual basis as requested by the division.~~

Sec. 5. RCW 82.42.020 and 1996 c 104 s 13 are each amended to read as follows:

There is hereby levied, and there shall be collected by every distributor of aircraft fuel, an excise tax at the rate ~~((computed under RCW 82.42.025))~~ of ten cents on each gallon of aircraft fuel sold, delivered or used in this state: PROVIDED HOWEVER, That such aircraft fuel excise tax shall not apply to fuel for aircraft that both operate from a private, non-state-funded airfield during at least ninety-five percent of the aircraft's normal use and are used principally for the application of pesticides, herbicides, or other agricultural chemicals and shall not apply to fuel for emergency medical air transport entities: PROVIDED FURTHER, That there shall be collected from every consumer or user of aircraft fuel either the use tax imposed by RCW 82.12.020, as amended, or the retail sales tax imposed by RCW 82.08.020, as amended, collection procedure to be as prescribed by law and/or rule or regulation of the department of revenue. The taxes imposed by this chapter shall be collected and paid to the state but once in respect to any aircraft fuel.

The tax required by this chapter, to be collected by the seller, is held in trust by the seller until paid to the department, and a seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

NEW SECTION. Sec. 6. RCW 82.42.025 (Computation of aircraft fuel tax rate) and 1983 c 49 s 2 & 1982 1st ex.s. c 25 s 3 are each repealed.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003.", and the same are herewith transmitted
CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Horn, the Senate concurred in the House amendment to Senate Bill No. 6056.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6056, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6056, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau, West and Winsley - 34.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Hewitt, Honeyford, Johnson, Morton, Mulliken, Parlette, Roach, Sheldon, T., Stevens and Zarelli - 14.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 6056, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5725 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the welfare of the people of the state of Washington is positively impacted through the encouragement and expansion of family wage employment in the state's manufacturing industries. The legislature further finds that targeting tax incentives to focus on key industry clusters is an important business climate strategy. The Washington competitiveness council has recognized the semiconductor industry, which includes the design and manufacture of semiconductor materials, as one of the state's existing key industry clusters. Businesses in this cluster in the state of Washington are facing increasing pressure to expand elsewhere. The sales and use tax exemptions for manufacturing machinery and equipment enacted by the 1995 legislature improved Washington's ability to compete with other states for manufacturing investment. However, additional incentives for the semiconductor cluster need to be put in place in recognition of the unique forces and global issues involved in business decisions that key businesses in this cluster face.

Therefore, the legislature intends to enact comprehensive tax incentives for the semiconductor cluster that address activities of the lead product industry and its suppliers and customers. Tax incentives for the semiconductor cluster are important in both retention and expansion of existing business and attraction of new businesses, all of which will strengthen this cluster. The legislature also recognizes that the semiconductor industry involves major investment that results in significant construction projects, which will create jobs and bring many indirect benefits to the state during the construction phase.

NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) The tax imposed by RCW 82.04.240(2) does not apply to any person in respect to the manufacturing of semiconductor microchips.

(2) For the purposes of this section:

(a) "Manufacturing semiconductor microchips" means taking raw polished semiconductor wafers and embedding integrated circuits on the wafers using processes such as masking, etching, and diffusion; and

(b) "Integrated circuit" means a set of microminiaturized, electronic circuits.

(3) This section expires nine years after the effective date of this act.

Sec. 3. RCW 82.04.240 and 1998 c 312 s 3 are each amended to read as follows:

(1) Upon every person (~~except persons taxable under RCW 82.04.260 (1), (2), (4), (5), or (6))~~ engaging within this state in business as a manufacturer, ~~except persons taxable as manufacturers under other provisions of this chapter;~~ as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of 0.484 percent.

(2) ~~Upon every person engaging within this state in the business of manufacturing semiconductor materials, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or, in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.275 percent. For the purposes of this subsection "semiconductor materials" means silicon crystals, silicon ingots, raw polished semiconductor wafers, compound semiconductors, integrated circuits, and microchips. This subsection (2) expires twelve years after the effective date of this act.~~

(3) The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

Sec. 4. RCW 82.04.280 and 1998 c 343 s 3 are each amended to read as follows:

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals, or magazines; (2) building, repairing or improving any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind and including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire, ~~except persons taxable as processors for hire under another section of this chapter;~~ (4) operating a cold storage warehouse or storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; (6) radio and television broadcasting, excluding network, national and regional advertising computed as a standard deduction based on the national average thereof as annually reported by the Federal Communications Commission, or in lieu thereof by itemization by the individual broadcasting station, and excluding that portion of revenue represented by the out-of-state audience computed as a ratio to the station's total audience as measured by the 100 micro-volt signal strength

and delivery by wire, if any; (7) engaging in activities which bring a person within the definition of consumer contained in RCW 82.04.190(6); as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.484 percent.

As used in this section, "cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, meat, seafood, dairy products, or fowl, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

As used in this section, "storage warehouse" means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under chapter 22.09 RCW, public garages storing automobiles, railroad freight sheds, docks and wharves, and "self-storage" or "mini storage" facilities whereby customers have direct access to individual storage areas by separate entrance. "Storage warehouse" does not include a building or structure, or that part of such building or structure, in which an activity taxable under RCW 82.04.272 is conducted.

As used in this section, "periodical or magazine" means a printed publication, other than a newspaper, issued regularly at stated intervals at least once every three months, including any supplement or special edition of the publication.

NEW SECTION. Sec. 5. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to charges made for labor and services rendered in respect to the constructing of new buildings used for the manufacturing of semiconductor materials, to sales of tangible personal property that will be incorporated as an ingredient or component of such buildings during the course of the constructing, or to labor and services rendered in respect to installing, during the course of constructing, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b). The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) To be eligible under this section the manufacturer or processor for hire must meet the following requirements for an eight-year period, such period beginning the day the new building commences commercial production, or a portion of tax otherwise due shall be immediately due and payable pursuant to subsection (3) of this section:

(a) The manufacturer or processor for hire must maintain at least seventy-five percent of full employment at the new building for which the exemption under this section is claimed.

(b) Before commencing commercial production at a new facility the manufacturer or processor for hire must meet with the department to review projected employment levels in the new buildings. The department, using information provided by the taxpayer, shall make a determination of the number of positions that would be filled at full employment. This number shall be used throughout the eight-year period to determine whether any tax is to be repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(c) In those situations where a production building in existence on the effective date of this section will be phased out of operation during which time employment at the new building at the same site is increased, the manufacturer or processor for hire shall maintain seventy-five percent of full employment at the manufacturing site overall.

(d) No application is necessary for the tax exemption. The person is subject to all the requirements of chapter 82.32 RCW. A person taking the exemption under this section must report as required under section 11 of this act.

(3) If the employment requirement is not met for any one calendar year, one-eighth of the exempt sales and use taxes shall be due and payable by April 1st of the following year. The department shall assess interest to the date the tax was imposed, but not penalties, on the taxes for which the person is not eligible.

(4) The exemption applies to new buildings, or parts of buildings, that are used exclusively in the manufacturing of semiconductor materials, including the storage of raw materials and finished product.

(5) For the purposes of this section:

(a) "Commencement of commercial production" is deemed to have occurred when the equipment and process qualifications in the new building are completed and production for sale has begun; and

(b) "Full employment" is the number of positions required for full capacity production at the new building, for positions such as line workers, engineers, and technicians.

(c) "Semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(6) No exemption may be taken after twelve years after the effective date of this act, however all of the eligibility criteria and limitations are applicable to any exemptions claimed before that date.

(7) This section expires twelve years after the effective date of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of tangible personal property that will be incorporated as an ingredient or component of new buildings used for the manufacturing of semiconductor materials during the course of constructing such buildings or to labor and services rendered in respect to installing, during the course of constructing, building fixtures not otherwise eligible for the exemption under RCW 82.08.02565(2)(b).

(2) The eligibility requirements, conditions, and definitions in section 5 of this act apply to this section.

(3) No exemption may be taken twelve years after the effective date of this act, however all of the eligibility criteria and limitations are applicable to any exemptions claimed before that date.

(4) This section expires twelve years after the effective date of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of gases and chemicals used by a manufacturer or processor for hire in the manufacturing of semiconductor materials. This exemption is limited to gases and chemicals used in the manufacturing process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the manufacturing process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For the purposes of this section, "semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(2) A person taking the exemption under this section must report under section 11 of this act. No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(3) This section expires twelve years after the effective date of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of gases and chemicals used by a manufacturer or processor for hire in the manufacturing of semiconductor materials. This exemption is limited to gases and chemicals used in the manufacturing process to grow the product, deposit or grow permanent or sacrificial layers on the product, to etch or remove material from the product, to anneal the product, to immerse the product, to clean the product, and other such uses whereby the gases and chemicals come into direct contact with the product during the manufacturing process, or uses of gases and chemicals to clean the chambers and other like equipment in which such processing takes place. For purposes of this section, "semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(2) A person taking the exemption under this section must report under section 11 of this act. No application is necessary for the tax exemption. The person is subject to all of the requirements of chapter 82.32 RCW.

(3) This section expires twelve years after the effective date of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 82.04 RCW to read as follows:

(1) Subject to the limits and provisions of this section, a credit is authorized against the tax otherwise due under RCW 82.04.240(2) for persons engaged in the business of manufacturing semiconductor materials. For the purposes of this section "semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(2)(a) The credit under this section shall equal three thousand dollars for each employment position used in manufacturing production that takes place in a new building exempt from sales and use tax under sections 5 and 6 of this act. A credit is earned for the calendar year a person fills a position. Additionally a credit is earned for each year the position is maintained over the subsequent consecutive years, up to eight years. Those positions that are not filled for the entire year are eligible for fifty percent of the credit if filled less than six months, and the entire credit if filled more than six months.

(b) To qualify for the credit, the manufacturing activity of the person must be conducted at a new building that qualifies for the exemption from sales and use tax under sections 5 and 6 of this act.

(c) In those situations where a production building in existence on the effective date of this section will be phased out of operation, during which time employment at the new building at the same site is increased, the person is eligible for credit for employment at the existing building and new building, with the limitation that the combined eligible employment not exceed full employment at the new building. "Full employment" has the same meaning as in section 5 of this act. The credit may not be earned until the commencement of commercial production, as that term is used in section 5 of this act.

(3) No application is necessary for the tax credit. The person is subject to all of the requirements of chapter 82.32 RCW. In no case may a credit earned during one calendar year be carried over to be credited against taxes incurred in a subsequent calendar year. No refunds may be granted for credits under this section.

(4) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been claimed shall be immediately due. The department shall assess interest, but not penalties, on the taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be retroactive to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(5) A person taking the credit under this section must report under section 11 of this act.

(6) Credits may be taken after twelve years after the effective date of this act, for those buildings at which commercial production began before twelve years after the effective date of this act, subject to all of the eligibility criteria and limitations of this section.

(7) This section expires twelve years after the effective date of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 84.36 RCW to read as follows:

(1) Machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 used in manufacturing semiconductor materials at a building exempt from sales and use tax and in compliance with the employment requirement under sections 5 and 6 of this act are tax exempt from taxation. "Semiconductor materials" has the same meaning as provided in RCW 82.04.240(2).

(2) A person seeking this exemption must make application to the county assessor, on forms prescribed by the department.

(3) A person receiving an exemption under this section must report in the manner prescribed in section 11 of this act.

(4) This section is effective for taxes levied for collection one year after the effective date of this act and thereafter.

(5) This section expires December 31st of the year occurring twelve years after the effective date of this act, for taxes levied for collection in the following year.

NEW SECTION. Sec. 11. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.240(2) or who claims an exemption or credit under section 2 or 5 through 10 of this act, shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report shall not include names of employees. The report shall also detail employment by the total number of full-time, part-time, and temporary positions. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under RCW 82.04.240(2), or tax exemption or credit under section 2 or 5 through 10 of this act. The report is due by March 31st following any year in which a preferential tax rate under RCW 82.04.240(2) is used, or tax exemption or credit under section 2 or 5 through 10 of this act is taken. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection the department shall declare the amount of taxes exempted or credited for that year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(3) By November 1st of the year occurring five years after the effective date of this act, and November 1st of the year occurring eleven years after the effective date of this act, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of chapter . . . , Laws of 2003 (this act) in regard to keeping Washington competitive. The report shall measure the effect of chapter . . . , Laws of 2003 (this act) on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The reports shall include a discussion of principles to apply in evaluating whether the legislature should reenact any or all of the tax preferences in chapter . . . , Laws of 2003 (this act).

NEW SECTION. Sec. 12. (1)(a) This act is contingent upon the siting and commercial operation of a significant semiconductor microchip fabrication facility in the state of Washington.

(b) For the purposes of this section:

(i) "Commercial operation" means the same as "commencement of commercial production" as used in section 5 of this act.

(ii) "Semiconductor microchip fabrication" means "manufacturing semiconductor microchips" as defined in section 2 of this act.

(iii) "Significant" means the combined investment of new buildings and new machinery and equipment in the buildings, at the commencement of commercial production, will be at least one billion dollars.

(2) This act takes effect the first day of the month in which a contract for the construction of a significant semiconductor fabrication facility is signed, as determined by the director of the department of revenue.

(3)(a) The department of revenue shall provide notice of the effective date of this act to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) If, after making a determination that a contract has been signed and this act is effective, the department discovers that commencement of commercial production did not take place within three years of the date the contract was signed, the department shall make a determination that this act is no longer effective, and all taxes that would have been otherwise due shall be deemed deferred taxes and are immediately assessed and payable from any person reporting tax under RCW 82.04.240(2) or claiming an exemption or credit under section 2 or 5 through 10 of this act. The department is not authorized to make a second determination regarding the effective date of this act."

Correct the title., and the same are herewith transmitted CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Zarelli moved that the Senate concur the House amendment to Senate Bill No. 5725.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Zarelli that the Senate concur in the House amendment to Senate Bill No. 5725.

The motion by Senator Zarelli carried and the Senate concurred in the House amendment to Senate Bill No. 5725.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5725, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5725, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 40.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Kastama, Regala, Spanel and Thibaudeau - 8.

Excused: Senator McCaslin - 1.

SENATE BILL NO. 5725, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6026 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Area" means a tourism promotion area.

(2) "Legislative authority" means the legislative authority of any county with a population greater than forty thousand but less than one million, or of any city or town within such a county, including unclassified cities or towns operating under special charters.

(3) "Lodging business" means a person that furnishes lodging taxable by the state under chapter 82.08 RCW that has forty or more lodging units.

(4) "Tourism promotion" means activities and expenditures designed to increase tourism and convention business, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists, and operating tourism destination marketing organizations.

NEW SECTION. Sec. 2. For the purpose of establishing a tourism promotion area, an initiation petition must be presented to the legislative authority having jurisdiction of the area in which the proposed tourism promotion area is to be located. The initiation petition must include the following:

(1) A description of the boundaries of the proposed area;

(2) The proposed uses and projects to which the proposed revenue from the charge shall be put and the total estimated costs;

(3) The estimated rate for the charge with a proposed breakdown by class of lodging business if such classification is to be used; and

(4) The signatures of the persons who operate lodging businesses in the proposed area who would pay sixty percent or more of the proposed charges.

NEW SECTION. Sec. 3. A legislative authority shall, after receiving a valid initiation petition under section 2 of this act, adopt a resolution of intention to establish an area. The resolution must state:

(1) The time and place of a hearing to be held by the legislative authority to consider the establishment of an area;

(2) A description of boundaries in the proposed area;

(3) The proposed area uses and projects to which the proposed revenues from the charge shall be dedicated and the total estimated cost of projects; and

(4) The estimated rate or rates of the charge with a proposed breakdown of classifications as described in section 5 of this act.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (2) of this section, no legislative authority may establish a tourism promotion area that includes within the boundaries of the area:

(a) Any portion of an incorporated city or town, if the legislative authority is that of the county; and

(b) Any portion of the county outside of an incorporated city or town, if the legislative authority is that of the city or town.

(2) By interlocal agreement adopted pursuant to chapter 39.34 RCW, a county, city, or town may establish a tourism promotion area that includes within the boundaries of the area portions of its own jurisdiction and another jurisdiction, if the other jurisdiction is party to the agreement.

NEW SECTION. Sec. 5. A legislative authority may impose a charge on the furnishing of lodging by a lodging business located in the area.

(1) There shall not be more than six classifications upon which a charge can be imposed.

(2) Classifications can be based upon the number of rooms, room revenue, or location within the area.

(3) Each classification may have its own rate, which shall be expressed in terms of nights of stay.

(4) In no case may the rate under this section be in excess of two dollars per night of stay.

NEW SECTION. Sec. 6. Notice of a hearing held under section 3 of this act shall be given by:

(1) One publication of the resolution of intention in a newspaper of general circulation in the city or county in which the area is to be established; and

(2) Mailing a complete copy of the resolution of intention to each lodging business in the proposed area.

Publication and mailing shall be completed at least ten days prior to the date and time of the hearing.

NEW SECTION. Sec. 7. Whenever a hearing is held under section 3 of this act, the legislative authority shall hear all protests and receive evidence for or against the proposed action. The legislative authority may continue the hearing from time to time. Proceedings shall terminate if protest is made by the lodging businesses in the area which would pay a majority of the proposed charges.

NEW SECTION. Sec. 8. Only after an initiation petition has been presented to the legislative authority under section 2 of this act and only after the legislative authority has conducted a hearing under section 3 of this act, may the legislative authority adopt an ordinance to establish an area. If the legislative authority adopts an ordinance to establish an area, the ordinance shall contain the following information:

- (1) The number, date, and title of the resolution of intention pursuant to which it was adopted;
- (2) The time and place the hearing was held concerning the formation of the area;
- (3) The description of the boundaries of the area;
- (4) The initial or additional rate of charges to be imposed with a breakdown by classification, if such classification is used;

(5) A statement that an area has been established; and

(6) The uses to which the charge revenue shall be put. Uses shall conform to the uses declared in the initiation petition under section 2 of this act.

NEW SECTION. Sec. 9. (1) The charge authorized by this chapter shall be administered by the department of revenue and shall be collected by lodging businesses from those persons who are taxable by the state under chapter 82.08 RCW. Chapter 82.32 RCW applies to the charge imposed under this chapter.

(2) At least seventy-five days prior to the effective date of the resolution or ordinance imposing the charge, the legislative authority shall contract for the administration and collection by the department of revenue.

(3) The charges authorized by this chapter that are collected by the department of revenue shall be deposited by the department in the local tourism promotion account created in section 10 of this act.

NEW SECTION. Sec. 10. The local tourism promotion account is created in the custody of the state treasurer. All receipts from the charges for tourism promotion must be deposited into this account. Expenditures from the account may only be used for tourism promotion. The state treasurer shall distribute the money in the account on a monthly basis to the legislative authority on whose behalf the money was collected.

NEW SECTION. Sec. 11. The charges imposed under this chapter are in addition to the special assessments that may be levied under chapter 35.87A RCW.

NEW SECTION. Sec. 12. The charges imposed under this chapter are not a tax on the "sale of lodging" for the purposes of RCW 82.14.410.

NEW SECTION. Sec. 13. (1) The legislative authority imposing the charge shall have sole discretion as to how the revenue derived from the charge is to be used to promote tourism. However, the legislative authority may appoint existing advisory boards or commissions to make recommendations as to its use, or the legislative authority may create a new advisory board or commission for the purpose.

(2) The legislative authority may contract with tourism destination marketing organizations or other similar organizations to administer the operation of the area, so long as the administration complies with all applicable provisions of law, including this chapter, and with all county, city, or town resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

NEW SECTION. Sec. 14. The legislative authority may disestablish an area by ordinance after a hearing before the legislative authority. The legislative authority shall adopt a resolution of intention to disestablish the area at least fifteen days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

Sec. 15. RCW 43.79A.040 and 2002 c 322 s 5, 2002 c 204 s 7, and 2002 c 61 s 6 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the local tourism promotion account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 16. Sections 1 through 14 of this act constitute a new chapter in Title 35 RCW."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator West, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 6026.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6026, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6026, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Senators Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 42.

Voting nay: Senators Benton, Esser, Fraser, Parlette, Roach and Zarelli - 6.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6026, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Sheahan moved that the Senate immediately consider the House Message on Engrossed Senate Bill No. 5450.

MOTION

Senator Doumit moved that the Message from the House on Engrossed Substitute Senate Bill No. 5776 be read in and that the Senate concur in the House amendment(s).

The President declared the question before the Senate to be the first motion by Senator Sheahan to immediately consider the Message from the House on Engrossed Senate Bill No. 5450.

The motion by Senator Sheahan carried and the Senate will now consider the Message from the House on Engrossed Senate Bill No. 5450.

MESSAGE FROM THE HOUSE

April 26, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 5450 with the following amendment(s):

On page 6, after line 25, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 46.04 RCW to read as follows:

"Motorized foot scooter" means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion.

For purposes of this section, a motor-driven cycle, a moped, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

Sec. 7. RCW 46.04.332 and 2002 c 247 s 4 are each amended to read as follows:

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor that produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped, a motorized foot scooter, or an electric personal assistive mobility device.

Sec. 8. RCW 46.16.010 and 2000 c 229 s 1 are each amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided. Failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof must be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred.

Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

(3) These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

((b)) (c) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

((e)) (d) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

((d)) (e) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

((e)) (f) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(4) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

Sec. 9. RCW 46.20.500 and 2002 c 247 s 6 are each amended to read as follows:

(1) No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

Sec. 10. RCW 46.37.530 and 1997 c 328 s 4 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state patrol;

(c) For any person to operate or ride upon a motorcycle, motor-driven cycle, motorized foot scooter, or moped on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the state patrol except when the vehicle is an antique motor-driven cycle or automobile that is licensed as a motorcycle or when the vehicle is equipped with seat belts and roll bars approved by the state patrol. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion. Persons operating electric-assisted bicycles shall comply with all laws and regulations related to the use of bicycle helmets;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state patrol.

(2) The state patrol is hereby authorized and empowered to adopt and amend rules, pursuant to the Administrative Procedure Act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Sec. 11. RCW 46.61.710 and 2002 c 247 s 7 are each amended to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of RCW 46.16.630.

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped, electric personal assistive mobility device, or an electric-assisted bicycle on a fully controlled limited access highway is unlawful. Operation of a moped or an electric-assisted bicycle on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles. Electric-assisted bicycles and motorized foot scooters may have access to highways of the state to the same extent as bicycles. Subject to subsection (6) of this section, electric-assisted bicycles and motorized foot scooters may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles and motorized foot scooters, and state agencies may regulate the use of motorized foot scooters on facilities and properties under their jurisdiction and control.

(6) Subsections (1) and (4) of this section do not apply to motorized foot scooters. Subsection (2) of this section applies to motorized foot scooters when the bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds. Additionally, any new trail or bicycle path or readily identifiable existing trail or bicycle path not

built or maintained with federal highway transportation funds may be used by persons operating motorized foot scooters only when appropriately signed.

(7) A person operating an electric personal assistive mobility device (EPAMD) shall obey all speed limits and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing a pedestrian. Except for the limitations of this subsection, persons operating an EPAMD have all the rights and duties of a pedestrian.

((7)) (8) The use of an EPAMD may be regulated in the following circumstances:

(a) A municipality and the department of transportation may prohibit the operation of an EPAMD on public highways within their respective jurisdictions where the speed limit is greater than twenty-five miles per hour;

(b) A municipality may restrict the speed of an EPAMD in locations with congested pedestrian or nonmotorized traffic and where there is significant speed differential between pedestrians or nonmotorized traffic and EPAMD operators. The areas in this subsection must be designated by the city engineer or designee of the municipality. Municipalities shall not restrict the speed of an EPAMD in the entire community or in areas in which there is infrequent pedestrian traffic;

(c) A state agency or local government may regulate the operation of an EPAMD within the boundaries of any area used for recreation, open space, habitat, trails, or conservation purposes.

Sec. 12. RCW 46.81A.010 and 1988 c 227 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Motorcycle skills education program" means a motorcycle rider skills training program to be administered by the department.

(2) "Department" means the department of licensing.

(3) "Director" means the director of licensing.

(4) "Motorcycle" means a motorcycle licensed under chapter 46.16 RCW, and does not include motorized bicycles, mopeds, scooters, motorized foot scooters, off-road motorcycles, motorized tricycles, side-car equipped motorcycles, or four-wheel all-terrain vehicles."

Renumber the remaining section consecutively and correct the title., and the same are herewith transmitted. CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Horn, the Senate concurred in the House amendment to Engrossed Senate Bill No. 5450.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5450, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5450, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 5450, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

Senator Sheahan moved that the motion by Senator Doumit to consider the Message from the House on Engrossed Substitute Senate Bill No. 5776 be amended and to now consider House Joint Memorial No. 4021.

POINT OF ORDER

Senator Doumit: "A point of order, Mr. President. I believe I had a motion on the floor prior to the last motion."

REPLY BY THE PRESIDENT

President Owen: "Your motion was to consider the Message from the House on Engrossed Substitute Senate Bill No. 5776."

Senator Doumit: "And to concur in the amendment(s)."

President Owen: "Correct, Senator Doumit. Senator Sheahan has moved to amend your motion and to immediately consider House Joint Memorial No. 4021."

The President declared the question before the Senate to be the motion by Senator Sheahan to amend the motion by Senator Doumit to consider the Message from the House on Engrossed Substitute Senate Bill No. 5776 and to immediately consider the Message from the House on House Joint Memorial No. 4021.

PARLIAMENTARY INQUIRY

Senator Doumit: "A parliamentary inquiry, Mr. President. Is the amendment correct when it is not pertinent to the motion on the floor? It is not the same bill, not the same title, not the same issue."

REPLY BY THE PRESIDENT

President Owen: "Well, in part, therein lies the problem. The President is struggling with the motions being made the way they were, because we are discussing whether or not your motion can take an amendment, and so, if the motion was properly made by Senator Sheahan."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Sheahan to amend the motion by Senator Doumit to consider the Message from the House on Engrossed Substitute Senate Bill No. 5776 and to now consider the Message from the House on House Joint Memorial No. 4021.

The motion by Senator Sheahan to amend the motion by Senator Doumit carried on a rising vote.

POINT OF ORDER

Senator Doumit: "A point of order, Mr. President. My question is how do you ever get to the original motion to concur if you want to continue to allow motions on the floor to amend the calendar continuously?"

REPLY BY THE PRESIDENT

President Owen: "The answer to your question, Senator, is by defeating the motion."

The President declared the question before the Senate is the adoption of the amendment by Senator Sheahan, to the motion by Senator Doumit, which would be to consider the House Message on House Joint Memorial No. 4021.

The motion by Senator Sheahan carried and the Senate will now consider the Message from the House on House Joint Memorial No. 4021.

MESSAGE FROM THE HOUSE

April 22, 2003

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE JOINT MEMORIAL NO. 4021 and asks the Senate to recede therefrom, and the same are herewith transmitted. CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Esser, the Senate insists on its position regarding the Senate amendment(s) to House Joint Memorial No. 4021 and asks the House to concur therein.

MOTION

On motion of Senator Benton, House Joint Memorial No. 4021 was ordered to be immediately transmitted to the House of Representatives.

MOTION

At 10:13 p.m., on motion of Senator Sheahan, the Senate recessed for fifteen minutes.

The Senate was called to order at 10:28 p.m. by President Owen.

MOTION

Senator Doumit moved that the Senate immediately consider the House Message on Engrossed Substitute Senate Bill No. 5776.

MOTION

Senator Sheahan moved that the Senate advance to the eighth order of business.

The President declared the question before the Senate is the motion by Senator Sheahan to advance to the eighth order of business.

MOTION

At 10:31 p.m., Senator Sheahan moved that the Senate be at ease. Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to go at ease.

ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan to go at ease carried by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 26.

Voting nay: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 23.

At 10:38 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 11:28 p.m. by President Owen.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE JOINT MEMORIAL NO. 4021, and passed the memorial as amended by the Senate.

MESSAGE FROM THE HOUSE

April 14, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5776 with the following amendment(s):
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this chapter is to reform the process of appeal and review of final permit decisions made by state agencies and local governments for qualifying economic development projects, by establishing uniform, expedited, and coordinated appeal procedures and uniform criteria for reviewing such decisions, in order to provide consistent, predictable, and timely review. The appeal process authorized in this chapter is intended to be the exclusive process for review of final decisions made by state agencies and local governments on permit applications for qualifying economic development projects, superseding other existing administrative board and judicial appeal procedures.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the environmental and land use hearings board established in this chapter.

(2) "Final decision" means the highest and last decision available within the permit agency with respect to a permit application to the agency, including but not limited to decisions resulting from internal appeals available within the agency for the permit decision.

(3) "Participating permit agency" means any permit agency in which the applicant for a qualifying project has filed an application for an environmental or land use permit that is required for the qualifying project.

(4) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, use of, or interference with the land, air, or water in the state. This document must be required to be obtained from a state agency or local government, including but not limited to counties, cities, and air agencies, prior to constructing or operating a qualifying project. Local government permits include, but are not limited to, subdivisions, binding site plans, planned unit developments, shoreline permits or other approvals under RCW 90.58.140, master plan approvals, site plan approvals, permits or approvals required by critical area ordinances, conditional use permits, variances, and site-specific rezones authorized by a comprehensive plan or subarea plan or other equivalent documents however titled or denominated. Local government permits excluded under this definition include the adoption or amendment of a comprehensive plan, subarea plan, legislative actions on development regulations, certifications by local health districts of water and sewer availability, and building, grading, flood hazard, utility connection, and other nondiscretionary construction permits.

(5) "Permit agency" means any state agency or local government, including but not limited to air agencies, authorized by law to issue permits.

(6) "Qualifying project" means an economic development project that is (a) located within a county that in its entirety qualifies as a distressed area as defined in RCW 43.168.020(3) and a rural natural resources impact area as defined in RCW 43.160.020, (b) designed to provide at least thirty full-time year-round jobs, and (c) designated as a qualifying project by the office of permit assistance established under chapter 43.42 RCW if a request for a determination of such designation is made to the office by the project applicant as provided under this chapter.

NEW SECTION. Sec. 3. The appeal process authorized in this chapter shall, notwithstanding any other provisions of this code, be the exclusive process for review of the decisions made by participating permit agencies on permit applications for a qualifying project. This chapter shall not apply to applications for certification by the energy facility site evaluation council pursuant to chapter 80.50 RCW. The superior court civil rules and the rules of appellate procedure shall govern procedural matters for the judicial appeal process under this chapter to the extent that the rules are consistent with this chapter.

NEW SECTION. Sec. 4. (1) Any applicant for a project that meets the criteria set forth in section 2(6) (a) and (b) of this act may use the process of appeal and review of this chapter by filing with the office of permit assistance a request for a determination of designation as a qualifying project as required in section 2(6)(c) of this act. Such request shall be filed with the office no later than thirty days after the filing with a permit agency of the first application for a permit relating to the subject project that is filed after the effective date of this act. No requests may be filed with the office of permit assistance after December 31, 2010. The request shall include a list of permits that the project applicant reasonably believes will be required for the subject project.

(2) The office of permit assistance shall: (a) Respond to such request within thirty days after the filing of the request; and (b) if the office determines to designate the project as a qualifying project under section 2(6)(c) of this act, contemporaneously provide a copy of the designation response to all permit agencies responsible for the project permits listed in the request. The office of permit assistance shall provide notice of any project designation to the code reviser for publication in the state register and to any persons that have filed with the office of permit assistance a general request for such notice. Nothing in this section creates an independent cause of action or affects any existing cause of action.

(3) All final decisions of a permit agency notified under subsection (2) of this section shall include the following sentence: Any appeal of this decision shall be in accordance with the provisions of this chapter.

NEW SECTION. Sec. 5. (1) An environmental and land use hearings board is hereby established within the environmental hearings office created under RCW 43.21B.005. The environmental and land use hearings board shall be composed of six members, as provided in RCW 90.58.170. The chairperson of the pollution control hearings board shall be the chairperson of the environmental and land use hearings board. The members of the environmental and land use hearings board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

(2) All proceedings before the board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may adopt. In all such proceedings, the board shall have all powers relating to the administration of oaths, issuance of subpoenas, and taking of depositions as set forth in RCW 34.05.446. The board shall publish any such rules and arrange for the reasonable distribution thereof. Failure to adopt such rules shall not deprive the board of jurisdiction nor relieve the board of the duty to hear petitions for review filed under this chapter.

NEW SECTION. Sec. 6. (1) Proceedings for review under this chapter shall be commenced by filing a petition with the environmental and land use hearings board. The board may adopt by rule procedures for filing and service that are consistent with this chapter.

(2) Such petition is barred, and the board may not grant review, unless the petition is timely filed with the board and timely served on the following persons who shall be parties to the review of the petition:

(a) The participating permit agencies, which for purposes of the petition shall be (I) if a state agency, the director thereof, and (ii) if a local government, the jurisdiction's corporate entity which shall be served as provided in RCW 4.28.080; and

(b) Each of the following persons if the person is not the petitioner:

(I) Each person identified by name and address as applicant in the application to the participating permit agencies;

(ii) Each person identified in project application documents as an owner of the property at issue or, if none, each person identified as a taxpayer for the property at issue in the records of the county assessor.

(3) The petition is timely if it is filed and served on all parties listed in subsection (2) of this section within twenty-one days of the issuance by the permit agency of the permit for the qualifying project.

(4) For the purposes of this section, the date on which a permit decision is issued is:

(a) Three days after a written decision is mailed by the permit agency to the project applicant or, if not mailed, the date on which the permit agency provides notice that a written decision is publicly available; or

(b) If (a) of this subsection does not apply, the date the decision is entered into the public record.

(5) Service on all parties shall be by personal service or by mail. Service by mail is effective on the date of mailing. Proof of service shall be by affidavit or declaration under penalty of perjury.

NEW SECTION. Sec. 7. Standing to bring a petition under this chapter is limited to the following persons:

(1) The applicant and the owner of the property to which the permit decision is directed;

(2) Another person aggrieved or adversely affected by the permit decision, or who would be aggrieved or adversely affected by a reversal or modification of the permit decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

(a) The permit decision has prejudiced or is likely to prejudice that person;

(b) That person's asserted interests are among those that the permit agency was required to consider when it made its permit decision;

(c) A decision of the board in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the permit decision; and

(d) The petitioner has exhausted his or her administrative remedies to the extent required by law;

(3) A participating permit agency under this chapter.

NEW SECTION. Sec. 8. A petition must set forth:

(1) The name and mailing address of the petitioner;

(2) The name and mailing address of the petitioner's attorney, if any;

(3) The name and mailing address of the permit agency whose permit is at issue, if any;

(4) A duplicate copy of the permit decision;

(5) Identification of each person to be made a party under this chapter;

(6) Facts demonstrating that the petitioner has standing to seek board review under this chapter;

(7) A separate and concise statement of each error alleged to have been committed;

(8) A concise statement of facts upon which the petitioner relies to sustain the statement of error; and

(9) A request for relief, specifying the type and extent of relief requested.

NEW SECTION. Sec. 9. (1) Within seven days after receipt of service of the petition filed pursuant to section 6 of this act, the project applicant shall file with the board and serve on all parties an affidavit certifying all applications for permits that the project applicant has filed with participating permit agencies for the qualifying project, provided, however, that no permit may be included that has been issued and appealed to an administrative hearings board or to court prior to the date of service of the petition filed with the board under this chapter. The board shall request verification from the participating agencies of the permit applications certified in the project applicant's affidavit and of the expected date for final decision on the permit applications. Filing of the affidavit shall toll the schedule for hearing by the board until twenty-one days after issuance of the final permit decision on the last permit required for the qualifying project that has been certified in the project applicant's affidavit and verified by a participating agency as applied for, unless the petition filed and served by the petitioner relates to the final permit decision.

(2) Within seven days after the expiration of the appeal period for the final permit decision on the last permit required for the qualifying project, the petitioner shall note an initial hearing on jurisdictional and other preliminary matters, and, if applicable, on other pretrial matters. This initial hearing shall be set no sooner than thirty-five days and not later than fifty days after the expiration of the appeal period for the final permit decision on the last permit required for the qualifying project.

(3) If petitions for review of more than one permit issued by participating permit agencies for a qualifying project are filed with the board, the board shall contemporaneously process all such petitions in accordance with the case schedule requirements set forth in this act.

(4) The parties shall note all motions on jurisdictional and procedural issues for resolution at the initial hearing, except that a motion to allow discovery may be brought sooner.

(5) The defenses of lack of standing, untimely filing or service of the petition, lack of good faith or improper purpose in filing, and failure to join persons needed for just adjudication are waived if not raised by timely motion noted to be heard at the initial hearing, unless the board allows discovery on such issues.

(6) The petitioner shall move the board for an order at the initial hearing that sets the date on which the permit decision record or records of the applicable permit agency or agencies, if any, must be submitted, sets a briefing schedule, sets a discovery schedule if discovery is to be allowed, and schedules a hearing or hearings on the merits.

(7) The parties may waive the initial hearing by scheduling with the board a date for the hearing or hearings on the merits and filing a stipulated order that resolves the jurisdictional and procedural issues raised by the petition, including the issues identified in subsections (5) and (6) of this section.

(8) A party need not file an answer to a petition for review filed pursuant to section 6 of this act.

NEW SECTION. Sec. 10. The board shall provide expedited review of petitions filed under this chapter. Any matter reviewed on the decision record as provided in section 13(1) of this act must be set for hearing within sixty days of the date set for submitting the decision record of all participating permit agencies, absent a showing of good cause for a different date or a stipulation of the parties. Any matter reviewed de novo as provided in section 13(3) of this act must be set for hearing or trial no later than one hundred twenty days after the initial hearing date. The board shall issue a final decision and order within thirty days after the final hearing required in this section.

NEW SECTION. Sec. 11. (1) A petitioner or other party may request the board to stay or suspend an action by a participating permit agency or another party to implement the decision under review. The request must set forth a statement of grounds for the stay and the factual basis for the request.

(2) The board may grant a stay only if the board finds that: (a) The party requesting the stay is likely to prevail on the merits, (b) without the stay the party requesting it will suffer irreparable harm, (c) the grant of a stay will not substantially harm other parties to the proceedings, and (d) the request for the stay is timely in light of the circumstances of the case.

(3) The board may grant the request for a stay upon such terms and conditions, including the filing of security, as are necessary to prevent harm to other parties by the stay.

NEW SECTION. Sec. 12. (1) Within forty-five days after entry of an order to submit the decision record, where applicable, or within such a further time as the board allows or as the parties agree, each participating agency shall submit to the board a certified copy of the decision record for board review of the permit decision, except that the petitioner shall prepare at the petitioner's expense and submit a verbatim transcript of any hearings held on the matter.

(2) If the parties agree, or upon order of the board, the record shall be shortened or summarized to avoid reproduction and transcription of portions of the record that are duplicative or not relevant to the issues to be reviewed by the board.

(3) The petitioner shall pay the participating agency the cost of preparing the record before the participating agency submits the decision record to the board. Failure by the petitioner to timely pay the participating agency relieves the participating agency of responsibility to submit the record and is grounds for dismissal of the petition.

(4) If the relief sought by the petitioner is granted in whole or in part the board shall equitably assess the cost of preparing the record among the parties. In assessing costs the board shall take into account the extent to which each party prevailed and the reasonableness of the parties' conduct in agreeing or not agreeing to shorten or summarize the record under subsection (2) of this section.

NEW SECTION. Sec. 13. (1) For all permit decisions being reviewed that were made by quasi-judicial bodies or permit agency officers who made factual determinations in support of the decisions, after the conduct of proceedings in which the parties had an opportunity consistent with due process to make records on the factual issues, board review of factual issues and the conclusions drawn from the factual issues shall be confined to the records created by the quasi-judicial bodies or permit agency officers, except as provided in subsections (2) through (4) of this section.

(2) For decisions described in subsection (1) of this section, the records may be supplemented by additional evidence only if the additional evidence relates to:

(a) Grounds for disqualification of a member of the body or of the officer that made the permit decision, when such grounds were unknown by the petitioner at the time the record was created;

(b) Matters that were improperly excluded from the record after being offered by a party to a permit decision proceeding; or

(c) Matters that were outside the jurisdiction of the body or officer that made the permit decision.

(3) For permit decisions other than those described in subsection (1) of this section, the board review of the permit decision shall be de novo on issues presented as error in the petition.

(4) The board may require or permit corrections of ministerial errors or inadvertent omissions in the preparation of the record.

(5)(a) The parties may not conduct pretrial discovery except with the prior permission of the board, which may be sought by motion, subject to any applicable rules adopted by the board, at any time after service of the petition. The board shall not grant permission unless the party requesting it makes a prima facie showing of need. The board shall strictly limit discovery to what is necessary for equitable and timely review of the issues.

(b) If the board allows the record to be supplemented, or in any de novo proceeding under subsection (3) of this section, the board shall require the parties to disclose before the hearing or trial on the merits the identity of witnesses and the specific evidence they intend to offer.

(c) If any party, or anyone acting on behalf of any party, requests records under chapter 42.17 RCW relating to the matters at issue, a copy of the request shall simultaneously be given to all other parties, and the board shall take such request into account in fashioning an equitable discovery order under this section.

NEW SECTION. Sec. 14. (1) The board shall review the decision record and all such evidence as is permitted to supplement the record for review restricted to the decision record or is required for de novo review under section 13 of this act. The board may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the permit decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The permit decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by an agency with expertise;

(c) The permit decision is not supported by evidence that is substantial when viewed in light of the whole record before the board;

(d) The permit decision is a clearly erroneous application of the law to the facts;

(e) The permit decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The permit decision violates the constitutional rights of the party seeking relief.

(2) The board may affirm or reverse each and every permit decision under review or remand the decision for modification or further proceedings involving the permit agencies.

NEW SECTION. Sec. 15. (1) In order to obtain judicial review of a final decision of the environmental and land use hearings board, a party to the board case as consolidated shall timely file a petition for judicial review in the superior court for Thurston county and timely serve the board and all parties to the proceedings before the board by personal service or by mail. Such petition is timely filed and served only if it is filed and served on all parties within thirty days after the filing of the final decision and order of the board. Service by mail shall be deemed effective on the date of deposit with the United States postal service. Any party may apply for direct review by the

court of appeals. An application for direct review must be filed with the superior court within ten days after the filing of the petition for judicial review. In considering an application for direct review under this chapter, it shall be presumed that: (a) The qualifying project presents fundamental and urgent issues affecting the public interest which require a prompt determination, and (b) delay in obtaining a final and prompt determination of such issues would be detrimental to a party and the public interest.

(2) The presumption set forth in subsection (1) of this section shall require that the superior court certify the direct review not less than ten days, and not more than fifteen days, after the filing of the application therefore, unless, upon motion of a party with supporting excerpts from the record within ten days after the filing of such application, the superior court finds that: (a) The project is not a qualifying project, or (b) the project will not in fact provide new employment within the county in which the project is located. The court may make such findings upon a showing that said record contains clear, cogent, and convincing evidence to support such findings, which evidence has been testified to by at least one witness competent to testify on employment matters.

(3) A motion as set forth in subsection (2) of this section shall be heard within fourteen days after the filing of the motion and shall be confined to certified excerpts from the record, which any party may produce. It shall not be necessary to certify the entire record to the court for the purpose of hearing such motion.

(4) The court of appeals shall accept direct review of a case unless it finds that the superior court's certification under the standards contained in this section was clearly erroneous. Review by the court of appeals shall be restricted to the decision record of the permit agency and the board proceedings. All certified appeals shall be provided priority processing by the court of appeals.

Sec. 16. RCW 34.05.518 and 1995 c 382 s 5 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(d) The appellate court's determination in the proceeding would have significant precedential value.

Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and growth management hearings boards as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent statewide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act).

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

Sec. 17. RCW 36.70C.030 and 1995 c 347 s 704 are each amended to read as follows:

(1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

(a) Judicial review of:

(i) Land use decisions made by bodies that are not part of a local jurisdiction;

(ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board, the environmental and land use hearings board, or the growth management hearings board;

(b) Judicial review of applications for a writ of mandamus or prohibition; or

(c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

Sec. 18. RCW 43.21B.005 and 1999 c 125 s 1 are each amended to read as follows:

(1) There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, the shorelines hearings board created in RCW 90.58.170, the environmental and land use hearings board created in chapter 43.-- RCW (sections 1 through 15 of this act), and the hydraulic appeals board created in RCW ~~(75.20.130)~~ 77.55.170. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

(2) The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

(3) The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the chief executive officer. Upon written request by the person so disciplined or terminated, the chief executive officer shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The chief executive officer may also contract for required services.

Sec. 19. RCW 43.21B.110 and 2001 c 220 s 2 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.-- RCW (sections 1 through 15 of this act).

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 20. RCW 76.09.220 and 1999 sp.s. c 4 s 902 are each amended to read as follows:

(1) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall be compensated in accordance with RCW 43.03.250. The director of the environmental hearings office shall make the determination, required under RCW 43.03.250, as to what statutorily prescribed duties, in addition to attendance at a hearing or meeting of the board, shall merit compensation. This compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with the provisions of RCW 43.03.050 and 43.03.060.

(2) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chair, and shall at least biennially thereafter meet and elect or reelect a chair.

(3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department, and the department of fish and wildlife, and the department of ecology with respect to management plans provided for under RCW 76.09.350.

(8)(a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 21. RCW 77.55.170 and 2000 c 107 s 20 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and the director or the director's designee of the department whose action is appealed under subsection (6) of this section. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 77.55.110 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 77.55.230 for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 77.55.110 may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 22. RCW 90.58.180 and 1997 c 199 s 1 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may, except as otherwise provided in chapter 43.-- RCW (sections 1 through 15 of this act), seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing as defined in RCW 90.58.140(6).

Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within twenty-one days from the date the final decision was filed as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or

(e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within thirty days after the date of final decision by the shorelines hearings board.

NEW SECTION. Sec. 23. Sections 1 through 15 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 24. The legislature does not intend to appropriate additional funds for the implementation of this act and expects all affected state agencies to implement this act's provisions within existing appropriations.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted. CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Doumit, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 5776.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5776, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5776, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 1; Excused, 0.

Voting yea: Senators Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 31.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Mulliken, Parlette, Rossi, Schmidt, Sheahan, Stevens and West - 17.

Absent: Senator Roach - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5776, as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Doumit, Engrossed Substitute Senate Bill No. 5776 was ordered to be immediately transmitted to the House of Representatives.

MOTION

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

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8676

By Senators West and Brown

***WHEREAS, The 2003 Regular Session of the Fifty-eighth Legislature is drawing to a close; and
WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2003 Regular Session of the Fifty-eighth Legislature and the convening of the next regular session;***

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefore their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefore as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefore; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2003 Regular Session of the Fifty-eighth Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interim, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

MOTION

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

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators West and Brown

Returning documents to house of origin.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators West and Brown

Returning documents to house of origin.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Concurrent Resolution No. 8410 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

SENATE CONCURRENT RESOLUTION NO. 8410 was adopted by voice vote.

MOTION

On motion of Senator Sheahan, Senate Concurrent Resolution No. 8410 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Kessler and DeBolt

Adjourning Sine Die.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to second reading and placed on the second reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Kessler and DeBolt

Adjourning Sine Die.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Concurrent Resolution No. 4406 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4406 was adopted by voice vote.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE JOINT MEMORIAL NO. 4021, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4406, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8410, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8410.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE JOINT MEMORIAL NO. 4021,
HOUSE CONCURRENT RESOLUTION NO. 4406.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has passed Engrossed Substitute Senate Bill No. 5776, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED SENATE BILL NO. 5450,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5039,
ENGROSSED SENATE BILL NO. 5450,
SENATE BILL NO. 5725,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5776,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026,
SENATE BILL NO. 6056,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,
SENATE BILL NO. 6059.

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8410, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 5039,
ENGROSSED SENATE BILL NO. 5450,
SENATE BILL NO. 5725,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5776,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5903,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6026,
SENATE BILL NO. 6056,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,
SENATE BILL NO. 6059, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Under the provision of Senate Concurrent Resolution No. 4428, the following House Bills were returned to the House of Representatives:

**SUBSTITUTE HOUSE BILL NO. 1000,
SUBSTITUTE HOUSE BILL NO. 1005,
SUBSTITUTE HOUSE BILL NO. 1012,
SUBSTITUTE HOUSE BILL NO. 1013,
SUBSTITUTE HOUSE BILL NO. 1019,
SUBSTITUTE HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1031,
HOUSE BILL NO. 1032,
SUBSTITUTE HOUSE BILL NO. 1041,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1054,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1056,
HOUSE BILL NO. 1064,
SECOND SUBSTITUTE HOUSE BILL NO. 1065,
HOUSE BILL NO. 1072,
SUBSTITUTE HOUSE BILL NO. 1085,
SUBSTITUTE HOUSE BILL NO. 1093,
HOUSE BILL NO. 1098,
ENGROSSED HOUSE BILL NO. 1109,**

HOUSE BILL NO. 1119,
HOUSE BILL NO. 1120,
SUBSTITUTE HOUSE BILL NO. 1121,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1122,
SECOND SUBSTITUTE HOUSE BILL NO. 1123,
HOUSE BILL NO. 1124,
SUBSTITUTE HOUSE BILL NO. 1129,
HOUSE BILL NO. 1133,
SUBSTITUTE HOUSE BILL NO. 1138,
HOUSE BILL NO. 1146,
ENGROSSED HOUSE BILL NO. 1148,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1151,
ENGROSSED HOUSE BILL NO. 1152,
SUBSTITUTE HOUSE BILL NO. 1156,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1158,
SUBSTITUTE HOUSE BILL NO. 1159,
SUBSTITUTE HOUSE BILL NO. 1160,
HOUSE BILL NO. 1161,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1164,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1178,
SUBSTITUTE HOUSE BILL NO. 1190,
SUBSTITUTE HOUSE BILL NO. 1191,
SUBSTITUTE HOUSE BILL NO. 1192,
HOUSE BILL NO. 1193,
HOUSE BILL NO. 1196,
HOUSE BILL NO. 1198,
HOUSE BILL NO. 1199,
HOUSE BILL NO. 1203,
HOUSE BILL NO. 1208,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1214,
SUBSTITUTE HOUSE BILL NO. 1217,
SECOND SUBSTITUTE HOUSE BILL NO. 1223,
HOUSE BILL NO. 1225,
SUBSTITUTE HOUSE BILL NO. 1227,
HOUSE BILL NO. 1228,
HOUSE BILL NO. 1229,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1230,
SUBSTITUTE HOUSE BILL NO. 1231,
SECOND SUBSTITUTE HOUSE BILL NO. 1234,
SUBSTITUTE HOUSE BILL NO. 1236,
SUBSTITUTE HOUSE BILL NO. 1239,
SECOND SUBSTITUTE HOUSE BILL NO. 1245,
HOUSE BILL NO. 1247,
HOUSE BILL NO. 1248,
SUBSTITUTE HOUSE BILL NO. 1249,
SUBSTITUTE HOUSE BILL NO. 1251,
SUBSTITUTE HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1258,
HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1276,
HOUSE BILL NO. 1279,
SUBSTITUTE HOUSE BILL NO. 1283,
SUBSTITUTE HOUSE BILL NO. 1286,
HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1290,
SUBSTITUTE HOUSE BILL NO. 1295,
SUBSTITUTE HOUSE BILL NO. 1298,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1317,
HOUSE BILL NO. 1333,
SUBSTITUTE HOUSE BILL NO. 1334,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1337,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338,

**SUBSTITUTE HOUSE BILL NO. 1339,
SUBSTITUTE HOUSE BILL NO. 1340,
HOUSE BILL NO. 1349,
HOUSE BILL NO. 1353,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1360,
ENGROSSED HOUSE BILL NO. 1363,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1367,**

**ENGROSSED HOUSE BILL NO. 1369,
HOUSE BILL NO. 1375,
SUBSTITUTE HOUSE BILL NO. 1390,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1431,
ENGROSSED HOUSE BILL NO. 1433,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1438,
HOUSE BILL NO. 1439,
SUBSTITUTE HOUSE BILL NO. 1440,
ENGROSSED HOUSE BILL NO. 1453,
SUBSTITUTE HOUSE BILL NO. 1459,
SUBSTITUTE HOUSE BILL NO. 1472,
HOUSE BILL NO. 1479,
HOUSE BILL NO. 1480,
HOUSE BILL NO. 1481,
HOUSE BILL NO. 1483,
SUBSTITUTE HOUSE BILL NO. 1486,
SUBSTITUTE HOUSE BILL NO. 1489,
HOUSE BILL NO. 1492,
SUBSTITUTE HOUSE BILL NO. 1493,
HOUSE BILL NO. 1497,
HOUSE BILL NO. 1503,
HOUSE BILL NO. 1510,
SUBSTITUTE HOUSE BILL NO. 1517,
SUBSTITUTE HOUSE BILL NO. 1532,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1533,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1545,
HOUSE BILL NO. 1556,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1557,
ENGROSSED HOUSE BILL NO. 1563,
ENGROSSED HOUSE BILL NO. 1568,
SUBSTITUTE HOUSE BILL NO. 1569,
HOUSE BILL NO. 1572,
HOUSE BILL NO. 1575,
HOUSE BILL NO. 1579,
HOUSE BILL NO. 1580,
HOUSE BILL NO. 1583,
HOUSE BILL NO. 1584,
SUBSTITUTE HOUSE BILL NO. 1593,
HOUSE BILL NO. 1594,
SUBSTITUTE HOUSE BILL NO. 1604,
SUBSTITUTE HOUSE BILL NO. 1608,
ENGROSSED HOUSE BILL NO. 1615,
ENGROSSED HOUSE BILL NO. 1616,
SUBSTITUTE HOUSE BILL NO. 1622,
SUBSTITUTE HOUSE BILL NO. 1638,
SUBSTITUTE HOUSE BILL NO. 1642,
ENGROSSED HOUSE BILL NO. 1645,
HOUSE BILL NO. 1647,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1656,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1660,
HOUSE BILL NO. 1667,
HOUSE BILL NO. 1670,**

**SUBSTITUTE HOUSE BILL NO. 1676,
HOUSE BILL NO. 1677,
ENGROSSED HOUSE BILL NO. 1691,
SUBSTITUTE HOUSE BILL NO. 1693,
SUBSTITUTE HOUSE BILL NO. 1695,
SUBSTITUTE HOUSE BILL NO. 1702,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1705,
SUBSTITUTE HOUSE BILL NO. 1711,
ENGROSSED HOUSE BILL NO. 1717,
SUBSTITUTE HOUSE BILL NO. 1723,
SUBSTITUTE HOUSE BILL NO. 1724,
SUBSTITUTE HOUSE BILL NO. 1731,
SUBSTITUTE HOUSE BILL NO. 1737,
SUBSTITUTE HOUSE BILL NO. 1739,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1742,
SUBSTITUTE HOUSE BILL NO. 1743,
HOUSE BILL NO. 1746,**

**SUBSTITUTE HOUSE BILL NO. 1767,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1769,
SUBSTITUTE HOUSE BILL NO. 1782,
SUBSTITUTE HOUSE BILL NO. 1789,
SUBSTITUTE HOUSE BILL NO. 1796,
HOUSE BILL NO. 1801,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1803,
SUBSTITUTE HOUSE BILL NO. 1809,
HOUSE BILL NO. 1816,
SUBSTITUTE HOUSE BILL NO. 1820,
HOUSE BILL NO. 1822,
SUBSTITUTE HOUSE BILL NO. 1824,
SUBSTITUTE HOUSE BILL NO. 1838,
SUBSTITUTE HOUSE BILL NO. 1840,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1843,
SUBSTITUTE HOUSE BILL NO. 1846,
HOUSE BILL NO. 1847,
HOUSE BILL NO. 1860,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1865,
SUBSTITUTE HOUSE BILL NO. 1867,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1869,
SUBSTITUTE HOUSE BILL NO. 1872,
SUBSTITUTE HOUSE BILL NO. 1879,
HOUSE BILL NO. 1890,
SECOND SUBSTITUTE HOUSE BILL NO. 1896,
SECOND SUBSTITUTE HOUSE BILL NO. 1913,
ENGROSSED HOUSE BILL NO. 1926,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1928,
HOUSE BILL NO. 1929,
SUBSTITUTE HOUSE BILL NO. 1931,
HOUSE BILL NO. 1935,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1936,
HOUSE BILL NO. 1952,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1960,
HOUSE BILL NO. 1967,
SUBSTITUTE HOUSE BILL NO. 1971,
HOUSE BILL NO. 1996,
SUBSTITUTE HOUSE BILL NO. 2000,
HOUSE BILL NO. 2004,
HOUSE BILL NO. 2006,
HOUSE BILL NO. 2018,
SUBSTITUTE HOUSE BILL NO. 2019,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021,**

**SUBSTITUTE HOUSE BILL NO. 2036,
HOUSE BILL NO. 2041,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2043,
ENGROSSED HOUSE BILL NO. 2045,
SUBSTITUTE HOUSE BILL NO. 2046,
HOUSE BILL NO. 2072,
HOUSE BILL NO. 2075,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2089,
SUBSTITUTE HOUSE BILL NO. 2090,
HOUSE BILL NO. 2097,
HOUSE BILL NO. 2100,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2112,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2114,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2119,
HOUSE BILL NO. 2122,
SECOND SUBSTITUTE HOUSE BILL NO. 2124,
HOUSE BILL NO. 2129,
HOUSE BILL NO. 2140,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2147,
HOUSE BILL NO. 2150,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2179,
SUBSTITUTE HOUSE BILL NO. 2184,
SUBSTITUTE HOUSE BILL NO. 2192,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,
HOUSE BILL NO. 2199,**

**HOUSE BILL NO. 2226,
HOUSE BILL NO. 2229,
HOUSE BILL NO. 2237,
HOUSE BILL NO. 2238,
HOUSE BILL NO. 2239,
SUBSTITUTE HOUSE BILL NO. 2257,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4000,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4003,
HOUSE JOINT MEMORIAL NO. 4007,
HOUSE JOINT MEMORIAL NO. 4010,
HOUSE JOINT MEMORIAL NO. 4011,
HOUSE JOINT MEMORIAL NO. 4016,
HOUSE JOINT MEMORIAL NO. 4018,
HOUSE JOINT RESOLUTION NO. 4204,
HOUSE JOINT RESOLUTION NO. 4205,
HOUSE CONCURRENT RESOLUTION NO. 4404.**

MESSAGE FROM THE HOUSE

April 27, 2003

MR. PRESIDENT:

Under the provisions of Senate Concurrent Resolution No. 8410, the House herewith returns to following Senate Bills to the Senate:

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5012,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5018,
SUBSTITUTE SENATE BILL NO. 5022,
SUBSTITUTE SENATE BILL NO. 5023,
SECOND SUBSTITUTE SENATE BILL NO. 5024,
SUBSTITUTE SENATE BILL NO. 5025,
SECOND SUBSTITUTE SENATE BILL NO. 5027,
SUBSTITUTE SENATE BILL NO. 5028,
SENATE BILL NO. 5034,
SENATE BILL NO. 5052,
SUBSTITUTE SENATE BILL NO. 5053,
SUBSTITUTE SENATE BILL NO. 5063,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,**

SENATE BILL NO. 5075,
SUBSTITUTE SENATE BILL NO. 5077,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5079,
ENGROSSED SENATE BILL NO. 5083,
SUBSTITUTE SENATE BILL NO. 5086,
SUBSTITUTE SENATE BILL NO. 5089,
SENATE BILL NO. 5091,
SENATE BILL NO. 5093,
SENATE BILL NO. 5095,
ENGROSSED SENATE BILL NO. 5106,
SUBSTITUTE SENATE BILL NO. 5145,
SENATE BILL NO. 5146,
SENATE BILL NO. 5147,
SUBSTITUTE SENATE BILL NO. 5148,
SENATE BILL NO. 5149,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5150,
SUBSTITUTE SENATE BILL NO. 5152,
SENATE BILL NO. 5153,
SUBSTITUTE SENATE BILL NO. 5160,
ENGROSSED SENATE BILL NO. 5161,
SUBSTITUTE SENATE BILL NO. 5168,
SUBSTITUTE SENATE BILL NO. 5169,
SENATE BILL NO. 5175,
SENATE BILL NO. 5180,
SUBSTITUTE SENATE BILL NO. 5181,
SUBSTITUTE SENATE BILL NO. 5182,
SUBSTITUTE SENATE BILL NO. 5185,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5192,
SUBSTITUTE SENATE BILL NO. 5193,
SENATE BILL NO. 5195,
SENATE BILL NO. 5197,
ENGROSSED SENATE BILL NO. 5198,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5209,
SUBSTITUTE SENATE BILL NO. 5212,
SUBSTITUTE SENATE BILL NO. 5225,

SENATE BILL NO. 5232,
SUBSTITUTE SENATE BILL NO. 5235,
SUBSTITUTE SENATE BILL NO. 5240,
SUBSTITUTE SENATE BILL NO. 5242,
ENGROSSED SENATE BILL NO. 5254,
ENGROSSED SENATE BILL NO. 5255,
ENGROSSED SENATE BILL NO. 5257,
SUBSTITUTE SENATE BILL NO. 5264,
SENATE BILL NO. 5266,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5269,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5270,
SENATE BILL NO. 5271,
SENATE BILL NO. 5282,
SUBSTITUTE SENATE BILL NO. 5302,
SENATE BILL NO. 5307,
SENATE BILL NO. 5308,
SUBSTITUTE SENATE BILL NO. 5319,
SUBSTITUTE SENATE BILL NO. 5325,
SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5337,
SENATE BILL NO. 5340,
SECOND SUBSTITUTE SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5345,
SENATE BILL NO. 5346,
SENATE BILL NO. 5349,
SUBSTITUTE SENATE BILL NO. 5351,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,
SUBSTITUTE SENATE BILL NO. 5355,
SUBSTITUTE SENATE BILL NO. 5360,
SECOND SUBSTITUTE SENATE BILL NO. 5364,
SUBSTITUTE SENATE BILL NO. 5365,
SENATE BILL NO. 5367,
SENATE BILL NO. 5373,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5375,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,
SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5384,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5415,
SENATE BILL NO. 5422,
SUBSTITUTE SENATE BILL NO. 5423,
SENATE BILL NO. 5428,
SENATE BILL NO. 5431,
SUBSTITUTE SENATE BILL NO. 5435,
SUBSTITUTE SENATE BILL NO. 5451,
SUBSTITUTE SENATE BILL NO. 5462,
SENATE BILL NO. 5463,
SENATE BILL NO. 5464,
SUBSTITUTE SENATE BILL NO. 5474,
SENATE BILL NO. 5475,
SENATE BILL NO. 5491,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5499,
SUBSTITUTE SENATE BILL NO. 5500,
ENGROSSED SENATE BILL NO. 5517,
SUBSTITUTE SENATE BILL NO. 5521,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
ENGROSSED SENATE BILL NO. 5529,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5531,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5536,
SUBSTITUTE SENATE BILL NO. 5537,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5538,
SUBSTITUTE SENATE BILL NO. 5540,
SENATE BILL NO. 5552,
SUBSTITUTE SENATE BILL NO. 5563,
SUBSTITUTE SENATE BILL NO. 5578,
SENATE BILL NO. 5583,

SUBSTITUTE SENATE BILL NO. 5584,
SENATE BILL NO. 5587,
SUBSTITUTE SENATE BILL NO. 5588,
SENATE BILL NO. 5597,
SENATE BILL NO. 5614,
SUBSTITUTE SENATE BILL NO. 5627,
SUBSTITUTE SENATE BILL NO. 5628,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5631,
SENATE BILL NO. 5646,
SUBSTITUTE SENATE BILL NO. 5658,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5659,
SUBSTITUTE SENATE BILL NO. 5661,
SENATE BILL NO. 5665,
SENATE BILL NO. 5673,
SUBSTITUTE SENATE BILL NO. 5674,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5680,
SENATE BILL NO. 5653,
SUBSTITUTE SENATE BILL NO. 5687,
SUBSTITUTE SENATE BILL NO. 5690,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5692,
SUBSTITUTE SENATE BILL NO. 5695,
SENATE BILL NO. 5696,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5697,
SENATE BILL NO. 5708,
SENATE BILL NO. 5709,
SUBSTITUTE SENATE BILL NO. 5714,
SUBSTITUTE SENATE BILL NO. 5715,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5717,
SUBSTITUTE SENATE BILL NO. 5718,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5728,
SUBSTITUTE SENATE BILL NO. 5733,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5742,
SENATE BILL NO. 5747,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5770,
SENATE BILL NO. 5782,
SENATE BILL NO. 5790,
SUBSTITUTE SENATE BILL NO. 5793,
SUBSTITUTE SENATE BILL NO. 5797,
SUBSTITUTE SENATE BILL NO. 5800,
SENATE BILL NO. 5801,
SUBSTITUTE SENATE BILL NO. 5803,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5807,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5819,
SUBSTITUTE SENATE BILL NO. 5828,
SENATE BILL NO. 5841,
SENATE BILL NO. 5845,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5850,
SUBSTITUTE SENATE BILL NO. 5852,
SUBSTITUTE SENATE BILL NO. 5859,
SUBSTITUTE SENATE BILL NO. 5861,
SUBSTITUTE SENATE BILL NO. 5870,
SENATE BILL NO. 5895,
SUBSTITUTE SENATE BILL NO. 5908,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5909,
SUBSTITUTE SENATE BILL NO. 5910,
ENGROSSED SENATE BILL NO. 5949,
ENGROSSED SENATE BILL NO. 5953,
SUBSTITUTE SENATE BILL NO. 5955,
ENGROSSED SENATE BILL NO. 5965,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5969,
ENGROSSED SENATE BILL NO. 5971,
SUBSTITUTE SENATE BILL NO. 5975,
SUBSTITUTE SENATE BILL NO. 5987,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6002,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6011,
SECOND SUBSTITUTE SENATE BILL NO. 6017,
SUBSTITUTE SENATE BILL NO. 6028,
SENATE BILL NO. 6029,
SUBSTITUTE SENATE BILL NO. 6049,
SUBSTITUTE SENATE BILL NO. 6051,
SUBSTITUTE SENATE BILL NO. 6058,

SENATE BILL NO. 6059,
ENGROSSED SENATE BILL NO. 6063,
SENATE JOINT MEMORIAL NO. 8001,
SENATE JOINT MEMORIAL NO. 8004,
SENATE JOINT MEMORIAL NO. 8020,
SENATE JOINT MEMORIAL NO. 8022,
SENATE JOINT RESOLUTION NO. 8208, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senate Sheahan, the Senate Journal for the one hundred-fifth day of the Regular Session of the Fifty-eighth Legislature was approved.

MOTION

At 12:40 a.m., on motion of Senator Sheahan, the 2003 Regular Session of the Fifty-eighth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

ONE HUNDRED-FIFTH DAY, APRIL 27, 2003

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

FIRST DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Wednesday, May 12, 2003

The Senate of the 2003 First Special Session of the Fifty-eighth Legislature of the state of Washington was called to order in the Joel M. Pritchard Building at 12:00 noon by Lieutenant Governor Brad Owen, President of the Senate. No roll call was taken.

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

I have attached a full, true and correct copy of the Proclamation by the Governor calling the First Special Session of the Washington State Legislature to be convened at noon on Monday, May 12, 2003.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this 5th day of May, 2003.

SAM REED
Secretary of State

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2003 regular session on April 27, 2003, the 105th day of the session; and

WHEREAS, substantial work remains to be done with respect to biennial operating and capital budgets; and

WHEREAS, substantial work also remains to be done with respect to education, including the certificate of mastery, state assessment requirements, the learning assistance program, charter schools; and

WHEREAS, substantial work also remains to be done with respect to terrorism prevention, prohibiting discrimination on the basis of sexual orientation, water law reform, prescription drugs, unemployment insurance, worker's compensation, local government financing options, community revitalization financing, shared leave for military service, the internet pilot project for military and overseas voters; and

NOW, THEREFORE, I Gary Locke, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia at noon on Monday, May 12, 2003, for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia this 28th day of April, A.D., two thousand and three.

(SEAL) GARY LOCKE

BY THE GOVERNOR:
SAM REED
Secretary of State

Governor of Washington

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8681

By Senators Spanel and Fraser

WHEREAS, The Sister City International program serves as an important bridge between the people and governments of Russia and the United States; and

WHEREAS, Such programs significantly contribute to the betterment of our societies and are the bedrock of deeper understanding between citizens of independent nations; and

WHEREAS, Economic, cultural, and diplomatic ties between our two nations are fostered by such relationships at a local level; and

WHEREAS, Understanding and collaboration between our two nations have never been more possible or more important; and

WHEREAS, Lomonosov and Anacortes are two cities committed to leading by example in their demonstrated ideals of mutual friendship and world peace; and

WHEREAS, The Washington State Senate recognizes and supports these sister city relationships, the Kalinka organization, and the gains that have been produced from the efforts of both cities; and

WHEREAS, The Washington State Senate encourages the expansion of these programs for the further benefit of the citizens of both our countries;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the important contributions such sister city relationships have yielded in the areas of friendship and cooperation between the cities of Anacortes and Lomonosov, as well as the countries of Russia and the United States of America; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the cities of Lomonosov, Russia and Anacortes, Washington.

MOTION

At 12:03 p.m., on motion of Senator Sheahan, the Senate adjourned until 12:00 noon, Wednesday, May 14, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, FIRST SPECIAL SESSION, MAY 12, 2003

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THIRD DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Wednesday, May 14, 2003

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

MOTION

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

April 15, 2003

THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

Connie Niva, to be appointed June 2, 2003, for a term ending September 30, 2008, as a member of the Board of Regents for Washington State University.

Sincerely,
GARY LOCKE, Governor

Referred to the Committee on Higher Education.

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

SENATE BILL NO. 5959

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the seal of the state of
Washington this 13th day of May, 2003.

Seal SAM REED

Secretary of State

MESSAGE FROM THE GOVERNOR

May 9, 2003

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Senate Bill No. 5959, entitled:

“AN ACT Relating to allowing approaches to partially controlled limited access highways for the deployment of personal wireless facilities”

This bill establishes procedures for the Department of Transportation to permit wireless telecommunications facilities to be located along partially controlled limited access highways. This is important legislation that will help expand telecommunications services to underserved areas in our state and promote economic development.

However, section 1 of this bill would have amended RCW 47.52.001, which is a declaration of state policy to limit access to the highway facilities of the state in the interest of highway safety and for the preservation of the investment of the public in such facilities. The amendment would have created an inflexible exception to this longstanding policy by stating that personal wireless facilities “shall be permitted” along partially controlled limited access highways, apparently without qualification. Insofar as this section can be read to suggest that deployment of personal wireless facilities is inconsistent with the state’s interest in highway safety, and that telecommunications deployment should take precedence over it, I am compelled to veto it.

I agree with the Legislature that personal wireless service is a critical part of the state’s infrastructure, and I believe that Department of Transportation policy should acknowledge this. However, state policy should also ensure that telecommunications deployment be achieved along state highways without adversely affecting highway safety. For this reason, I believe the current language in RCW 47.52.001, which “limits” but by no means prohibits access to public highways, is the better statement of policy than that contained in section 1.

For these reasons, I have vetoed sections Section 1 of Senate Bill No. 5959.

With the exception of section 1, Senate Bill No. 5959 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

ENGROSSED SUBSTITUTE SENATE BILL No. 5977

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the state of Washington this 13th day of May, 2003.

Seal SAM REED

Secretary of State

MESSAGE FROM THE GOVERNOR

May 12, 2003

To the Honorable President and Members,
The Senate of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1 and 4, Engrossed Substitute Senate Bill No. 5977 entitled:

"AN ACT Relating to the use of state highway rights of way for the deployment of personal wireless service facilities"

This bill establishes procedures for the Department of Transportation to permit siting of wireless telecommunications facilities within state highway rights of way. This is important legislation that will help expand telecommunications services in our state and promote economic development.

Section 4 of this bill would have amended RCW 47.52.001, which is a declaration of state policy to limit access to the highway facilities of the state in the interest of highway safety and for the preservation of the investment of the public in such facilities. The amendment would have created an exception to this longstanding policy by stating that the use of rights of way of limited access facilities "must be permitted" for the deployment of personal wireless facilities, apparently without qualification. Section 1 contains intent language that is largely the same as that contained in section 4. Because these sections can be read to suggest that deployment of personal wireless facilities is inconsistent with the state's interest in highway safety, and that telecommunications deployment should take precedence over it, I am compelled to veto them.

I agree with the Legislature that personal wireless service is a critical part of the state's infrastructure, and I believe that Department of Transportation policy should acknowledge this. However, state policy should also ensure that telecommunications deployment be achieved along state highways without adversely affecting highway safety. For this reason, I believe the current language in RCW 47.52.001, which "limits" but by no means prohibits access to public highways, is the better statement of policy than those contained in sections 1 and 4 of this bill.

For these reasons, I have vetoed sections 1 and 4 of Engrossed Substitute Senate Bill No. 5977.

With the exception of sections 1 and 4, Engrossed Substitute Senate Bill No. 5977 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the Governor's Messages on the Partial Veto of Senate Bill No. 5959 and Engrossed Substitute Senate Bill No. 5977 were held at the desk.

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 8682

By Senator Honeyford

WHEREAS, In 1903, two brothers, Milton and Thomas Harlan, started a newspaper in White Salmon, with Milton as owner and publisher, and Thomas as editor and manager; and

WHEREAS, The Harlan brothers called their newspaper *The White Salmon Enterprise*; and

WHEREAS, The very first issue of *The Enterprise* was dated May 8, 1903; and

WHEREAS, The earliest issues of *The Enterprise* were published in a ten foot by twelve foot office behind the present newspaper office location on Jewett Avenue in White Salmon; and

WHEREAS, Those earliest issues were printed on a 20-horsepower army press, soon to be replaced by a new Vaughan Ideal eight-column cylinder printing press; and

WHEREAS, After serving one and one-half years as editor of *The Enterprise*, Thomas sold the newspaper to Ai Harry Jewett, a longtime resident of the area; and

WHEREAS, *The Enterprise* survived the Great Depression of the 1930s, even though many other businesses closed their doors for good during this time; and

WHEREAS, *The Enterprise* to this day provides local news for the people living in and near White Salmon and Bingen;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby congratulate *The Enterprise* on its One-Hundredth Birthday and pay tribute to all of the publishers, editors, reporters, and office staffers who have so ably served this newspaper over the past one-hundred years.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Friday, May 16, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

THIRD DAY, FIRST SPECIAL SESSION, MAY 14, 2003

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

FIFTH DAY, FIRST SPECIAL SESSION

NOON SESSION

The Senate was called to order at 12:00 noon by President Owen. Senate Chamber, Olympia, Friday, May 16, 2003
No roll call was taken.

MOTION

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

MESSAGE FROM THE GOVERNOR

May 7, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 6, 2003, Governor Locke approved the following Senate Bill entitled:

Substitute Senate Bill No. 5509

Relating to the organ donor registry.

Sincerely,
JENNIFER JOLY, General Counsel

MESSAGE FROM THE GOVERNOR

May 7, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 7, 2003, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5221

Relating to reorganization of statutes on elections

Substitute Senate Bill No. 5226

Relating to optometric care and practice.

Engrossed Senate Bill No. 5942

Relating to licensing requirements for elevator mechanics and contractors..

Substitute Senate Bill No. 5995

Relating to collective bargaining agreements in the construction trades concerning meal and rest periods.

Engrossed Senate Bill No. 6062

Relating to authorizing bonds for transportation funding.

Sincerely,
JENNIFER JOLY, General Counsel

MESSAGE FROM THE GOVERNOR

May 10, 2003

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

I have the honor to advise you that on May 8, 2003, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 5363

Relating to funding for the community economic revitalization board.

Senate Bill No. 5662

Relating to the community economic revitalization board.

Senate Bill No. 5725

Relating to providing tax incentives to support the semiconductor cluster in Washington state.

Substitute Senate Bill No. 5786

Relating to rural development.

Engrossed Substitute Senate Bill No. 6026

Relating to authorizing special assessments to fund convention and tourism promotion.

Sincerely,
JENNIFER JOLY, General Counsel

MESSAGE FROM THE GOVERNOR

May 12, 2003

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

I have the honor to advise you that on May 9, 2003, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5006

Relating to nonconsumptive wildlife activities.

Senate Bill No. 5011

Relating to promoting wildlife viewing.

Senate Bill No. 5049

Relating to veterans' history awareness month.

Substitute Senate Bill No. 5051

Relating to strong beer.

Substitute Senate Bill No. 5062

Relating to the recreational salmon and marine fish enhancement program.

Senate Bill No. 5094

Relating to providing optional service credit for substitute service to members of the school employees' retirement system.

Substitute Senate Bill No. 5105

Relating to educational interpreters.

Substitute Senate Bill No. 5133

Relating to the interstate compact for juveniles.

Senate Bill No. 5134

Relating to border county higher education opportunities.

Senate Bill No. 5156

Relating to the combined fund drive.

Substitute Senate Bill No. 5189

Relating to tuition and fees charged at institutions of higher education to military and naval veterans of the Korean conflict.

Engrossed Senate Bill No. 5210

Relating to electrician certification

Senate Bill No. 5211

Relating to collection agencies.

Substitute Senate Bill No. 5218

Relating to the timely mailing of absentee and mail ballots.

Substitute Senate Bill No. 5236

Relating to offering health care benefit plans to school district employees.

Substitute Senate Bill No. 5237

Relating to regulating the catheterization of students.

Engrossed Senate Bill No. 5256

Relating to rule-making procedures.

Substitute Senate Bill No. 5274

Relating to funding of the archives division.

Engrossed Substitute Senate Bill No. 5299

Relating to tariff and price list notices.

Substitute Senate Bill No. 5310

Relating to bond requirements for title insurance agents.

Substitute Senate Bill No. 5335

Relating to the definition of a motorcycle helmet.

Senate Bill No. 5413

Relating to allowing out-of-state licenses to practice commercial real estate.

Senate Bill No. 5512

Relating to small business economic impact statements.

Senate Bill No. 5783

Relating to implementing the streamlined sales and use tax agreement.

Substitute Senate Bill No. 5787

Relating to the use of a leaching test in state water quality certifications.

Substitute Senate Bill No. 5824

Relating to allowing rural fire protection districts to contract with cities for ambulance services and impose a monthly utility service charge on each developed residential property located in the fire protection district.

Substitute Senate Bill No. 5912

Relating to a state produce railcar pool.

Sincerely,
JENNIFER JOLY, General Counsel

MESSAGE FROM THE GOVERNOR

May 12, 2003

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on May 12, 2003, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5305

Relating to the availability of construction aggregates used in transportation and construction projects.

Substitute Senate Bill No. 5327

Relating to dental hygienists.

Substitute Senate Bill No. 5358

Relating to high school diplomas for veterans of the Korean conflict.

Engrossed Senate Bill No. 5379

Relating to dependency petition hearings.

Substitute Senate Bill No. 5396

Relating to court-imposed conditions of deferred prosecutions.

Senate Bill No. 5410

Relating to public information about registered sex offenders.

Substitute Senate Bill No. 5434

Relating to electricians.

Engrossed Substitute Senate Bill No. 5448

Relating to tuition-setting authority at institutions of higher education.

Senate Bill No. 5477

Relating to delivery of endorsements by recording officers.

Senate Bill No. 5515

Relating to the board of industrial insurance appeals.

Substitute Senate Bill No. 5545

Relating to fees for certified copies of vital records.

Substitute Senate Bill No. 5579

Relating to boarding homes.

Substitute Senate Bill No. 5592

Relating to garnishments.

Substitute Senate Bill No. 5596

Relating to custodial assault at juvenile rehabilitation facilities and institutions.

Substitute Senate Bill No. 5601

Relating to physicians providing care at community clinics.

Substitute Senate Bill No. 5616

Relating to insurer foreign investments.

Substitute Senate Bill No. 5641

Relating to civil and criminal penalties for the unlawful transaction of insurance or health coverage.

Senate Bill No. 5654

Relating to fire protection in newly incorporated cities and towns.

Engrossed Senate Bill No. 5676

Relating to higher education financial assistance.

Second Substitute Senate Bill No. 5694

Relating to an integrated permit system.

Substitute Senate Bill No. 5716

Relating to crimes involving drivers' licenses and identicards.

Senate Bill No. 5726

Relating to eligibility to be a director of a cooperative association.

Substitute Senate Bill No. 5737

Relating to reporting abandoned property.

Substitute Senate Bill No. 5749

Relating to hearings concerning violations by sex offenders of postrelease conditions.

Engrossed Substitute Senate Bill No. 5766

Relating to providing businesses with notice of administrative rules.

Engrossed Substitute Senate Bill No. 5779

Relating to sibling relationships for dependent children.

Substitute Senate Bill No. 5811

Relating to the involvement of the birth family in foster care.

Substitute Senate Bill No. 5829

Relating to nursing technicians.

Second Substitute Senate Bill No. 5890

Relating to a pilot project by the department of labor and industries to determine the feasibility and benefits for medical monitoring of agricultural workers.

Substitute Senate Bill No. 5933

Relating to cigarette tax contracts.

Senate Bill No. 5970

Relating to correcting a technical error to clarify that the family law handbook shall be provided when a person applies for a marriage license.

Engrossed Senate Bill No. 5991

Relating to changing minimum requirements for the existing secure community transition facility.

Senate Bill No. 6057

Relating to basic health care plan enrollment.

Sincerely,
JENNIFER JOLY, General Counsel

MOTION

At 12:02 p.m., on motion of Senator Swecker, the Senate adjourned until 12:00 noon, Monday, May 19, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, JR., Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, FIRST SPECIAL SESSION, MAY 16, 2003

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

EIGHTH DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Monday, May 19, 2003

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

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 6072

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 16th day of May, 2003.

(Seal) SAM REED

Secretary of State

MESSAGE FROM THE GOVERNOR

May 14, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed Substitute Senate Bill No. 6072 entitled:

"AN ACT Relating to funding pollution abatement and response;"

This bill establishes funding for a tugboat to reduce the risk of major maritime accidents, to enhance emission control for school buses, and to reduce and monitor vehicle air emissions.

I support these important environmental responsibilities, and appreciate the work of the legislature to provide for these activities within existing funds. However, section 6 of this bill would inadvertently eliminate the fifty-dollar physical inspection fee required for some out-of-state vehicles prior to registration in Washington State. I am, therefore, vetoing section 6 of this bill in order to maintain the inspection fee, which provides \$2.5 million annual revenue for this important public safety program.

For these reasons, I have vetoed section 6 of Engrossed Substitute Senate Bill No. 6072.

With the exception of section 6, Engrossed Substitute Senate Bill No. 6072 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGES FROM STATE OFFICES

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

May 13, 2003

The Honorable Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

Enclosed is the department's Report to the Legislature entitled "Services to Persons with Disabilities who have community protection issues or are diverted/Discharged from State Hospitals." It is mandated under Chapter 7, Laws of 2001, E2, Section 205(1) (c).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Pat Buker at (360) 902-8460 or Cheryl Strange at (360) 902-0260 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Services to Persons with Disabilities who have community protection issues or are diverted/Discharged from State Hospitals" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON

Department of Social and Health Services
Olympia, WA 98504-5000

May 13, 2003

The Honorable Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

Enclosed is the department's Report to the Legislature entitled "Services to Persons with Disabilities who request to move from Residential Habilitation Centers to the community under the US Supreme Court decision on Olmstead." It is mandated under Chapter 7, Laws of 2001, E2, Section 205(1) (c).

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Harlon Solomon at (360) 902-8447 or Pat Buker at (360) 902-8460 if you have questions regarding the report..

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Services to Persons with Disabilities who request to move from Residential Habilitation Centers to the community under the US Supreme Court decision on Olmstead" is on file in the Office of the Secretary of the Senate.

MOTION

At 12:03 p.m., on motion of Senator Swecker, the Senate adjourned until 12:00 noon, Wednesday, May 21, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTH DAY, FIRST SPECIAL SESSION, MAY 19, 2003

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

TENTH DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Wednesday, May 21, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

ENGROSSED SENATE BILL NO. 5073

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 19th day of May, 2003.

(Seal) SAM REED,

Secretary of State

MESSAGE FROM THE GOVERNOR

May 16, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5 of Engrossed Senate Bill No. 5073 entitled:

“AN ACT Relating to watershed management;”

This bill provides a number of mechanisms that will assist local governments to cooperate among themselves in watershed planning efforts.

With the concurrence of the prime sponsor, I have vetoed section 5, which contains some confusing language. For this reason, I have vetoed section 5 of Engrossed Senate Bill No. 5073.

With the exception of section 5, I am signing Engrossed Senate Bill No. 5073.

Respectfully submitted,
GARY LOCKE, Governor

MOTION

On motion of Senator Fraser, the partial veto message on Engrossed Senate Bill No. 5073 was held at the desk.

MESSAGE FROM THE GOVERNOR

May 20, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute Senate Bill No. 5179 entitled:

"AN ACT Relating to body-gripping traps;"

This bill would have provided that a trapping program is in the state's interest and that the sale of pelts is consistent with the Legislature's intent not to waste a wildlife resource. It would have allowed, if permitted by the director of the Department of Fish and Wildlife (DFW), use of a body-gripping trap to address animal problems and fur-bearer management needs.

Early this session, I supported legislation that would have addressed the specific problems associated with Initiative 713. This legislation would have allowed the use of traps on moles, gophers and mountain beavers, and provided additional protections for livestock. At that time, I also indicated my opposition to legislation that would repeal the core principles underlying the initiative. Whenever possible, improvements to address unintended consequences of an initiative should be pursued before consideration of a repeal. Because this bill effectively repeals the initiative, even though an alternative legislative solution exists to address the problems of the initiative, I have vetoed the bill in its entirety.

We need to put this issue behind us by looking for ways we can creatively implement solutions, rather than perpetuate problems. With this message, I am requesting members of the Fish and Wildlife Commission to closely oversee DFW's implementation of Initiative 713, consistent with its spirit and intent. Specifically, I would like the Commission to recommend changes to help protect livestock and reduce damage to public property, and to conduct an educational outreach program around the state that explains the availability of the special permit program allowed under Initiative 713. In the meantime, I also would expect that given current financial constraints, DFW would use its limited enforcement resources on higher priorities rather than against homeowners, businesses and the timber industry that have trapped for moles, gophers and mountain beavers. I would like the Commission Chair to provide me with a report in person by December 1, 2003.

For these reasons, I have vetoed Substitute Senate Bill No. 5179 in its entirety.

Respectfully submitted,
GARY LOCKE, Governor

MOTION

On motion of Senator Fraser, the veto message on Substitute Senate Bill No. 5179 was held at the desk.

MESSAGE FROM THE GOVERNOR

May 15, 2003

To the Honorable President and Members
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 14, 2003, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5039

Relating to hepatitis C.

Senate Bill No. 5042

Relating to the department of natural resources' contractual authority.

Senate Bill No. 5065

Relating to obtaining a geologist license.

Second Substitute Senate Bill No. 5074

Relating to the authority of the department of natural resources to contract for the harvest of timber from state trust lands.

Substitute Senate Bill No. 5144

Relating to protecting forest health.

Senate Bill No. 5176

Relating to providing wildland fire fighting training.

Engrossed Substitute Senate Bill No. 5178

Relating to funding and expenditures for legislative trade hosting and mission activities.

Substitute Senate Bill No. 5204

Relating to enhancing watchable wildlife activities.

Engrossed Substitute Senate Bill No. 5223

Relating to mental health advance directives.

Substitute Senate Bill No. 5473

Relating to providing law enforcement officers with training in interaction with persons with a developmental disability or mental illness.

Substitute Senate Bill No. 6012

Relating to shoreline management.

Substitute Senate Bill No. 6073

Relating to authorizing the increase of shellfish license fees to fund shellfish biotoxin testing and monitoring.

Sincerely,
JENNIFER JOLY, General Counsel

MESSAGE FROM THE GOVERNOR

May 16, 2003

To the Honorable President and Members
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 2003, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5190

Relating to fuel tax evasion.

Engrossed Senate Bill No. 5245

Relating to involving legislators in transportation planning.

Engrossed Substitute Senate Bill No. 5247

Relating to alternative local option fuel taxes.

Senate Bill No. 5284

Relating to failure to use required traction equipment.

Engrossed Senate Bill No. 5343

Relating to watershed planning.

Substitute Senate Bill No. 5407

Relating to franchise agreements between motorsports vehicle dealers and manufacturers.

Substitute Senate Bill No. 5409

Relating to providing a new direct petition annexation method.

Engrossed Senate Bill No. 5450

Relating to providing incentives to reduce air pollution through the licensing and use of neighborhood electric vehicles.

Substitute Senate Bill No. 5457

Relating to posting of hazards to motorcycles.

Substitute Senate Bill No. 5497

Relating to moving and relocation expenses.

Senate Bill No. 5507

Relating to standing before growth management hearings boards.

Substitute Senate Bill No. 5520

Relating to authorizing the ferry system to use alternative public works contracting procedures.

Substitute Senate Bill No. 5575

Relating to small irrigation impoundments.

Engrossed Substitute Senate Bill No. 5586

Relating to granting authority to address concerns with lead-based paint activities.

Substitute Senate Bill No. 5600

Relating to disposition of returned license plates.

Substitute Senate Bill No. 5602

Relating to accommodating housing and employment growth for local jurisdictions planning under RCW 36.70A.040.

Engrossed Substitute Senate Bill No. 5889

Relating to animal feeding operations.

Substitute Senate Bill No. 5891

Relating to livestock identification.

Sincerely,
JENNIFER JOLY, General Counsel

MESSAGE FROM THE GOVERNOR

May 16, 2003

To the Honorable President and Members
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 16, 2003, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5248

Relating to transportation.

Substitute Senate Bill No. 5748

Relating to transportation-related performance audits.

Sincerely,
JENNIFER JOLY, General Counsel

MOTION

At 12:05 p.m., on motion of Senator Fraser, the Senate adjourned until 11:45 a.m., Friday, May 23, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, FIRST SPECIAL SESSION, MAY 21, 2003

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

TWELFTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

The Senate was called to order at 11:45 a.m. by President Owen. Senate Chamber, Olympia, Friday, May 23, 2003
No roll call was taken.

MOTION

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

INTRODUCTION AND FIRST READING

SCR 8411 by Senators Fraser and Esser

Authorizing a four-day period between floor sessions over the Memorial Day.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Fraser and Esser

Authorizing a four-day period between floor sessions over the Memorial Day.

The concurrent resolution was read the second time.

SENATE CONCURRENT RESOLUTION NO. 8411

WHEREAS, Article 2, section 11 of the Washington State Constitution provides that "neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other"; and

WHEREAS, The public interest requires that the business of the 2003 first special session of the Fifty-eighth Legislature be considered and acted upon as efficiently and expeditiously as possible;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That, in accordance with Article 2, section 11 of the Washington State Constitution, the Legislature may adjourn from Friday, May 23rd, the twelfth legislative day of the first special session from a time to be set by each chamber of the legislature until a time of each chamber's choosing on Tuesday, May 27th, the sixteenth legislative day of the first special session.

MOTION

On motion of Senator Swecker, the rules were suspended, Senate Concurrent Resolution No. 8411 was advanced to third reading, the second reading considered the third, and the concurrent resolution was placed on final passage.

Senator Fraser spoke to the adoption of Senate Concurrent Resolution No. 8411.
SENATE CONCURRENT RESOLUTION NO. 8411 was adopted by voice vote.

MOTION

On motion of Senator Swecker, Senate Concurrent Resolution No. 8411 was immediately transmitted to the House of Representatives.

MOTION

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

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

ENGROSSED SENATE BILL NO. 5014

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 16th day of May, 2003.

(Seal) SAM REED,

Secretary of State

MESSAGE FROM THE GOVERNOR

May 16, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 2 and 3, Engrossed Senate Bill No. 5014 entitled:

“AN ACT relating to public water projects;”

This bill creates a subaccount within the Public Works Assistance Account to distribute grants for water storage projects and water system facilities.

Section 2 amends RCW 43.79A.040, with the intent that the new subaccount would retain its proportionate share of investment income. However, this section of law is related to the Treasurer’s trust funds, and the Public Works Assistance Account is not a trust fund. Additionally, this section conflicts with the provisions of Chapter 150, Laws of 2003, which transfers the investment income of the Public Works Assistance Account to the Community Economic Revitalization Program.

Section 3 contains an emergency clause. Given that there is no supplemental budget funding available in the current biennium, there is no rationale for having this law take effect immediately.

For these reasons, I have vetoed sections 2 and 3 of Engrossed Senate Bill No. 5014.

With the exception of sections 2 and 3, Engrossed Senate Bill No. 5014 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5713

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the state of Washington, this 20th day of May, 2003.

(Seal) SAM REED,

Secretary of State

MESSAGE FROM THE GOVERNOR

May 20, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 501, Engrossed Substitute Senate Bill No. 5713 entitled:

"AN ACT Relating to electrical work;"

This bill modifies the state electrical and plumbing statutes in a number of significant ways, including reducing the level of government regulation currently borne by both businesses and workers.

Section 501 would have exempted the repair, maintenance, and replacement of electrical appliances in residential settings from electrical licensing and certification requirements.

Licensing and certification are the only means the state has to ensure that well-trained and qualified individuals perform electrical work. Exempting these requirements, coupled with the exemption from inspection and permitting provided in other sections of this bill, would remove all regulatory oversight of electrical appliance replacement and repair work. This poses serious public policy concerns and could expose workers, homeowners, and the general public to hazards related to faulty electrical installations or repair.

Notwithstanding these concerns, I also want to ensure that the current level of regulation is not an unnecessary burden on the electrical appliance industry. Accordingly, after the first year of administering this act, I am directing the Department of Labor and Industries, to evaluate its impact and report its findings to me by December 31, 2004.

For these reasons, I have vetoed section 501 of Engrossed Substitute Senate Bill No. 5713.

With the exception of section 501, Engrossed Substitute Senate Bill No. 5713 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5903

IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed the Seal of the state of Washington,
this 20th day of May, 2003.

(Seal) SAM REED,

Secretary of State

MESSAGE FROM THE GOVERNOR

May 20, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1, Engrossed Substitute Senate Bill No. 5903 entitled:

"AN ACT Relating to juvenile offender sentences;"

This bill creates two new alternative juvenile sentences, and a pilot project for a third sentencing alternative.

Section 1 prohibits the closure of any Juvenile Rehabilitation Administration institution "without specific authorization in an act of the legislature." It further prohibits the use of any such institution, even if closed by the Legislature, by the Department of Corrections or to incarcerate adult offenders. I share these policy goals of not closing state institutions without the Legislature's concurrence, and not converting juvenile facilities into adult prisons. I have not proposed any such closures or conversions.

However, the Legislature has not yet adopted a budget for the next biennium, and there is no assurance that its next budget, or some future budget, will not make it necessary to consider closures as a means of administering programs within available resources. The Legislature creates the programs and provides the resources, but the executive branch must administer them, and should not be prohibited in permanent law from making difficult decisions that may be necessary.

For this reason, I have vetoed section 1 of Engrossed Substitute Senate Bill No. 5903.

With the exception of section 1, Engrossed Substitute Senate Bill No. 5903 is approved.

Respectfully submitted,
GARY LOCKE, Governor

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

SUBSTITUTE SENATE BILL NO. 5996

IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed the Seal of the state of Washington,
this 20th day of May, 2003.

(Seal) SAM REED,

Secretary of State

MESSAGE FROM THE GOVERNOR

May 20, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 3 and 4, Substitute Senate Bill No. 5996 entitled:

"AN ACT Relating to hosting the 2005 conference of the national conference of state legislatures and other government conferences;"

This bill establishes a host committee for the 2005 annual meeting of the National Conference of State Legislatures (NCSL). It also amends the Ethics Act to allow the solicitation and acceptance of gifts for the purpose of hosting a government conference.

Section 3 would have established a presumption that state officers and employees are not in violation of the Ethics Act when soliciting gifts, grants or donations to host a government conference. Section 4 would have also exempted these gifts from the

ordinary fifty-dollar limit. Sections 3 and 4 are too broad and not necessary to accomplish the primary objectives of the bill, which are to establish a host committee for the 2005 NCSL conference and to allow legislators on the committee to solicit contributions in excess of fifty dollars for the conference.

RCW 42.52.010(10)(e) of the Ethics Act specifies that a "gift" does not include "items a state officer or state employee is authorized by law to accept." Because section 2 of this bill authorizes the host committee to engage in fundraising activities, these activities are not considered a gift for purposes of the Ethics Act. Thus, sections 3 and 4 of the bill are not necessary.

Aside from being unnecessary to meet the primary objectives of this bill, sections 3 and 4 are too broad. They exempt fundraising for the hosting of any government conference, without limitation, from existing restrictions on the solicitation of gifts. The potential for abuse of this broad exemption concerns me.

For these reasons, I have vetoed sections 3 and 4 of Substitute Senate Bill No. 5996.

With the exception of sections 3 and 4, Substitute Senate Bill No. 5996 is approved.

Respectively submitted,
GARY LOCKE, Governor

MESSAGE FROM GOVERNOR

May 21, 2003

To the Honorable President and Members,
The Senate of the State of Washington

Ladies and Gentlemen:

I have the honor to advise you that on May 20, 2003, Governor Locke approved the following Senate Bills entitled:

Substitute Senate Bill No. 5120

Relating to drivers convicted of alcohol offenses.

Engrossed Second Substitute Senate Bill No. 5135

Relating to increased tuition fees and fees for excess credits taken at institutions of higher education.

Engrossed Senate Bill No. 5389

Relating to clean and sober housing.

Senate Bill No. 5437

Relating to appeals from decisions by the school district regional committee.

Senate Bill No. 5705

Relating to changing provisions on the department of services for the blind.

Substitute Senate Bill No. 5751

Relating to sales of valuable materials.

Senate Bill No. 5769

Relating to regional transportation investment district bond authority.

Engrossed Substitute Senate Bill No. 5776

Relating to review of permit decisions by state agencies and local governments for economic development projects.

Engrossed Substitute Senate Bill No. 5785

Relating to the use of a vehicle on a nonhighway road or trail.

Senate Bill No. 5865

Relating to recreation facilities.

Substitute Senate Bill No. 5868

Relating to driving abstracts of prospective volunteers.

Senate Bill No. 5893

Relating to fish and wildlife automated recreational licensing.

Senate Bill No. 5898

Relating to recreational boating.

Senate Bill No. 5935

Relating to consolidation of state declared fire mobilization responsibilities within the Washington state patrol.

Substitute Senate Bill No. 5974

Relating to the exercise of sound business practices to enhance revenues for Washington State Ferries.

Engrossed Substitute Senate Bill No. 5990

Relating to times and supervision standards for release of offenders.

Engrossed Substitute Senate Bill No. 6023

Relating to increasing certain assessments and penalties imposed by courts.

Senate Bill No. 6052

Relating to alternative route teacher certification.

Substitute Senate Bill No. 6054

Relating to clarifying the application of the industrial welfare act to public employers.

Senate Bill No. 6056

Relating to fees, taxes, and penalties for pilots and aircraft.

Sincerely,
JENNIFER JOLY, General Counsel

MOTION

On motion of Senator Swecker, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

May 23, 2003

MR. PRESIDENT:

The House has passed Senate Concurrent Resolution No. 8411, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8411.

MOTION

At 12:03 p.m., on motion of Senator Swecker, the Senate adjourned until 12:00 noon, Tuesday, May 27, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, FIRST SPECIAL SESSION, MAY 23, 2003

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

SIXTEENTH DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Tuesday, May 27, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

At 12:01 p.m., on motion of Senator Fraser, the Senate adjourned until 12:00 noon, Friday, May 30, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, MAY 27, 2003

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NINETEENTH DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Friday, May 30, 2003
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MESSAGE FROM THE HOUSE

May 27, 2003

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8411, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6083 By Senator Parlette

“AN ACT Relating to funding a highway construction project on state route no. 28 in Douglas county and deleting a highway construction project at the state route no. 2/97 interchange by changing the date of the Legislative 2003 Transportation Project List -- New Law report; amending 2003 c . . . (ESHB 1163) ss 305, 306, 308, 309, and 310 (uncodified); and declaring an emergency.”

Referred to Committee on Highways and Transportation.

MOTION

At 12:02 p.m., on motion of Senator Swecker, the Senate adjourned until 12:00 noon, Monday, June 2, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, FIRST SPECIAL SESSION, MAY 30, 2003

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TWENTY-SECOND DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Monday, June 2, 2003

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

MOTION

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

MOTION

On motion of Senator Swecker, the Senate immediately went at ease.

The Senate was called to order at 12:08 p.m. by Vice President Pro Tempore Winsley.

MOTION

At 12:08 p.m., on motion of Senator Swecker, the Senate adjourned until 12:00 noon Tuesday, June 3, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate
JOURNAL OF THE SENATE

TWENTY SECOND DAY, FIRST SPECIAL SESSION, JUNE 2, 2003

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

TWENTY-THIRD DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Tuesday, June 3, 2003

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

MOTION

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

MESSAGES FROM STATE OFFICES

STATE OF WASHINGTON

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN
6720 Fort Dent Way, Suite 240
Tukwila, Washington 98188

May 20, 2003

To the Residents of Washington State:

I am pleased to present the Year 2002 Report of the Office of the Family and Children's Ombudsman.

Last year was marked by a significant change at the Ombudsman. After serving nearly six years as the Ombudsman's first director, Vickie Wallen left her post in July, 2002, to care for her new son. Under Ms. Wallen's leadership, the Ombudsman achieved a high degree of credibility and respect among our diverse range of stakeholders, including DSHS service recipients, legislators, community professionals, child and family advocates, agency workers, and the public. You can be assured that we at the Ombudsman will continue working hard to maintain the credibility and respect earned during Ms. Wallen's tenure.

The year also encompassed a tremendous amount of activity. Last year, the Ombudsman received a record number of complaints. The increase in complaints is not unusual. Over the past five years, our work of responding to inquiries and investigating complaints has accelerated dramatically. Inquires made by families and citizens have more that doubled, while the number of complaints filed with our office has increased ninety percent.

Responding effectively to the dramatic increase in workload has been one of our biggest challenges in recent years. Because the Ombudsman has not been fully staffed since 2001, this challenge has been especially daunting. However, we are implementing significant work-process efficiencies and making extra effort to maintain a high level of responsiveness to those who contact our office.

Although slowed by the lack of a permanent director, our work on systemic issues continues. Several safety-improvement recommendations contained in the Ombudsman's 2001 Report on the Washington School for the Deaf were adopted by the 2002 Legislature. In addition, the 2002 Legislature convened a work group and considered legislation that responded to concerns raised in several Ombudsman reports about the state's inadequate response to repeated reports of child neglect. Our investigation of DSHS' process for reviewing the fatalities of children served by Child Protective and Child Welfare Services continues. We hope to complete it within the next year.

Before closing, I want to acknowledge the contributions of Rosie Oreskovich to our state. As the Assistant Secretary of the DSHS Children's Administration, Ms. Oreskovich devoted virtually all of her time and energy to strengthening the system that serves abused and neglected children and their families. Her unexpected death earlier this year

brings not only sadness, but a sense of deep loss among those of us who know of her life-long commitment to helping vulnerable children and families. Rosie's remarkable life of public service is an inspiration.

On behalf of all of us at the Office of the Family and Children's Ombudsman, I want to thank you for your interest in our work. We greatly appreciate the opportunity to serve as a voice for the families and children of Washington State.

Sincerely,

MARY MEINIG, Acting Director Ombudsman

The 2002 Annual Report from the Office of the Family and Children's Ombudsman is on file in the Office of the Secretary of the Senate.

WASHINGTON STATE AUDITOR'S OFFICE

AUDIT REPORT

Washington State Department of Social and Health Services
Special Investigation

IN-HOME CHILD CARE PROVIDERS IN MATTAWA, WASHINGTON

BACKGROUND

In September, 2002, the State Auditor's Office learned that the Division of Fraud investigations in the Department of Social and Health Services was investigating fifty in-home child care providers in Mattawa, Washington. We reviewed the preliminary results of the Division's investigation to determine the cause of the significant issues identified.

The Division had subpoenaed the records of all fifty providers. We reviewed the records from seven of those providers in detail; we also reviewed the Division's investigatory procedures and preliminary results. The Division's investigation found that attendance documentation was insufficient to support payments to providers; that providers did not meet documentation requirements relating to health and safety requirements; and that providers gave false information on application forms. At that time, we also verified that the families whose children were receiving care were eligible for the child care program.

Based on work we performed in 2002, we concluded there were weakness in payment monitoring procedures for the Seasonal Child Care Program. In February 2003, we reported these weaknesses in Finding Number 02-01C in the State Accountability Report for fiscal year 2002 and in Finding Number 02-8 in the State of Washington Single Audit Report.

Since that time, we have performed additional work and have determined that some providers gave false information regarding their identities during the application process. We further reviewed the available attendance records and found that, in addition to being insufficient to support payments, some had been falsified.

We planned to discuss the weaknesses identified in our review of the subpoenaed records with the licensor responsible for monitoring these providers. We requested this interview through the licensor's supervisor, who later informed us that the licensor declined to be interviewed.

We then evaluated monitoring reports completed by this licensor for thirteen providers to determine whether the licensor properly recorded and followed up on documentation weaknesses we had identified in our review.

CONCLUSION

As a result of the falsified information on application and background inquiry forms, falsified and missing attendance records, and other missing provider documents, we are questioning the payment of an estimated \$2 million in federal funds to these fifty providers. These provider payments were charged to federal funds in the Child Care Development Fund-Discretionary during the time period reviewed. This condition was caused by weak or non-existent internal controls over the application and monitoring processes. These control weaknesses are in addition to the payment monitoring weaknesses identified in our earlier reports.

Because of the serious nature of these issues, we sent an official letter to the Department's Director of Child Care and Early Learning to provide early notification of the significant issues identified in the investigation. We will rely on the Division of Fraud Investigations to forward evidence in this case to the Grant County Prosecuting Attorney's Office for any action deemed appropriate under the circumstances.

The Washington State Auditor's Office Special Investigation of the Department of Social and Health Services fifty in-home care providers in Mattawa, Washington, is on file in the Office of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SB 6084 by Senators Esser, Reardon, Rossi, Prentice, Horn, Fairley and Finkbeiner

AN ACT Relating to utility relocation costs; and adding a new section to chapter 81.112 RCW.

HOLD.

SB 6085 by Senator Esser

AN ACT Relating to assuring that the rights of way of limited access facilities accommodate the deployment of personal wireless service facilities; and amending RCW 47.52.001.

HOLD.

SB 6086 by Senators Honeyford, Esser, Finkbeiner and Mulliken

AN ACT Relating to unemployment insurance; and creating a new section.

HOLD.

MOTION

On motion of Senator Swecker, Senate Bill No. 6084, Senate Bill No. 6085 and Senate Bill No. 6086 were held at the desk.

MOTION

At 12:02 p.m., on motion of Senator Swecker, the Senate adjourned until 12:00 noon, Wednesday, June 4, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FIRST SPECIAL SESSION JUNE 3, 2003

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

TWENTY-FOURTH DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Wednesday, June 4, 2003

The Senate was called to order at 12:00 noon by President Pro Tempore Winsley. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator West. On motion of Senator Brandland, Senator West was excused.

The Sergeant at Arms Color Guard, consisting of Rose Baran and Terry Hoyer, presented the Colors. Senator Bob Morton offered the prayer.

MOTION

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

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege, Madam President. Six weeks ago, we had Doctor Hellyer and his wife, Connie, before us in this Senate. We honored them. He is a cattleman and a physician and has dedicated his life to children and to the environment. There is a wonderful book about him that was done by Cameron Wallin. I so enjoyed it. It talks about Doctor Hellyer's life and it talks about Northwest Trek.

"I feel very honored that we have with us Doctor Hellyer's daughter, Doro. The foundation wanted to give the Senators a present of this book, *A Trek Through Time, Northwest Trek Wildlife Park*. So, I feel really pleased to present to you this book about The Northwest Trek. I think you will really enjoy it and it will bring Doctor Hellyer into your lives, as to what wonderful people he and Connie are and what they are all about. One of the most fascinating things about Northwest Trek is that it is not just a wildlife park, it is an education exhibit. He has really wanted the children, the disabled--people who are very vulnerable--to be able to come and see Northwest Trek and enjoy it for what it is, a beautiful, beautiful history of what the Northwest animals are all about.

"Last Saturday, we had the coyote and the fox exhibit open up and it was absolutely wonderful. There are new exhibits all the time and if you haven't been there, you need to go. I hope you do enjoy this book. Thank you, Madam President."

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Cameron Wallin, the author of Northwest Trek, and Doro Hellyer-Oliver a member of the Hellyer family, donators of the land which became Northwest Trek, who were seated in the back of the Chamber.

PERSONAL PRIVILEGE

Senator Hale: "A point of personal privilege, Madam President. I know that all of my colleagues in the Senate are wondering about Senator West and I wanted to let you know that he is very, very disappointed that he can't be here with us today, but he has started his treatments. He is doing well. He is in good spirits and he is a very, very determined guy. He greatly appreciates all of the cards and the phone calls and especially the prayers. He says to keep them coming. So, we will just think about him and know that he is thinking about us. We certainly all wish him well. "

INTRODUCTION AND FIRST READING

SB 6087 by Senator Rossi

AN ACT Relating to transferring funds to the site closure account; and amending RCW 43.200.080 and 70.98.098.

HOLD.

SB 6088 by Senators Deccio, Thibaudeau, Winsley, Swecker and Franklin

AN ACT Relating to making prescription drugs more affordable to seniors, the disabled, and state health care programs; amending RCW 69.41.150 and 70.14.050; adding new sections to chapter 74.09 RCW; adding new sections to chapter 41.05 RCW; adding a new section to chapter 69.41 RCW; adding new sections to chapter 43.131 RCW; creating new sections; prescribing penalties; and declaring an emergency.

HOLD.

SB 6089 by Senator Parlette

AN ACT Relating to redirecting cost savings from a highway construction project at the state route No. 2/97 interchange to a highway construction project on state route No. 28 in Douglas county; and amending 2003 c 360 s 305 (uncodified).

Referred to Committee on Highways and Transportation.

SB 6090 by Senator Parlette

AN ACT Relating to redirecting cost savings from the completion of highway construction projects to other highway construction projects; and amending 2003 c 360 s 305 (uncodified).

Referred to Committee on Highways and Transportation.

SCR 8412 by Senators Rossi and Brown

Special session bill status

HOLD.

SCR 8413 by Senator Rossi

Budget conference committee

HOLD.

MOTION

On motion of Senator Sheahan, Senate Bill No. 6087, Senate Bill No. 6088, Senate Concurrent Resolution No. 8412 and Senate Concurrent Resolution No. 8413 were held at the desk.

At 12:11 p.m., the President Pro Tempore declared the Senate to be at ease.

The Senate was called to order at 12:22 p.m. by President Pro Tempore Winsley.

MOTION

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

MESSAGES FROM THE HOUSE

June 4, 2003

MR. PRESIDENT:

The House has passed
SUBSTITUTE HOUSE BILL NO. 1693,
SUBSTITUTE HOUSE BILL NO. 2192,
HOUSE BILL NO. 2242,
HOUSE BILL NO. 2266, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 4, 2003

MR. PRESIDENT:

The House has passed HOUSE CONCURRENT RESOLUTION NO. 4408, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4408 By Representatives Kessler and DeBolt

Specifying the status of bills, memorials, and resolutions for the 2003 first special session of the fifth-eighth legislature.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Concurrent Resolution No.4408 was advanced to second reading and read the second time.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4408

Specifying the status of bills, memorials, and resolutions for the 2003 first special session of the fifth-eighth legislature.

The concurrent resolution was read the second time.

HOUSE CONCURRENT RESOLUTION NO 4408

WHEREAS, Bills, joint resolutions, joint memorials, and concurrent resolutions introduced at the 2003 regular session of the Fifty-eighth Legislature may require that they be considered at the 2003 first special session of the Fifty-eighth Legislature; and

WHEREAS, The public interest requires that the business of the 2003 first special session of the Fifty-eighth Legislature be considered and acted upon as efficiently and expeditiously as possible;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the state of Washington, the Senate concurring, That all bills, joint resolutions, joint memorials, and concurrent resolutions introduced in the 2003 regular session of the Fifty-eighth Legislature are reintroduced in the house in which they originated and shall retain the same number and be given the highest legislative status that they attained in the original house as shown by the official House and Senate dockets upon the adjournment SINE DIE of the regular session.

MOTION

On motion of Senator Sheahan, the rules were suspended, House Concurrent Resolution No. 4408 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4408, was adopted by voice vote.

MOTION

On motion of Senator Sheahan, the following bills on the second and third reading calendar were returned to the Committee on Rules: Senate Bill No. 5338, Senate Bill No. 5392, Substitute Senate Bill No. 5427, Senate Bill No. 5542, Senate Bill No. 5899, Senate Bill No. 6016, Senate Bill No. 6060, Senate Bill No. 6061, Senate Joint Memorial No. 8005, Senate Joint Memorial No. 8006 and Senate Joint Resolution No. 8204.

MOTION

Senator Sheahan: "Madam President, I move that the rules be suspended and the Committee on Rules be relieved of further consideration of Engrossed Substitute Senate Bill No. 5404 and further that the Senate inform the House of Representatives that we are in dispute as to this operating budget bill and request that a conference committee be appointed thereon."

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore Winsley: "Hearing no objection, Senator Rossi, Senator Fairley and Senator Zarelli are appointed as members of the conference committee on Engrossed Substitute Senate Bill No. 5404."

MOTION

On motion of Senator Sheahan, the conference committee appointments were confirmed.

MOTION

Senator Sheahan: "Madam President, I move that the rules be suspended and the Committee on Rules be relieved of further consideration of Substitute Senate Bill No. 5401 and further that the Senate inform the House of Representatives that we are in dispute as to this capital budget bill and request that a conference committee be appointed thereon."

APPOINTMENT OF CONFERENCE COMMITTEE

The President Pro Tempore Winsley: "Hearing no objection, Senator Zarelli, Senator Poulsen and Senator Honeyford are appointed as members of the conference committee on Substitute Senate Bill No. 5401."

MOTION

On motion of Senator Sheahan, the conference committee appointments were confirmed.

MOTION

At 12:29 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 5:00 p.m. by President Pro Tempore Winsley.

The Committee on Rules was relieved of the following Senate bills which were on the Third Reading Calendar.
(Rules Meeting)

SSB 5908 Higher education facilities

ESSB 5012 f Charter schools

SB 5271 f Workers' comp/hearing loss

ESSB 5378 f Workers' compensation

ESSB 5536 Condominiums

SB 5463 Military & overseas voting

SSB 6058 f State and property taxes

SB 6059 Teachers' cost-of-living

2SSB 5341 f Nursing facility fee

ESSB 5071 f Aviation repair b&o tax

MOTION

On motion of Senator Sheahan, the Senate advanced to seventh order of business.

MOTION

On motion of Senator Brandland, Senator Roach was excused.

THIRD READING

SENATE BILL NO. 6059, by Senator Oke (by request of Office of Financial Management)

Modifying teacher cost-of-living provisions.

The bill was read the third time.

Senator Rossi spoke to Senate Bill No. 6059.

Senator McAuliffe spoke against Senate Bill No. 6059.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6059.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6059 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 1; Excused, 2.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

Voting nay: Senators Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 20.

Absent: Senator Poulsen - 1.

Excused: Senators Roach and West - 2.

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

MOTION

On motion of Senator Eide, Senator Prentice was excused.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5341, by Committee on Ways and Means (originally sponsored by Senators Winsley, Kline, Thibaudeau, Carlson, Parlette and Kohl-Welles)

Establishing a quality maintenance fee on nursing facilities.

MOTION

On motion of Senator Rossi, the rules were suspended, Second Substitute Senate Bill No. 5341 was returned to second reading and read the second time.

MOTION

On motion of Senator Rossi, the following striking amendment by Senators Rossi and Winsley was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of revenue.

(2) "Gross income" means all revenue, without deduction, that is derived from the performance of nursing facility services.

"Gross income" does not include other operating revenue or nonoperating revenue.

(3) "Other operating revenue" means income from nonpatient care services to patients, as well as sales and activities to persons other than patients. It is derived in the course of operating the facility, such as providing personal laundry service for patients, or from other sources such as meals provided to persons other than patients, personal telephones, gift shops, and vending machine commissions.

(4) "Nonoperating revenue" means income from activities not relating directly to the day-to-day operations of an organization. "Nonoperating revenue" includes such items as gains on disposal of a facility's assets, dividends, and interest from security investments, gifts, grants, and endowments.

(5) "Patient day" means a calendar day of care provided to a nursing facility resident, excluding a medicare patient day. Patient days include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

(6) "Medicare patient day" means a patient day for medicare beneficiaries on a medicare Part A stay and a patient day for persons who have opted for managed care coverage using their medicare benefit.

(7) "Nonexempt nursing facility" means a nursing facility that is not exempt from the quality maintenance fee under section 4 of this act.

(8) "Nursing facility" has the same meaning as the term is defined in RCW 18.51.010; it does not include a boarding home as defined in RCW 18.20.020 or an adult family home as defined in RCW 70.128.010.

(9) "Nursing facility operator" means a person who engages in the business of operating a nursing facility or facilities within this state.

(10) "Nursing facility services" means health-related services to individuals who do not require hospital care, but whose mental or physical condition requires services that are above the level of room and board and can be made available only through institutional facilities.

NEW SECTION. Sec. 2. (1) In addition to any other tax, a quality maintenance fee is imposed on every operator of a nonexempt nursing facility in this state. The quality maintenance fee shall be six dollars and fifty cents per patient day.

(2) Each operator of a nonexempt nursing facility shall file a return with the department on a monthly basis. The return shall include the following:

(a) The number of patient days for nonexempt nursing facilities operated by that person in that month; and

(b) Remittance of the nonexempt nursing facility operator's quality maintenance fee for that month.

NEW SECTION. Sec. 3. All of chapter 82.32 RCW, except RCW 82.32.270, applies to the fee imposed by this chapter, in addition to any other provisions of law for the payment and enforcement of the fee imposed by this chapter. The department may adopt rules, in accordance with chapter 34.05 RCW, as necessary to provide for the effective administration of this chapter.

NEW SECTION. Sec. 4. (1) By July 1st of each year, each nursing facility operator shall file a report with the department of social and health services listing the patient days and the gross income for the prior calendar year for each nursing facility that he or she operates.

(2) By August 1, 2003, the department of social and health services shall submit for approval to the federal department of health and human services a request for a waiver pursuant to 42 C.F.R. 433.68. The waiver shall identify the nursing facilities that the department proposes to exempt from the quality maintenance fee. Those facilities shall include at least:

(a) Nursing facilities operated by any agency of the state of Washington;

(b) Nursing facilities operated by a public hospital district; and

(c) As many nursing facilities with no or disproportionately low numbers of medicaid-funded residents as, within the judgment of the department, may be exempted from the fee pursuant to 42 C.F.R. 433.68.

(3) The department of social and health services shall notify the department of revenue and the nursing facility operator of the nursing facilities that would be exempted from the quality maintenance fee pursuant to the waiver request submitted to the federal department of health and human services. The nursing facilities included in the waiver request may withhold payment of the fee pending final action by the federal government on the request for waiver.

(4) If the request for waiver is approved, the department of social and health services shall notify the department of revenue and the nursing facility operator that no quality maintenance fee is due from the facility. If the request for waiver is denied, nursing facility operators who have withheld payment of the fee shall pay all such fees as have been withheld. No interest or penalties shall be due upon such withheld payments for the period during which final federal action was pending.

(5) The department of social and health services shall take whatever action is necessary to continue the waiver from the federal government.

(6) The department of social and health services may adopt such rules, in accordance with chapter 34.05 RCW, as necessary to provide for effective administration of this section and section 5 of this act.

NEW SECTION. Sec. 5. The department of social and health services shall prospectively add the medicaid cost of the quality maintenance fee under section 2 of this act to the nursing facility component rate allocation calculated after application of all other provisions of RCW 74.46.521.

NEW SECTION. Sec. 6. (1) Sections 1 through 5 of this act shall expire on the effective date that federal medicaid matching funds are substantially reduced or that a federal sanction is imposed due to the quality maintenance fee under section 2 of this act, as such date is certified by the secretary of social and health services.

(2) The expiration of sections 1 through 5 of this act shall not be construed as affecting any existing right acquired or liability or obligation incurred under those sections or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. (1) Sections 1 through 3 of this act constitute a new chapter in Title 82 RCW.

(2) Sections 4 and 5 of this act are each added to chapter 74.46 RCW.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

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

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding new sections to chapter 74.46 RCW; adding a new chapter to Title 82 RCW; creating a new section; providing an effective date; providing a contingent expiration date; and declaring an emergency."

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5341, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5341, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5341, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 38; Nays, 8; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 38.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Haugen, Kline and McAuliffe - 8.

Excused: Senators Prentice, Roach and West - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 6058, by Committee on Ways and Means (originally sponsored by Senator Oke) (by request of Office of Financial Management)

Modifying the distribution of state property taxes.

MOTION

On motion of Senator Rossi, the rules were suspended, Second Substitute Senate Bill No. 6058 was returned to second reading and read the second time.

MOTION

Senator Rossi moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.068 and 2001 c 3 s 5 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be distributed to school districts in the amounts and in the manner provided in this section.

(2) The amount of the distribution to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year, and shall be calculated as follows:

(a) Out of taxes collected in calendar years 2001 through and including 2003, an annual amount equal to one hundred forty dollars per each full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on one hundred forty dollars per full-time equivalent student in the school district for each year beginning with the school year 2001-2002 and through the end of the 2003-2004 school year.

(b) (~~Out of taxes collected in calendar year 2004~~) For the 2004-2005 school year, an annual amount equal to (~~four~~) two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on (~~four~~) two hundred fifty-four dollars per full-time equivalent student (~~for each year beginning with the school year 2004-2005~~).

(c) For the 2005-2006 school year, an amount equal to three hundred dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on three hundred dollars per full-time equivalent student.

(d) For the 2006-2007 school year, an amount equal to three hundred seventy-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on three hundred seventy-five dollars per full-time equivalent student.

(e) For the 2007-2008 school year, an amount equal to four hundred fifty dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on four hundred fifty dollars per full-time equivalent student.

(f) Each subsequent year following the 2007-2008 school year, the amount deposited and distributed shall be adjusted for inflation as defined in RCW 43.135.025((7)) (8).

(3) For the 2001-2002 through 2003-2004 school years, the office of the superintendent of public instruction shall verify the average number of full-time equivalent students in each school district from the previous school year to the state treasurer by August 1st of each year.

(4) Beginning with the 2004-2005 school year:

(a) The annual distributions to each school district shall be based on the average number of full-time equivalent students in the school district from the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year; and

(b) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250. The office of the superintendent of public instruction shall notify the department of the monthly amounts to be deposited into the student achievement fund to meet the apportionment schedule distributions."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the adoption of the striking amendment by Senator Rossi to Substitute Senate Bill No. 6058, under suspension of the rules.

The motion by Senator Rossi carried and the striking amendment, under suspension of the rules, was adopted.

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

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "and amending RCW 84.52.068."

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute Senate Bill No. 6058, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6058, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6058, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Esser, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Jacobsen, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 28.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Haugen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 19.

Excused: Senators Prentice and West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6058, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the fourth order of business.

MOTION

At 5:29 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 7:38 p.m. by President Pro Tempore Winsley.

MESSAGE FROM THE HOUSE June 4, 2003

MR. PRESIDENT:

The House grants the request of the Senate for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5404. The Speaker has appointed the following members as conferees: Representatives Sommers, Fromhold and Sehlin.
CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

June 4, 2003

MR. PRESIDENT:

The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
ENGROSSED HOUSE BILL NO. 2254,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

MOTION

On motion of Senator Hewitt, Senators Deccio and McCaslin were excused.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1693 by House Committee on Appropriations (originally sponsored by Representatives Cody, Skinner, Clibborn and Morrell (by request of Department of Social and Health Services)

Direct care component rate

ESHB 1782 by House Committee on Capital Budget (originally sponsored by Representatives McCoy, Alexander, Dunshee, Bush, Murray, Jarrett, McIntire, Priest, Veloria, Lantz, Eickmeyer, Upthegrove, Kagi, Conway, Kenney, Darneille, Wood, Lovick, Santos, Simpson, Hudgins and Edwards)

Nonprofit youth organizations

2ESHB 2151 by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Dunshee, Sommers, Cox and Sehlin)

Higher education capital projects

SHB 2192 by House Committee on Finance (originally sponsored by Representatives Cody and Clements)

Parimutuel taxation projects

HB 2242 by Representative Dunshee

General state revenues

EHB 2254 by Representatives Sommers, Fromhold and Moeller

Funding state retirements

ESHB 2257 by House Committee on Appropriations (originally sponsored by Representatives Sommers, Fromhold and Moeller)

Medical assistance

HB 2266 by Representatives Hunt and Romero

Leave sharing programs

MOTION

On motion of Senator Sheahan, the rules were suspended and Substitute House Bill No. 1693, Engrossed Substitute House Bill No. 1782, Second Engrossed Substitute House Bill No. 2151, Substitute House Bill No. 2192, House Bill No. 2242, Engrossed House Bill No. 2254, Engrossed Substitute House Bill No. 2257 and House Bill No. 2266 were advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

ENGROSSED HOUSE BILL NO. 2254, by Representatives Sommers, Fromhold and Moeller

Funding the state retirement systems.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed House Bill No. 2254, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2254, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2254, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 42.

Voting nay: Senators Brown, Doumit, Honeyford and Morton - 4.

Excused: Senators Deccio, McCaslin and West - 3.

ENGROSSED HOUSE BILL NO. 2254, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, by Representatives McCoy, Alexander, Dunshee, Bush, Murray, Jarrett, McIntire, Priest, Veloria, Lantz, Eickmeyer, Upthegrove, Kagi, Conway, Kenney, Darneille, Wood, Lovick, Santos, Simpson, Hudgins and Edwards

Creating a competitive grant program for nonprofit youth organizations.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 1782, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1782, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1782, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Voting nay: Senator Honeyford - 1.

Excused: Senators McCaslin and West - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Dunshee, Sommers, Cox and Sehlin)

Prioritizing proposed higher education capital projects.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Second Engrossed Substitute House Bill No. 2151, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2151, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 2151, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Winsley and Zarelli - 45.

Voting nay: Senators Jacobsen and Thibaudeau - 2.

Excused: Senators McCaslin and West - 2.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1693, by House Committee on Appropriations (originally sponsored by Representatives Cody, Skinner, Clibborn and Morrell) (by request of Department of Social and Health Services)

Regarding the direct care component rate allocation.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute House Bill No. 1693, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1693, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1693, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators McCaslin and West - 2.

SUBSTITUTE HOUSE BILL NO. 1693, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER:
MR. PRESIDENT:

We of your Conference Committee to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, Making 2003-05 operating appropriations, have had the same under consideration and we recommend that: All previous amendments not be adopted, and that the attached striking amendment be adopted: Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2004) \$28,109,000
General Fund--State Appropriation (FY 2005) \$28,233,000
Department of Retirement Systems Expense Account--
State Appropriation \$45,000
TOTAL APPROPRIATION \$56,387,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

NEW SECTION. Sec. 102. FOR THE SENATE SENATE

General Fund--State Appropriation (FY 2004) \$22,001,000
General Fund--State Appropriation (FY 2005) \$23,173,000
Department of Retirement Systems Expense Account--
State Appropriation \$45,000
TOTAL APPROPRIATION \$45,219,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation is provided for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2004) \$1,627,000
General Fund--State Appropriation (FY 2005) \$1,717,000
TOTAL APPROPRIATION \$3,344,000

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2004) \$1,656,000
General Fund--State Appropriation (FY 2005) \$1,799,000
TOTAL APPROPRIATION \$3,455,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the legislative evaluation and accountability program committee, in consultation with the economic and revenue forecast council, to establish and maintain a set of economic indicators that could be used for adjusting the statewide salary schedule by a regional cost-of-living index. The economic indicators to be included in this index include but are not limited to the median cost of housing.

(1) In developing the regional cost-of-living index, the legislative evaluation and accountability program committee shall collect data on the economic activity comprising the cost-of-living indexes for geographic areas of the state coterminous with the boundaries of the nine educational service districts established under RCW 28A.310.010.

(2) Not later than July 1, 2004, the legislative evaluation and accountability program committee shall submit the regional cost-of-living index to an advisory committee for its review. The advisory committee shall be appointed by the governor and shall consist of one member representing the office of financial management, one member representing the employment security department, one member representing the office of the superintendent of public instruction, and three representatives of the private sector having demonstrated expertise in regional economics. The advisory committee shall not receive compensation for performance of its duties but may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) Not later than October 1, 2004, the advisory committee created under this section shall submit to the director of the legislative evaluation and accountability program committee written comment on the proposed regional cost-of-living index. The written comment may include recommendations for revision to the index or its components.

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--
State Appropriation \$2,616,000

The appropriation in this section is subject to the following conditions and limitations: \$178,000 of the department of retirement systems expense account--state appropriation is provided solely for the costs associated with leasing and moving into new office space.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2004) \$6,754,000
General Fund--State Appropriation (FY 2005) \$6,753,000
TOTAL APPROPRIATION \$13,507,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2004) \$3,851,000
General Fund--State Appropriation (FY 2005) \$3,955,000
TOTAL APPROPRIATION \$7,806,000

NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES.

In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2004) \$5,462,000
General Fund--State Appropriation (FY 2005) \$5,665,000
TOTAL APPROPRIATION \$11,127,000

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2004) \$2,045,000
General Fund--State Appropriation (FY 2005) \$2,050,000
TOTAL APPROPRIATION \$4,095,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2004) \$12,510,000
General Fund--State Appropriation (FY 2005) \$12,747,000
TOTAL APPROPRIATION \$25,257,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2004) \$913,000
General Fund--State Appropriation (FY 2005) \$915,000
TOTAL APPROPRIATION \$1,828,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2004) \$17,295,000
General Fund--State Appropriation (FY 2005) \$17,340,000
Public Safety and Education Account--State
Appropriation \$43,389,000
Judicial Information Systems Account--State
Appropriation \$27,903,000
TOTAL APPROPRIATION \$105,927,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) \$750,000 of the general fund--state appropriation for fiscal year 2004 and \$750,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(3) \$12,572,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information system. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2003-05 biennium.

(4) \$3,000,000 of the public safety and education account--state appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(5) \$13,224,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(6) The distributions made under subsection (6) of this section and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(7) Each fiscal year during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the department no later than 45 days after the end of the fiscal year. The department shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(8) \$813,000 of the general fund--state appropriation for fiscal year 2004 and \$762,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

(9) \$1,800,000 of the public safety and education account appropriation is provided solely for distribution to the county clerks for the collection of legal financial obligations pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders). The funding shall be distributed by the office of the administrator for the courts to the county clerks in accordance with the funding formula determined by the Washington association of county officials pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2004) \$666,000
General Fund--State Appropriation (FY 2005) \$884,000
Public Safety and Education Account--State
Appropriation \$12,395,000
TOTAL APPROPRIATION \$13,945,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$51,000 of the public safety and education account appropriation is provided solely for the office of public defense's costs in implementing chapter 303, Laws of 1999 (court funding).

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

NEW SECTION. Sec. 115. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2004) \$3,773,000
General Fund--State Appropriation (FY 2005) \$3,776,000
General Fund--Federal Appropriation \$1,140,000
Water Quality Account--State
Appropriation \$3,854,000
TOTAL APPROPRIATION \$12,543,000

The appropriations in this section are subject to the following conditions and limitations: \$3,854,000 of the water quality account appropriation and \$1,140,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

NEW SECTION. Sec. 116. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2004) \$549,000
General Fund--State Appropriation (FY 2005) \$549,000
TOTAL APPROPRIATION \$1,098,000

NEW SECTION. Sec. 117. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2004) \$1,790,000
General Fund--State Appropriation (FY 2005) \$1,771,000
TOTAL APPROPRIATION \$3,561,000

NEW SECTION. Sec. 118. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2004) \$24,336,000
General Fund--State Appropriation (FY 2005) \$17,092,000
General Fund--Federal Appropriation \$6,967,000
Archives and Records Management Account--State
Appropriation \$8,150,000
Department of Personnel Service Account--State
Appropriation \$699,000
Election Account--Federal Appropriation \$13,121,000
Local Government Archives Account--State Appropriation \$7,067,000
TOTAL APPROPRIATION \$77,432,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$1,826,000 of the general fund--state appropriation for fiscal year 2004 and \$2,686,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$118,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2004 and \$1,986,772 of the general fund--state appropriation for fiscal year 2005 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2003-05 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (c) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$6,038,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to reimburse the counties for the state's share of the cost of conducting the presidential primary.

NEW SECTION. Sec. 119. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$228,000
General Fund--State Appropriation (FY 2005) \$239,000
TOTAL APPROPRIATION \$467,000

NEW SECTION. Sec. 120. FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$194,000
General Fund--State Appropriation (FY 2005) \$194,000
TOTAL APPROPRIATION \$388,000

NEW SECTION. Sec. 121. FOR THE STATE TREASURER

State Treasurer's Service Account--State
Appropriation \$13,149,000

NEW SECTION. Sec. 122. FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2004) \$701,000
General Fund--State Appropriation (FY 2005) \$702,000
State Auditing Services Revolving Account--State
Appropriation \$12,810,000
TOTAL APPROPRIATION \$14,213,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$701,000 of the general fund--state appropriation for fiscal year 2004 and \$702,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

NEW SECTION. Sec. 123. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2004) \$83,000
General Fund--State Appropriation (FY 2005) \$157,000
TOTAL APPROPRIATION \$240,000

NEW SECTION. Sec. 124. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2004) \$4,057,000
General Fund--State Appropriation (FY 2005) \$4,109,000
General Fund--Federal Appropriation \$2,845,000
Public Safety and Education Account--State
Appropriation \$1,814,000
Tobacco Prevention and Control Account--State
Appropriation \$270,000
New Motor Vehicle Arbitration Account--State
Appropriation \$1,180,000
Legal Services Revolving Account--State
Appropriation \$165,275,000
TOTAL APPROPRIATION \$179,550,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

NEW SECTION. Sec. 125. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2004) \$638,000
General Fund--State Appropriation (FY 2005) \$639,000
TOTAL APPROPRIATION \$1,277,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2004) \$61,459,000
General Fund--State Appropriation (FY 2005) \$60,801,000
General Fund--Federal Appropriation \$213,287,000
General Fund--Private/Local Appropriation \$10,574,000
Public Safety and Education Account--State
Appropriation \$10,095,000
Public Works Assistance Account--State
Appropriation \$1,913,000
Building Code Council Account--State
Appropriation \$1,061,000
Administrative Contingency Account--State
Appropriation \$1,776,000
Low-Income Weatherization Assistance Account--State
Appropriation \$3,293,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$9,013,000
Manufactured Home Installation Training Account--
State Appropriation \$256,000
Community Economic Development Account--
State Appropriation \$1,909,000
Washington Housing Trust Account--State
Appropriation \$16,740,000
Public Facility Construction Loan Revolving
Account--State Appropriation \$622,000
Lead Paint Account--State Appropriation \$6,000
TOTAL APPROPRIATION \$392,805,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2004 and \$2,838,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$61,000 of the general fund--state appropriation for fiscal year 2004 and \$62,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(3) \$10,180,797 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2004 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;
(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(j) \$89,705 to the department to continue the governor's council on substance abuse;

(k) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

- (l) \$572,919 to the office of financial management for criminal history records improvement; and
(m) \$804,228 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(6) \$205,000 of the general fund--state appropriation for fiscal year 2004 and \$205,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to Washington Columbia River Gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(7) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(8) \$5,085,000 of the general fund--state appropriation for fiscal year 2004, \$5,085,000 of the general fund--state appropriation for fiscal year 2005, \$4,250,000 of the general fund--federal appropriation, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(9) \$697,000 of the community economic development account appropriation is provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(10) \$800,000 of the general fund--federal appropriation and \$6,000 of the lead paint account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5586 (lead-based paint). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the business retention and expansion program to fund contracts with locally based development organizations for local business and job retention activities.

(12) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the tourism office to market Washington state as a travel destination to northwest states, California, and British Columbia. By December 1, 2004, the department shall report to the relevant legislative policy and fiscal committees on the effectiveness of these expenditures.

(13) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for business development activities to conduct statewide and/or regional business recruitment and client lead generation services.

(14) \$60,000 of the general fund--state appropriation for fiscal year 2004 and \$60,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(15) \$26,862,000 of the general fund--state appropriation for fiscal year 2004 and \$26,862,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(16) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(17) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the foreign offices (overseas representatives) to expand local capacity for China, expand operations in Shanghai, Beijing and Hong Kong, and in Mexico to assist Washington exporters in expanding their sales opportunities.

(18) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2004 and \$65,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

(21) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

NEW SECTION. Sec. 127. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2004) \$518,000

General Fund--State Appropriation (FY 2005) \$519,000

TOTAL APPROPRIATION \$1,037,000

NEW SECTION. Sec. 128. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2004) \$12,662,000

General Fund--State Appropriation (FY 2005) \$12,383,000

General Fund--Federal Appropriation \$23,500,000

Violence Reduction and Drug Enforcement

Account--State Appropriation \$242,000

State Auditing Services Revolving

Account--State Appropriation \$25,000

TOTAL APPROPRIATION \$48,812,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$127,000 of the general fund--state appropriation for fiscal year 2004 and \$122,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute Senate Bill No. 5694 (integrated permit system). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(2) By November 15, 2003, the office of financial management shall report to the house of representatives committees on appropriations, capital budget, and transportation and to the senate committees on ways and means and highways and transportation on the ten general priorities of government upon which the 2005-07 biennial budgets will be structured. Each priority must include a proposed set of cross agency activities with definitions and outcome measures. For historical comparisons, the 2001-03 expenditures and 2003-05 appropriations must be restated in this format and organized by priority, activity, fund source, and agency.

NEW SECTION. Sec. 129. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State

Appropriation \$24,619,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation \$16,247,000

Higher Education Personnel Services Account--State

Appropriation \$1,612,000

TOTAL APPROPRIATION \$17,859,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to enter into a financing contract for up to \$32,095,000, plus necessary financing expenses and required reserves, pursuant to chapter 39.94 RCW. The contract shall be to purchase, develop, and implement a new statewide payroll system and shall be for a term of not more than twelve years. The legislature recognizes the critical nature of the human resource management system and its relationship to successful implementation of civil service reform, collective bargaining, and the ability to permit contracting out of services to the private sector. Projects of this size and complexity have many risks associated with their successful and timely completion, therefore, to help ensure project success, the department of personnel and the office of financial management shall jointly report to the legislature by January 15, 2004, on progress toward implementing the human resource management system. The report shall include a description of mitigation strategies employed to address the risks related to: Business requirements not fully defined at the project outset; short time frame for system implementation; and delays experienced by other states. The report shall assess the probability of meeting the system implementation schedule and recommend contingency strategies as needed. The report shall establish the timelines, the critical path, and the dependencies for realizing each of the benefits articulated in the system feasibility study.

(2) The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

NEW SECTION. Sec. 131. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State

Appropriation \$22,743,000

The appropriation in this section is subject to the following conditions and limitations: Within the funds appropriated in this section, the lottery commission shall provide administrative support to assist a task force to examine possible means to enhance state revenue from gaming as follows:

(1) The task force shall consist of the following members:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(c) The executive director of the Washington state lottery;

(d) The executive director of the Washington state gambling commission; and

(e) The governor's designee.

(2) The task force shall report its findings on possible means to enhance state revenue from gaming to the senate commerce and trade committee, the senate ways and means committee, the house of representatives commerce and labor committee, the house of representatives finance committee, and the house of representatives appropriations committee by January 5, 2004.

NEW SECTION. Sec. 132. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2004) \$204,000

General Fund--State Appropriation (FY 2005) \$204,000

TOTAL APPROPRIATION \$408,000

NEW SECTION. Sec. 133. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2004) \$198,000

General Fund--State Appropriation (FY 2005) \$199,000

TOTAL APPROPRIATION \$397,000

NEW SECTION. Sec. 134. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State

Appropriation \$1,725,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State

Appropriation \$384,000

Department of Retirement Systems Expense Account--

State Appropriation \$44,485,000

TOTAL APPROPRIATION \$44,869,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$31,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 1519, chapter 155, Laws of 2003 (unreduced duty death survivor benefits).

(2) \$1,678,000 of the retirement systems expense account appropriation is provided solely to implement House Bill No. 2197, chapter 92, Laws of 2003 (law enforcement officers' and fire fighters' plan 2 board implementation).

(3) \$2,083,000 of the retirement systems expense account appropriation is provided solely for the support of the information systems project known as the electronic document image management system.

(4) \$124,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5094, chapter 157, Laws of 2003 (substitute employees' retirement credit).

(5) \$77,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5100, chapter 32, Laws of 2003 (fallen hero survivor benefits).

(6) \$21,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1206, chapter 156, Laws of 2003 (plan 3 contributions).

(7) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1207, chapter 402, Laws of 2003 (employee death benefits).

(8) \$324,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1829, chapter 412, Laws of 2003 (retire-rehire reform).

(9) \$125,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1202, chapter 293, Laws of 2003 (emergency medical technicians' retirement).

NEW SECTION. Sec. 136. FOR THE STATE INVESTMENT BOARD

General Fund--State Appropriation (FY 2004) \$100,000
State Investment Board Expense Account--State
Appropriation \$13,262,000
TOTAL APPROPRIATION \$13,362,000

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a contract with a real estate investment consultant to prepare options and recommended investment strategies for surplus property at the five state residential habilitation centers, where the proceeds will be deposited into an account to fund services for developmentally disabled clients. In developing the recommended strategies for the Fircrest school property, the contractor shall identify an investment strategy that will produce a long-term investment return on the property, without sale of the land. The report shall be submitted to the appropriate committees of the legislature by December 1, 2003.

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2004) \$82,644,000
General Fund--State Appropriation (FY 2005) \$81,916,000
Timber Tax Distribution Account--State
Appropriation \$5,191,000
Waste Education/Recycling/Litter Control--State
Appropriation \$101,000
State Toxics Control Account--State
Appropriation \$67,000
Oil Spill Administration Account--State
Appropriation \$14,000

TOTAL APPROPRIATION \$169,933,000

NEW SECTION. Sec. 138. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2004) \$1,141,000
General Fund--State Appropriation (FY 2005) \$988,000
TOTAL APPROPRIATION \$2,129,000

NEW SECTION. Sec. 139. FOR THE MUNICIPAL RESEARCH COUNCIL

City and Town Research Services Account--
State Appropriation \$3,852,000
County Research Services Account--State
Appropriation \$769,000
TOTAL APPROPRIATION \$4,621,000

NEW SECTION. Sec. 140. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Enterprises Account--State
Appropriation \$1,990,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) The office's revolving fund charges to state agencies may not exceed \$1,282,000.
- (2) During the 2003-05 biennium, the office may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.
- (3) During fiscal year 2004, the office may raise fees in excess of the fiscal growth factor.

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2004) \$193,000
General Fund--State Appropriation (FY 2005) \$275,000
General Fund--Federal Appropriation \$3,215,000
General Administration Services Account--State
Appropriation \$38,086,000
TOTAL APPROPRIATION \$41,769,000

The appropriations in this section are subject to the following conditions and limitations: Beginning on the effective date of this act, the department of general administration shall not purchase or lease any additional automobiles for the state motor pool unless the director of general administration determines that the purchase or lease is necessary for the safety of state personnel.

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2004) \$1,000,000
General Fund--State Appropriation (FY 2005) \$1,000,000
Data Processing Revolving Account--State Appropriation \$3,569,000
TOTAL APPROPRIATION \$5,569,000

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the digital learning commons to create a demonstration project, in collaboration with schools, which will provide a web-based portal where students, parents, and teachers from around the state will have access to digital curriculum resources, learning tools, and online classes. The intent is to establish a clearinghouse of high quality online courses and curriculum materials that are aligned with the state's essential learning requirements. The clearinghouse shall be designed for ease of use and shall pool the purchasing power of the state so that these resources and courses are affordable and accessible to schools, teachers, students, and parents. These appropriations are subject to the following conditions and limitations:

- (1) The funding provided in this section shall be expended primarily for acquiring online courses and curriculum materials that are aligned with the state "essential learning requirements" and that meet standards of quality. No more than ten percent of the funds provided in this subsection shall be used for administrative expenses of the digital learning commons.
- (2) To the maximum extent possible, funds shall be used on demonstration projects that utilize online course materials and curricula that are already available. The commons may also consider utilizing existing products in establishing the entire digital learning commons.
- (3) By September 1, 2003, the digital learning commons shall begin offering access to and reimbursement for online courses and services.
- (4) In consultation with the department of information services, the office of financial management shall monitor compliance with these conditions and limitations. By February 1, 2004, the digital learning commons shall submit a report to the governor and the appropriate

legislative committees detailing the types of courses and services offered and the number of students served through the digital learning commons.

NEW SECTION. Sec. 143. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$631,000
Insurance Commissioners Regulatory Account--State
Appropriation \$32,307,000

TOTAL APPROPRIATION \$32,938,000

NEW SECTION. Sec. 144. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State
Appropriation \$1,985,000

The appropriation in this section is subject to the following conditions and limitations: \$351,000 of the certified public accountants' account appropriation is provided solely for the implementation of Substitute House Bill No. 1211 (public accountancy act). The board may increase fees during the 2003-05 fiscal biennium in excess of the fiscal growth factor as provided in RCW 43.135.055, if the increases are necessary to fully fund the cost of administering the bill.

NEW SECTION. Sec. 145. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State
Appropriation \$274,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

NEW SECTION. Sec. 146. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account--State
Appropriation \$4,609,000

NEW SECTION. Sec. 147. FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2004) \$1,454,000
General Fund--State Appropriation (FY 2005) \$1,455,000
Liquor Control Board Construction and Maintenance
Account--State Appropriation \$5,717,000

Liquor Revolving Account--State
Appropriation \$133,842,000

TOTAL APPROPRIATION \$142,468,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with the completion of the merchandising business system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.

(2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with purchasing merchandise business system software and hardware-related items, and hiring system-related staff.

(3) As required under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than September 1, 2003. The intent of this surcharge is to raise \$14,000,000 in additional revenue for the 2003-05 biennium. To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge. The board shall remove the surcharge once it generates \$14,000,000, but no later than June 30, 2005.

NEW SECTION. Sec. 148. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State
Appropriation \$25,872,000

Pipeline Safety Account--State
Appropriation \$2,768,000

Pipeline Safety Account--Federal
Appropriation \$1,041,000

TOTAL APPROPRIATION \$29,681,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall report back to the appropriate policy committees of the legislature by July 1st of 2003 and 2004 a list of authorized out-of-state travel for the preceding calendar year.

(2) Consistent with the purposes of RCW 80.01.080, the commission may accept reimbursement for travel by its employees to participate in multistate regulatory matters.

(3) \$135,000 of the public services revolving account appropriation and \$15,000 of the pipeline safety account--state appropriation are provided solely for the implementation of the commission's financial systems project. If final approval for the project is not granted by the office of financial management, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the public services revolving account appropriation is provided solely for an interagency transfer to the joint legislative audit and review committee for the implementation of Substitute House Bill No. 1013 (UTC performance audit). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' Relief and Pension
Administrative Account--State
Appropriation \$733,000

NEW SECTION. Sec. 150. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2004) \$8,486,000
General Fund--State Appropriation (FY 2005) \$8,223,000
General Fund--Federal Appropriation \$72,094,000
General Fund--Private/Local Appropriation \$371,000
Enhanced 911 Account--State Appropriation \$33,955,000
Disaster Response Account--State Appropriation \$190,000
Worker and Community Right to Know Fund--State
Appropriation \$290,000

Nisqually Earthquake Account--State
Appropriation \$13,128,000

Nisqually Earthquake Account--Federal
Appropriation \$48,725,000

TOTAL APPROPRIATION \$185,462,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$190,000 of the disaster response account--state appropriation is provided solely to develop and implement a disaster grant management system. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(2) \$10,128,000 of the Nisqually earthquake account--state appropriation and \$48,725,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2003-05 biennium based on current revenue and expenditure patterns.

(3) \$3,000,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(4) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$43,555,000 of the general fund--federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund--federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

(b) \$200,000 of the general fund--state appropriation for fiscal year 2004 and \$200,000 of the general fund--federal appropriation to the department to conduct the terrorism consequence management program;

(c) \$100,000 of the general fund--federal appropriation to the department to conduct a critical infrastructure assessment;

(d) \$500,000 of the general fund--federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;

(e) \$1,384,000 of the general fund--federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;

(f) \$29,917,000 of the general fund--federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;

(g) The remaining general fund--federal appropriation may be expended according to federal requirements;

(h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;

(i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

NEW SECTION. Sec. 151. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2004) \$2,362,000

General Fund--State Appropriation (FY 2005) \$2,436,000

Department of Personnel Service Account--State

Appropriation \$2,542,000

TOTAL APPROPRIATION \$7,340,000

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 152. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund--State Appropriation (FY 2004) \$1,536,000

General Fund--State Appropriation (FY 2005) \$1,467,000

TOTAL APPROPRIATION \$3,003,000

NEW SECTION. Sec. 153. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Operating

Account--State Appropriation \$40,715,000

State Convention and Trade Center Account--State

Appropriation \$31,037,000

TOTAL APPROPRIATION \$71,752,000

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.

(1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify

the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2003-05 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$231,566,000

General Fund--State Appropriation (FY 2005) \$232,468,000

General Fund--Federal Appropriation \$416,043,000

General Fund--Private/Local Appropriation \$400,000

Public Safety and Education Account--

State Appropriation \$23,920,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$5,640,000

TOTAL APPROPRIATION \$910,037,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the fiscal year 2004 general fund--state appropriation, \$2,271,000 of the fiscal year 2005 general fund--state appropriation, and \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund--state fiscal year 2004 appropriation and \$701,000 of the general fund--state fiscal year 2005 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state fiscal year 2004 appropriation, \$375,000 of the general fund--state fiscal year 2005 appropriation, and \$322,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(5) \$125,000 of the general fund--state appropriation for fiscal year 2004 and \$125,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(6) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(7) \$50,000 of the fiscal year 2004 general fund--state appropriation and \$50,000 of the fiscal year 2005 general fund--state appropriation are provided solely for a street youth program in Spokane.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004) \$74,095,000

General Fund--State Appropriation (FY 2005) \$72,697,000

General Fund--Federal Appropriation \$12,062,000

General Fund--Private/Local Appropriation \$1,098,000

Juvenile Accountability Incentive

Account--Federal Appropriation \$9,139,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$37,338,000

TOTAL APPROPRIATION \$206,429,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$695,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,065,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,204,000 of the general fund--state appropriation for fiscal year 2004, \$1,204,000 of the general fund--state appropriation for fiscal year 2005, and \$5,262,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection

may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$2,544,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(6) \$16,000 of the general fund--state appropriation for fiscal year 2004 and \$16,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(7) \$1,478,000 of the juvenile accountability incentive account--federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

(8) \$16,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to subsection (7) of this section.

(9) \$900,000 of the general fund--state appropriation for fiscal year 2004 and \$900,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

(10) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative. The juvenile rehabilitation administration shall electronically report to the legislature on the formula used and the transferred funding amounts, on a semi-annual basis, by county.

(11) For the purposes of a pilot project recommended by the family policy council, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration and the family policy council;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate control group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide an initial process evaluation to the juvenile rehabilitation administration and the family policy council by January 30, 2004, and an intermediate evaluation by December 31, 2004. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(12) The juvenile rehabilitation administration shall allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

(13) \$308,000 of the general fund--state appropriation for fiscal year 2004 and \$875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(14) \$1,416,000 of the general fund--state appropriation for fiscal year 2004 and \$1,417,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for additional research-based services to the juvenile parole population, including quality control efforts to ensure appropriate implementation of research-based services. The juvenile rehabilitation administration shall consult with the Washington state institute for public policy in deciding which interventions to provide to the parole population and appropriate levels of quality control. Of the total general fund--state appropriation for fiscal year 2004, up to \$55,000 may be used for additional suicide precaution training for staff.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2004) \$209,818,000

General Fund--State Appropriation (FY 2005) \$211,317,000

General Fund--Federal Appropriation \$384,801,000

General Fund--Local Appropriation \$1,970,000

TOTAL APPROPRIATION \$807,906,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program that will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund--state appropriation for fiscal year 2004, \$4,222,000 of the general fund--state appropriation for fiscal year 2005, and \$8,444,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and have been discharged from a state psychiatric hospital. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse division and from the aging and disability services administration. The department shall continue performance-based incentive contracts to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to maximize available federal funding, provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds. The department shall first provide the higher payment to those RSNs whose allocations under the funding formula would otherwise increase the least from the previous year's level in fiscal year 2004 and fiscal year 2005.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2004 and 2005 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceed the amounts allocated to it in fiscal year 2003.

(h) The department shall reduce state funding otherwise payable to a regional support network in fiscal year 2005 by the amount by which the regional support network's total administrative expenditures as of December 31, 2002, exceed 10 percent of total funding.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$94,196,000

General Fund--State Appropriation (FY 2005) \$92,964,000

General Fund--Federal Appropriation \$134,755,000

General Fund--Private/Local Appropriation \$26,342,000

TOTAL APPROPRIATION \$348,257,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2004) \$28,695,000

General Fund--State Appropriation (FY 2005) \$32,081,000

TOTAL APPROPRIATION \$60,776,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,381,000 of the general fund--state appropriation for fiscal year 2004 and \$2,090,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) \$300,000 of the general fund--state appropriation for fiscal year 2004 and \$300,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, \$45,000 per year shall be provided to the city of Lakewood on September 1, 2003, and September 1, 2004, for police protection reimbursement at Western State Hospital and adjacent areas; up to \$45,000 per year shall be provided on September 1, 2003, and September 1, 2004, for training police personnel under chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151); up to \$125,000 per year shall be provided to Pierce county on September 1, 2003, and September 1, 2004, for reimbursement of additional costs; and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) \$924,000 of the general fund--state appropriation for fiscal year 2004 and \$1,429,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operational costs associated with a less restrictive step-down placement facility located outside of Pierce county. In selecting a site, the department is encouraged to purchase or lease a site in an industrial area close to employment opportunities and treatment services, in an effort to reduce operating expenditures related to transportation and staff time.

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$2,082,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$2,863,000

General Fund--State Appropriation (FY 2005) \$2,751,000

General Fund--Federal Appropriation \$5,011,000

TOTAL APPROPRIATION \$10,625,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2004, \$125,000 of the general fund--state appropriation for fiscal year 2005, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks. The study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting this study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2004) \$262,458,000

General Fund--State Appropriation (FY 2005) \$268,826,000
General Fund--Federal Appropriation \$439,489,000
Health Services Account--State
Appropriation \$1,038,000

TOTAL APPROPRIATION \$971,811,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Any new funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The health services account appropriation and \$1,038,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(c) \$510,000 of the general fund--state appropriation for fiscal year 2004, \$784,000 of the general fund--state appropriation for fiscal year 2005, and \$1,225,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; and (ii) clients without residential services who are at immediate risk of institutionalization or in crisis. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

(d) \$511,000 of the general fund--state appropriation for fiscal year 2004, \$616,000 of the general fund--state appropriation for fiscal year 2005, and \$1,073,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the cost per day for all program services other than start-up costs shall not exceed \$300. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(f) \$3,290,000 of the general fund--state appropriation for fiscal year 2004, \$4,773,000 of the general fund--state appropriation for fiscal year 2005, and \$7,504,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(g) \$355,000 of the general fund--state appropriation for fiscal year 2004, \$517,000 of the general fund--state appropriation for fiscal year 2005, and \$848,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase wages for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(h) The department, in consultation with representatives of community residential service providers and clients served in residential settings, shall review current rules and policies regarding residential services to identify rules that are redundant or unnecessary. The department may modify or repeal rules that are identified as redundant or unnecessary. The department shall report electronically on any rule changes to the appropriate committees of the legislature by July 1, 2004.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$71,862,000
General Fund--State Appropriation (FY 2005) \$70,926,000
General Fund--Federal Appropriation \$144,682,000
General Fund--Private/Local Appropriation \$11,228,000
TOTAL APPROPRIATION \$298,698,000

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that more residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2004) \$2,245,000
General Fund--State Appropriation (FY 2005) \$2,245,000
General Fund--Federal Appropriation \$2,965,000
Telecommunications Devices for the Hearing and
Speech Impaired Account Appropriation \$1,782,000
TOTAL APPROPRIATION \$9,237,000

(4) SPECIAL PROJECTS

General Fund--Federal Appropriation \$11,993,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$557,645,000
General Fund--State Appropriation (FY 2005) \$570,669,000
General Fund--Federal Appropriation \$1,162,511,000
General Fund--Private/Local Appropriation \$18,644,000
Health Services Account--State
Appropriation \$4,888,000

TOTAL APPROPRIATION \$2,314,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund--state appropriation for fiscal year 2004, \$1,476,000 of the general fund--state appropriation for fiscal year 2005, and \$7,284,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,768,000 of the general fund--state appropriation for fiscal year 2004 and \$1,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$144.54 for fiscal year 2004, and no more than \$147.43 for fiscal year 2005. For all facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.0 percent effective July 1, 2003.

(4) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) In accordance with chapter 74.39 RCW, the department may implement a medicaid waiver program for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) The waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons by the end of fiscal year 2004, nor 600 persons by the end of fiscal year 2005.

(b) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on the medically needy waiver, on monthly management reports.

(c) The department shall track and electronically report to health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(7) \$118,000 of the general fund--state appropriation for fiscal year 2004, \$118,000 of the general fund--state appropriation for fiscal year 2005, and \$236,000 of the general fund--federal appropriation are provided solely for the department to assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

(8) Within funds appropriated in this section, the department may assess nursing facility residents with Alzheimer's disease or related dementias to determine whether such residents can be more appropriately served in licensed boarding home facilities that specialize in caring for such conditions. The department may, based upon the assessments and within existing funds, pay dementia pilot project rates on behalf of up to 200 additional persons with Alzheimer's disease or related dementias who move from nursing facilities to specialized boarding homes.

(9) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(10) \$7,102,000 of the general fund--state appropriation for fiscal year 2004, \$10,065,000 of the general fund--state appropriation for fiscal year 2005, and \$17,029,000 of the general fund--federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

(11) \$2,219,000 of the general fund--state appropriation for fiscal year 2004, \$3,192,000 of the general fund--state appropriation for fiscal year 2005, and \$5,263,000 of the general fund--federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase wages for direct care workers by 75 cents per hour. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the increase.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$408,184,000

General Fund--State Appropriation (FY 2005) \$407,363,000

General Fund--Federal Appropriation \$1,209,758,000

General Fund--Private/Local Appropriation \$33,880,000

TOTAL APPROPRIATION \$2,059,185,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,652,000 of the general fund--state appropriation for fiscal year 2004, \$273,695,000 of the general fund--state appropriation for fiscal year 2005, and \$1,000,222,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(b) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels; and

(c) Include an urban adjustment factor for child care providers in urban areas of region 1.

(2) \$45,639,000 of the general fund--state appropriation for fiscal year 2004 and \$39,335,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$1,436,000 of the general fund--state appropriation for fiscal year 2004 and \$1,436,000 of the general fund--state appropriation for fiscal year 2005 are provided for the department to assist in naturalization efforts for legal aliens whose eligibility for federal supplemental security income has expired. The department shall use funding previously spent on general assistance employment supports for these naturalization services.

(4) \$3,940,000 of the general fund--state appropriation for fiscal year 2004 and \$3,940,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(5) \$9,142,000 of the general fund--federal appropriation is provided solely for increased reimbursement of county legal-clerk services for child support enforcement. The department shall ensure this increase in cost does not reduce federal incentive payments.

(6) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2004) \$40,320,000

General Fund--State Appropriation (FY 2005) \$40,320,000

General Fund--Federal Appropriation \$90,632,000

General Fund--Private/Local Appropriation \$630,000

Public Safety and Education Account--State

Appropriation \$7,160,000

Criminal Justice Treatment Account--State

Appropriation \$8,950,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$44,342,000

TOTAL APPROPRIATION \$232,354,000

The appropriations in this section are subject to the following conditions and limitations: \$966,197 of the general fund--state appropriation for fiscal year 2004 and \$966,197 of the general fund--state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers in Spokane and Yakima for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2004) \$1,184,774,000

General Fund--State Appropriation (FY 2005) \$1,265,423,000

General Fund--Federal Appropriation \$3,764,258,000

General Fund--Private/Local Appropriation \$262,736,000

Emergency Medical Services and Trauma Care Systems

Trust Account--State Appropriation \$23,700,000

Health Services Account--State Appropriation \$756,012,000

TOTAL APPROPRIATION \$7,256,903,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$999,000 of the health services account appropriation for fiscal year 2004, \$1,519,000 of the health services account appropriation for fiscal year 2005, and \$2,142,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (I) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds; and

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions.

(5) Sufficient funds are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(6) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 75 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.

(7) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(8) In accordance with RCW 74.46.625, \$52,057,000 of the fiscal year 2004 health services account appropriation, \$35,016,000 of the fiscal year 2005 health services account appropriation, and \$87,074,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 94.5 percent of the supplemental payments; (b) a contractual commitment by the association of public hospital districts to return at least 5.5 percent of the supplemental payments to the participating rural hospital districts; and (c) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate setting. A hospital which does not participate in the supplemental payment intergovernmental transfer budgeted for fiscal year 2003 shall not be eligible to participate in the supplemental payments budgeted in this subsection for fiscal years 2004 and 2005. The participating districts shall retain no more than a total of \$9,600,000 for the 2003-05 biennium.

(9) \$14,616,000 of the health services account appropriation for fiscal year 2004, \$12,394,000 of the health services account appropriation for fiscal year 2005, and \$27,010,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts and to the state's teaching hospitals. The payments shall be conditioned upon a contractual commitment by the participating public hospitals to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. The state's teaching hospitals shall retain at least 28

percent of the amounts retained by hospitals under these programs, or the maximum allowable under the teaching hospitals' limits as established under federal rule, whichever is less.

(10) \$3,100,000 of the health services account appropriation, \$8,416,000 of the general fund--local appropriation, and \$11,516,000 of the general fund--federal appropriation are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(11) \$26,080,000 of the health services account appropriation and \$26,080,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(12) The department shall separately track the total amount of any rebates obtained from drug manufacturers that are supplemental to the amounts required by federal law. The department shall report to the fiscal committees of the house of representatives and senate by January 15, 2004, and by January 15, 2005, on supplemental rebates negotiated to date, and their projected value through the end of the current and the next succeeding fiscal year. The report shall include options for using any rebate amounts in excess of those assumed in this budget to increase pharmacy reimbursement rates.

(13) \$156,000 of the general fund--state appropriation for fiscal year 2004 and \$1,403,000 of the general fund--federal appropriation are provided solely for a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches.

(14) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

(15) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network. The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

(16) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

(17) The department shall include in any pending medicaid reform section 1115 waiver application, or in any existing section 1115 waiver, a request for authorization to provide optional medicaid services that have been eliminated in this act to American Indian and Alaska Native persons as defined in relevant federal law who are eligible for medicaid only to the extent that such services are provided through the American Indian health system and are financed with one hundred percent federal medicaid matching funds.

(18) The department shall establish managed care rates within available funds, giving specific consideration to each plan's programmatic and financial performance, and ability to assure access in under-served areas.

(19) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(20) The department shall secure a federal waiver, effective no later than September 1, 2003, which will enable it to charge co-premiums for medical and dental coverage of children whose family incomes exceed the federal poverty level.

(21) For purposes of RCW 74.09.800(2), \$9,549,000 of the general fund--state appropriation for fiscal year 2004, \$10,779,000 of the general fund--state appropriation for fiscal year 2005, and \$37,753,000 of the general fund--federal appropriation are provided solely to provide prenatal care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act. If the department is unable to secure federal matching funds under Title XXI of the social security act, the department shall take all actions necessary to manage the program within these appropriated levels.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2004) \$10,180,000

General Fund--State Appropriation (FY 2005) \$10,202,000

General Fund--Federal Appropriation \$85,803,000

General Fund--Local Appropriation \$440,000

TOTAL APPROPRIATION \$106,625,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2004) \$35,926,000

General Fund--State Appropriation (FY 2005) \$25,968,000

General Fund--Federal Appropriation \$45,752,000

General Fund--Private/Local Appropriation \$810,000

TOTAL APPROPRIATION \$108,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund--state appropriation for fiscal year 2004, \$769,000 of the general fund--state appropriation for fiscal year 2005, and \$1,236,000 of the general fund--federal appropriation are provided solely for transition costs associated with the downsizing effort at Fircrest school. The department shall organize the downsizing effort so as to minimize disruption to clients, employees, and the developmental disabilities program. The employees responsible for the downsizing effort shall report to the assistant secretary of the aging and disability services administration. Within the funds provided in this subsection, the department shall:

(a) Determine appropriate ways to maximize federal reimbursement during the downsizing process;

(b) Meet and confer with representatives of affected employees on how to assist employees who need help to relocate to other state jobs or to transition to private sector positions;

(c) Review opportunities for state employees to continue caring for clients by assisting them in developing privately operated community residential alternatives. In conducting the review, the department will examine efforts in this area pursued by other states as part of institutional downsizing efforts;

(d) Keep appropriate committees of the legislature apprised, through regular reports and periodic e-mail updates, of the development of and revisions to the work plan regarding this downsizing effort; and

(e) Provide a preliminary transition plan to the fiscal and policy committees of the legislature by January 1, 2004. The transition plan shall include recommendations on ways to continue to provide some of the licensed professional services offered at Fircrest school to clients being served in community settings.

(2) \$10,000,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department shall transfer appropriate portions of this amount to other programs within the agency to accomplish this purpose. The department shall not initiate new services with this funding that will cause total future SSP expenditures to exceed the required annual maintenance-of-effort level.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2004) \$42,011,000

General Fund--State Appropriation (FY 2005) \$42,011,000

General Fund--Federal Appropriation \$41,994,000

TOTAL APPROPRIATION \$126,016,000

NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY

State Health Care Authority Administrative

Account--State Appropriation \$17,665,000

Health Services Account--State Appropriation \$415,459,000

General Fund--Federal Appropriation \$3,307,000

Medical Aid Account--State Appropriation \$128,000

TOTAL APPROPRIATION \$436,559,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the health services account--state appropriation is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

(2) In order to maximize the number of enrollees who can be supported within appropriated amounts, the health care authority is directed to make modifications that will reduce the actuarial value of the basic health plan benefit by approximately 18 percent effective January 1, 2004. Modifications may include changes in enrollee premium obligations, enrollee cost-sharing, benefits, and incentives to access preventative services. To the extent that additional actions are needed in order to operate within appropriated funds, new enrollments to the program shall be limited in a manner consistent with the authority's September 6, 2001, administrative policy on basic health plan enrollment management.

(3) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(4) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of income tax returns, and recent pay history, from all applicants; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(6) To decrease administrative burdens for providers and plans participating in state purchased health care programs, the administrator, the assistant secretary for the medical assistance administration of the department of social and health services, and the director of the department of labor and industries, in collaboration with health carriers, health care providers, and the office of the insurance commissioner shall, within available resources:

(a) Improve the timeliness of claims processing and the distribution of medical assistance program fee schedules, and more clearly define the scope of coverage under managed care contracts;

(b) Improve the capacity for electronic billing and claims submission and provide electronic access to eligibility, benefits, and exclusion information;

(c) Develop clear audit and data requirements for contracting managed health care plans and improve consistency between claims processing and published fee schedules;

(d) Conform billing codes with providers and between agencies with national and regional standards wherever possible; and

(e) Take steps to implement cost-effective measures pursuant to this section by December 2004, and on or before December 1, 2003, provide a progress report to the relevant policy and fiscal committees of the legislature on the feasibility of implementation and any fiscal constraints or regulatory or statutory barriers.

NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2004) \$2,368,000

General Fund--State Appropriation (FY 2005) \$2,407,000

General Fund--Federal Appropriation \$1,509,000

General Fund--Private/Local Appropriation \$100,000

TOTAL APPROPRIATION \$6,384,000

NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State

Appropriation \$20,000

Accident Account--State Appropriation \$15,065,000

Medical Aid Account--State Appropriation \$15,064,000

TOTAL APPROPRIATION \$30,149,000

NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Municipal Criminal Justice Assistance Account--

Local Appropriation \$460,000

Death Investigations Account--State

Appropriation \$148,000

Public Safety and Education Account--State

Appropriation \$18,078,000

TOTAL APPROPRIATION \$18,686,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

(4) \$250,000 of the public safety and education account appropriation is provided solely to the Washington association of sheriffs and police chiefs for staffing and support of a web site to provide information about sex offenders.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2004) \$5,863,000

General Fund--State Appropriation (FY 2005) \$5,860,000

Public Safety and Education Account--State

Appropriation \$22,391,000

Public Safety and Education Account--Federal

Appropriation \$8,462,000

Asbestos Account--State Appropriation \$693,000

Electrical License Account--State

Appropriation \$28,966,000

Farm Labor Revolving Account--Private/Local

Appropriation \$28,000

Worker and Community Right-to-Know Account--State

Appropriation \$2,544,000

Public Works Administration Account--State

Appropriation \$2,411,000

Accident Account--State Appropriation \$187,843,000

Accident Account--Federal Appropriation \$13,396,000

Medical Aid Account--State Appropriation \$186,724,000

Medical Aid Account--Federal Appropriation \$2,960,000

Plumbing Certificate Account--State

Appropriation \$1,451,000

Pressure Systems Safety Account--State

Appropriation \$2,807,000

TOTAL APPROPRIATION \$472,399,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) implement other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) \$90,000 of the electrical license account--state appropriation and \$206,000 of the plumbing certificate account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(3) \$378,000 of the accident account--state appropriation is provided solely for the purpose of contracting with medical laboratories, health care providers, and other appropriate entities to provide cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides, and to collect and analyze data related to such monitoring.

NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2004) \$980,000

General Fund--State Appropriation (FY 2005) \$980,000

TOTAL APPROPRIATION \$1,960,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund--State Appropriation (FY 2004) \$1,527,000

General Fund--State Appropriation (FY 2005) \$1,528,000

Charitable, Educational, Penal, and Reformatory

Institutions Account--State

Appropriation \$11,000

TOTAL APPROPRIATION \$3,066,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2004) \$2,579,000

General Fund--State Appropriation (FY 2005) \$2,579,000

General Fund--Federal Appropriation \$309,000

General Fund--Private/Local Appropriation \$1,668,000

TOTAL APPROPRIATION \$7,135,000

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2004) \$7,473,000

General Fund--State Appropriation (FY 2005) \$5,890,000

General Fund--Federal Appropriation \$27,207,000

General Fund--Private/Local Appropriation \$27,822,000

TOTAL APPROPRIATION \$68,392,000

NEW SECTION. Sec. 220. FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2004) \$412,000

General Fund--State Appropriation (FY 2005) \$259,000

TOTAL APPROPRIATION \$671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the design and development of the home care provider registry mandated by Initiative Measure No. 775.

(2) Pursuant to RCW 74.39A.300(1), the legislature rejects the collective bargaining agreement entered into by the home care quality authority and the exclusive bargaining representative of individual providers under chapter 74.39A RCW (Initiative Measure No. 775).

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2004) \$58,143,000
General Fund--State Appropriation (FY 2005) \$60,224,000
Health Services Account--State Appropriation \$34,289,000
General Fund--Federal Appropriation \$348,897,000
General Fund--Private/Local Appropriation \$93,601,000
Hospital Commission Account--State
Appropriation \$2,490,000
Health Professions Account--State
Appropriation \$40,097,000
Emergency Medical Services and Trauma Care Systems
Trust Account--State Appropriation \$12,558,000
Safe Drinking Water Account--State
Appropriation \$2,728,000
Drinking Water Assistance Account--Federal
Appropriation \$13,498,000
Waterworks Operator Certification--State
Appropriation \$633,000
Water Quality Account--State Appropriation \$3,359,000
Accident Account--State Appropriation \$258,000
Medical Aid Account--State Appropriation \$46,000
State Toxics Control Account--State
Appropriation \$2,761,000
Medical Test Site Licensure Account--State
Appropriation \$1,718,000
Youth Tobacco Prevention Account--State
Appropriation \$1,806,000
Tobacco Prevention and Control Account--State
Appropriation \$52,510,000
TOTAL APPROPRIATION \$729,616,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged for health care assistants, commercial shellfish paralytic shellfish poisoning, commercial shellfish licenses, and newborn screening programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$1,337,000 of the general fund--state fiscal year 2004 appropriation and \$1,338,000 of the general fund--state fiscal year 2005 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(4) \$21,650,000 of the health services account--state appropriation is provided solely for the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(5) \$2,984,000 of the general fund--local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545 (chapter 241, Laws of 2003, web-based vital records).

(6) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(7) \$92,000 of the general fund--state appropriation for fiscal year 2004, \$19,000 of the general fund--state appropriation for fiscal year 2005, and \$987,000 of the general fund--local appropriation are provided solely for implementation of Substitute House Bill No. 1338 (municipal water rights). If Substitute House Bill No. 1338 is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES
General Fund--State Appropriation (FY 2004) \$38,317,000
General Fund--State Appropriation (FY 2005) \$35,473,000
Public Safety and Education Account--State
Appropriation \$3,657,000
Violence Reduction and Drug Enforcement
Account Appropriation \$26,000
TOTAL APPROPRIATION \$77,473,000

The appropriations in this subsection are subject to the following conditions and limitations: \$3,250,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2004) \$441,122,000
General Fund--State Appropriation (FY 2005) \$449,520,000
General Fund--Federal Appropriation \$8,746,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$3,008,000

TOTAL APPROPRIATION \$902,396,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2003-05 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2004) \$73,952,000

General Fund--State Appropriation (FY 2005) \$74,200,000

Public Safety and Education

Account--State Appropriation \$15,492,000

TOTAL APPROPRIATION \$163,644,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for a pilot project to test the availability, reliability, and effectiveness of an electronic monitoring system based on passive data logging global positioning system technology for monitoring sex offenders.

(i) The department of corrections shall work with the Washington association of sheriffs and police chiefs and the department of social and health services to establish the pilot project.

(ii) The pilot project shall be of sufficient size to test the reliability of the technology in a variety of geographical circumstances including both urban and rural locations.

(iii) The pilot project shall test the system using sex or kidnapping offenders under the jurisdiction of the department of corrections and persons civilly committed under chapter 71.09 RCW under a variety of supervision circumstances. Offenders included in the pilot project shall be offenders who have been classified as level three offenders by the end of sentence review committee and over whom the department of corrections has authority to establish conditions of supervision or persons who have been ordered to be electronically monitored by the court in a proceeding under chapter 71.09 RCW and who have been classified as level three offenders by the end of sentence review committee.

(iv) The pilot project shall specifically examine the feasibility of electronic monitoring for level three sex offenders or kidnapping offenders who register as homeless or transient.

(v) The Washington association of sheriffs and police chiefs shall report to the appropriate committees of the legislature and the governor on the results of the pilot project by January 31, 2004. The report must include, but is not limited to:

(A) The availability of the technology, including a description of the system used and a discussion of the various types of global positioning system-based monitoring available and appropriate for a sex offender population;

(B) Any geographic or weather-related limitations posed by the technology;

(C) The reliability, including the false alarm rate of the technology;

(D) Any training requirements for department of corrections staff or supervised persons;

(E) Any distinctions in effectiveness or feasibility for different supervision populations;

(F) Costs, including equipment costs, monitoring fees, and any changes to department of corrections staffing levels;

(G) The ability of the subjects of the pilot to pay for daily and/or equipment costs;

(H) The rate of loss or damage to equipment used by the subjects of the pilot project; and

(I) Limitations in the pilot project to determining the answers to the items in this subsection (3)(c)(v).

The association shall make a recommendation in the report about the frequency and timing of monitoring reports, and the need for further study of the issue to determine efficacy and reliability.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2004) \$626,000

General Fund--State Appropriation (FY 2005) \$626,000

TOTAL APPROPRIATION \$1,252,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2004) \$25,099,000

General Fund--State Appropriation (FY 2005) \$25,134,000

TOTAL APPROPRIATION \$50,233,000

Sec. 223. 2003 c 10 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. DEPARTMENT OF CORRECTIONS The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2003, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state

appropriations for fiscal year 2003 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2002) \$36,786,000
General Fund--State Appropriation (FY 2003) (~~(\$36,239,000)~~)

\$32,989,000

Public Safety and Education Account--State

Appropriation \$1,576,000

Violence Reduction and Drug Enforcement

Account Appropriation \$3,254,000

TOTAL APPROPRIATION (~~(\$77,855,000)~~)

\$74,605,000

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$4,623,000)~~) \$1,373,000 of the general fund--state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

(a) Include a description of any changes to the replacement project;

(b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;

(c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and

(d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2002) \$404,390,000

General Fund--State Appropriation (FY 2003) \$433,915,000

General Fund--Federal Appropriation \$9,936,000

Violence Reduction and Drug Enforcement Account--

State Appropriation \$1,596,000

Public Health Services Account Appropriation \$1,453,000

TOTAL APPROPRIATION \$851,290,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(i) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$68,097,000

General Fund--State Appropriation (FY 2003) \$77,436,000

General Fund--Federal Appropriation \$870,000

Public Safety and Education

Account--State Appropriation \$15,493,000

TOTAL APPROPRIATION \$161,896,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$631,000
General Fund--State Appropriation (FY 2003) \$629,000
TOTAL APPROPRIATION \$1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund-- state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002) \$18,568,000
General Fund--State Appropriation (FY 2003) \$18,569,000
TOTAL APPROPRIATION \$37,137,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2004) \$1,767,000
General Fund--State Appropriation (FY 2005) \$1,767,000
General Fund--Federal Appropriation \$14,297,000
General Fund--Private/Local Appropriation \$80,000
TOTAL APPROPRIATION \$17,911,000

NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2004) \$737,000
General Fund--State Appropriation (FY 2005) \$741,000
TOTAL APPROPRIATION \$1,478,000

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation \$267,586,000
General Fund--Private/Local Appropriation \$30,103,000
Unemployment Compensation Administration Account--
Federal Appropriation \$184,878,000
Administrative Contingency Account--State
Appropriation \$14,721,000
Employment Service Administrative Account--State
Appropriation \$23,184,000
TOTAL APPROPRIATION \$520,472,000

The appropriations in this subsection are subject to the following conditions and limitations: \$100,000 of the administrative contingency account appropriation is provided solely to establish an advisory partnership on the Washington manufacturing sector as outlined in Substitute House Bill No. 2164 (manufacturing advisory partnership) and recommended in the report entitled manufacturing in Washington state, 1990-2002: trends and implications for the industry and state.

Sec. 227. 2003 c 10 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2002) \$1,081,150,000
General Fund--State Appropriation (FY 2003) ((~~\$1,202,277,000~~))

\$1,192,164,000

General Fund--Federal Appropriation ((~~\$3,319,133,000~~))

\$3,329,246,000

General Fund--Private/Local Appropriation \$216,735,000
Emergency Medical Services and Trauma Care Systems
Trust Account--State Appropriation \$10,700,000
Health Services Account--State Appropriation \$720,236,000
TOTAL APPROPRIATION \$6,550,231,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September 1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058 (breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, \$337,000 of the health services account appropriation for fiscal year 2003, and \$960,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment

status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, \$199,111,000 of the health services account appropriation and \$201,049,000 of the general fund-- federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 95 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium. If the medicare upper payment limit revenues referenced in this subsection are not received in an amount or within a time frame sufficient to support spending from the health services account, the governor shall take actions in accordance with RCW 43.88.110(8).

(12) \$40,428,000 of the health services account appropriation and \$40,807,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The department shall ensure cooperation with the anticipated audit of the school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

(15) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(16) \$8,500,000 of the general fund--state appropriation for fiscal year 2002, or so much thereof as may be necessary, is provided solely for settlement of *Providence St. Peter's Hospital et al. vs. Department of Social and Health Services*.

(17) In consultation and coordination with the department of health, the department shall establish mechanisms to assure that the AIDS insurance program operates within budgeted levels. Such mechanisms shall include a system under which the state's contribution to the cost of coverage is adjusted on a sliding-scale basis.

(18) The department shall implement an academic detailing program that educates prescribers on the availability of generic versions of off-patent brand drugs. To the extent the net cost of generics, after accounting for rebates, is less than the off-patent drug, generics will be substituted, with the prescriber's approval, consistent with criteria developed by the department in consultation with the state medical association and the state pharmacists association.

(19) Within available resources, the department shall design and report on the feasibility of a general assistance medical care management project in two counties, one in eastern Washington and one in western Washington. In designing the project, the department shall consult with the mental health division, migrant and community health centers, and any other managed care provider that has the capacity to offer coordinated medical and mental health care. The projects shall be designed in such a way that a designated provider network is established for general assistance clients so that care management can be maximized. The department shall report on the design of the pilot project to the policy and fiscal committees of the legislature by October 15, 2002.

(20) \$21,000 of the general fund--state appropriation and \$189,000 of the general fund--federal appropriation are provided solely for initiation of a study to assess alternatives for replacing the existing medicaid management information system. The department shall report to the information services board and to the fiscal committees of the legislature by December 1, 2003, on the anticipated costs and benefits of the major alternative approaches. The department shall receive specific authorization in the 2003-05 appropriations act before proceeding with procurement of the replacement system.

PART III NATURAL RESOURCES

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2004) \$339,000
General Fund--State Appropriation (FY 2005) \$345,000
General Fund--Private/Local Appropriation \$663,000
TOTAL APPROPRIATION \$1,347,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2004) \$33,464,000
General Fund--State Appropriation (FY 2005) \$33,263,000
General Fund--Federal Appropriation \$57,143,000
General Fund--Private/Local Appropriation \$3,696,000
Special Grass Seed Burning Research Account--
State Appropriation \$14,000

Reclamation Revolving Account--State
 Appropriation \$2,760,000
 Flood Control Assistance Account--
 State Appropriation \$2,019,000
 State Emergency Water Projects Revolving Account--
 State Appropriation \$552,000
 Waste Reduction/Recycling/Litter Control Account--
 State Appropriation \$13,714,000
 State Drought Preparedness Account--State
 Appropriation \$1,708,000
 State and Local Improvements Revolving Account
 (Water Supply Facilities)--State
 Appropriation \$593,000
 Site Closure Account--State Appropriation \$629,000
 Water Quality Account--State Appropriation \$25,252,000
 Wood Stove Education and Enforcement Account--
 State Appropriation \$356,000
 Worker and Community Right-to-Know Account--
 State Appropriation \$3,348,000
 State Toxics Control Account--State
 Appropriation \$59,268,000
 State Toxics Control Account--Private/Local
 Appropriation \$353,000
 Local Toxics Control Account--State
 Appropriation \$4,878,000
 Water Quality Permit Account--State
 Appropriation \$25,205,000
 Underground Storage Tank Account--State
 Appropriation \$2,710,000
 Environmental Excellence Account--State
 Appropriation \$504,000
 Biosolids Permit Account--State Appropriation \$784,000
 Hazardous Waste Assistance Account--State
 Appropriation \$4,185,000
 Air Pollution Control Account--State
 Appropriation \$1,654,000
 Oil Spill Prevention Account--State
 Appropriation \$7,745,000
 Air Operating Permit Account--State
 Appropriation \$3,693,000
 Freshwater Aquatic Weeds Account--State
 Appropriation \$2,503,000
 Oil Spill Response Account--State
 Appropriation \$7,078,000
 Metals Mining Account--State Appropriation \$19,000
 Water Pollution Control Revolving Account--
 State Appropriation \$380,000
 Water Pollution Control Revolving Account--
 Federal Appropriation \$1,867,000
 TOTAL APPROPRIATION \$301,337,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,757,696 of the general fund--state appropriation for fiscal year 2004, \$2,757,696 of the general fund--state appropriation for fiscal year 2005, \$394,000 of the general fund--federal appropriation, \$2,581,000 of the state toxics account--state appropriation, \$217,830 of the water quality account--state appropriation, \$322,976 of the state drought preparedness account--state appropriation, \$3,748,220 of the water quality permit account--state appropriation, and \$704,942 of the oil spill prevention account are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(5) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$200,000 of the water quality account--state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(7) \$100,000 of the state toxics control account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1002 (mercury), chapter 260, Laws of 2003. If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(8) The department of ecology is authorized to take one of the following actions related to the grant awarded in the 2001-03 biennium to Lincoln county for the Negro Creek flood control project, flood control assistance account program grant G0200049: (a) Carry forward to the 2003-05 biennium any unspent portion of the grant, or (b) extend the time of performance for the grant contract to the end of the 2003-2005 biennium.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2004) \$29,986,000

General Fund--State Appropriation (FY 2005) \$29,976,000

General Fund--Federal Appropriation \$2,666,000

General Fund--Private/Local Appropriation \$63,000

Winter Recreation Program Account--State
Appropriation \$1,079,000
Off Road Vehicle Account--State Appropriation \$285,000
Snowmobile Account--State Appropriation \$4,790,000
Aquatic Lands Enhancement Account--State
Appropriation \$332,000
Public Safety and Education Account--State
Appropriation \$47,000
Parks Renewal and Stewardship Account--
State Appropriation \$33,769,000
TOTAL APPROPRIATION \$102,993,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2004, \$79,000 of the general fund--state appropriation for fiscal year 2005, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(4) At each state park at which a parking fee is collected, the state parks and recreation commission shall provide notice that the revenue collected from the parking fee shall be used to fund expenditures to maintain and improve the state park system.

NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund--State Appropriation (FY 2004) \$1,246,000
General Fund--State Appropriation (FY 2005) \$1,256,000
General Fund--Federal Appropriation \$17,983,000
Firearms Range Account--State Appropriation \$22,000
*/Recreation Resources Account--State
Appropriation \$2,608,000
NOVA Program Account--State Appropriation \$691,000
Water Quality Account--State Appropriation \$200,000
Aquatic Lands Enhancement Account--State Appropriation \$254,000
TOTAL APPROPRIATION \$24,260,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$16,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(2) \$41,000 of the general fund--state appropriation for fiscal year 2004 and \$41,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and maintenance of the natural resources data portal.

(3) \$812,000 of the general fund--state appropriation for fiscal year 2004, \$813,000 of the general fund--state appropriation for fiscal year 2005, and \$1,625,000 of the general fund--federal appropriation are provided to the salmon recovery funding board for distribution to lead entities. The board may establish policies to require coordination of funding requests from lead entities and regional recovery boards to ensure that recovery efforts are synchronized. At the discretion of the board, funding shall be concentrated in watersheds within the highest priority salmon recovery regions as defined by the statewide strategy to recover salmon. The board shall also coordinate funding decisions with the northwest power planning council to ensure maximum efficiency and investment return.

(4) \$234,000 of the general fund--state appropriation for fiscal year 2004 and \$234,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement priority recommendations developed by the monitoring oversight committee as directed by RCW 77.85.210. Within these funds, activity shall be directed to improve monitoring oversight within watersheds, enhance data coordination and access among recovery partners, and produce a state watershed health report card.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE \$923,000

General Fund--State Appropriation (FY 2004) \$923,000
General Fund--State Appropriation (FY 2005) \$960,000
TOTAL APPROPRIATION \$1,883,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2004 and \$20,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions), chapter 393, Laws of 2003.

SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2004) \$2,234,000
General Fund--State Appropriation (FY 2005) \$2,245,000
Water Quality Account--State Appropriation \$2,162,000
TOTAL APPROPRIATION \$6,641,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$247,000 of the general fund--state appropriation for fiscal year 2004 and \$247,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(2) \$118,000 of the general fund--state appropriation for fiscal year 2004 and \$121,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1418 (drainage infrastructure), chapter 391, Laws of 2003.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2004) \$41,453,000
General Fund--State Appropriation (FY 2005) \$40,179,000
General Fund--Federal Appropriation \$31,632,000
General Fund--Private/Local Appropriation \$24,300,000
Off Road Vehicle Account--State
Appropriation \$501,000
Aquatic Lands Enhancement Account--State
Appropriation \$5,620,000
Public Safety and Education Account--State
Appropriation \$562,000
Recreational Fisheries Enhancement Account--
State Appropriation \$3,392,000

Warm Water Game Fish Account--State
 Appropriation \$2,568,000
 Eastern Washington Pheasant Enhancement Account--
 State Appropriation \$750,000
 Wildlife Account--State Appropriation \$57,138,000
 Wildlife Account--Federal Appropriation \$38,216,000
 Wildlife Account--Private/Local
 Appropriation \$15,158,000
 Game Special Wildlife Account--State
 Appropriation \$1,949,000
 Game Special Wildlife Account--Federal
 Appropriation \$9,598,000
 Game Special Wildlife Account--Private/Local
 Appropriation \$350,000
 Environmental Excellence Account--State
 Appropriation \$15,000
 Regional Fisheries Salmonid Recovery Account--
 Federal Appropriation \$1,750,000
 Oil Spill Prevention Account--State
 Appropriation \$981,000
 Oyster Reserve Land Account--State
 Appropriation \$137,000
TOTAL APPROPRIATION \$276,249,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,355,714 of the general fund--state appropriation for fiscal year 2004, \$1,355,713 of the general fund--state appropriation for fiscal year 2005, and \$402,000 of the wildlife account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.
- (2) \$225,000 of the general fund--state appropriation for fiscal year 2004, \$225,000 of the general fund--state appropriation for fiscal year 2005, and \$550,000 of the wildlife account--state appropriation are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (3) \$850,000 of the wildlife account--state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.
- (4) \$900,000 of the wildlife fund--state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.
- (5) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.
- (6) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.
- (7) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.
- (8) \$400,000 of the wildlife account--state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.
- (9) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.
- (10) \$43,000 of the general fund--state appropriation for fiscal year 2004 and \$42,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.
- (11) \$80,000 of the general fund--state appropriation for fiscal year 2004 and \$77,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.
- (12) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.
- (13) \$110,000 of the general fund--state appropriation for fiscal year 2004 and \$110,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.
- (14) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2004) \$30,307,000
 General Fund--State Appropriation (FY 2005) \$34,233,000
 General Fund--Federal Appropriation \$3,809,000
 General Fund--Private/Local Appropriation \$2,482,000
 Forest Development Account--State
 Appropriation \$52,060,000
 Off Road Vehicle Account--State
 Appropriation \$4,028,000
 Surveys and Maps Account--State
 Appropriation \$2,760,000
 Aquatic Lands Enhancement Account--State
 Appropriation \$6,884,000
 Resources Management Cost Account--State
 Appropriation \$70,391,000
 Surface Mining Reclamation Account--State
 Appropriation \$2,293,000
 Disaster Response Account--State Appropriation \$7,200,000
 Water Quality Account--State Appropriation \$2,479,000
 Aquatic Land Dredged Material Disposal Site

Account--State Appropriation \$1,311,000
Natural Resource Conservation Areas Stewardship
Account Appropriation \$83,000
Air Pollution Control Account--State
Appropriation \$526,000
Agricultural College Trust Management Account
Appropriation \$1,868,000
Derelict Vessel Removal Account--State
Appropriation \$1,130,000

TOTAL APPROPRIATION \$223,844,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2004, \$18,000 of the general fund--state appropriation for fiscal year 2005, and \$1,006,950 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2) \$908,000 of the general fund--state appropriation for fiscal year 2004 and \$910,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(3) \$1,158,000 of the general fund--state appropriation for fiscal year 2004, \$8,358,000 of the general fund--state appropriation for fiscal year 2005, and \$7,200,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

(9) For the 2003-05 fiscal biennium, the department has revised the methodology by which administrative costs of the department are allocated among the state general fund and the various dedicated funds and accounts from which the department receives appropriations. The legislature recognizes that the revised methodology represents a fair and equitable allocation of costs under state law and accounting rules. The legislature further finds that retroactive application of the revised methodology is neither practical nor desirable.

(10) The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting), chapter 313, Laws of 2003. The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

(11) \$208,000 of the general fund--state appropriation of fiscal year 2004 and \$70,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

(12) The department of natural resources shall not close Sahara Creek facility, campground, or trailhead. The appropriations in this section are deemed sufficient to provide service for these recreational opportunities.

(13) \$4,000 of the general fund--state appropriation for fiscal year 2004 and \$4,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

(14) \$2,700,000 of the general fund--state appropriation for fiscal year 2004 is provided solely to the department of natural resources to acquire approximately 232 acres of land and timber in Klickitat county from the SDS lumber company. Expenditure of the moneys provided in this subsection shall not be made until the SDS lumber company accepts the land and timber acquisition as full and complete settlement of the current litigation brought by the SDS lumber company against the state and the litigation is dismissed, with prejudice. The land and timber acquired with the funding in this subsection shall be managed for the benefit of the common schools. By June 30, 2004, if the department has not recovered through trust asset management the state's capital investment from the land acquisition provided in this subsection, the department shall seek reimbursement from the federal government. It is the intent of the legislature that the state general fund appropriation for the 2005-07 fiscal biennium for the forest practices program in the department be reduced by the amount not recovered through trust land management or reimbursement by the federal government.

(15) \$265,000 of the aquatic lands enhancement account appropriation is provided solely for developing a pilot project to study the feasibility of geoduck aquaculture on both intertidal and subtidal lands in the state of Washington.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2004) \$7,444,000

General Fund--State Appropriation (FY 2005) \$7,244,000

General Fund--Federal Appropriation \$10,068,000

General fund--Private/Local Appropriation \$1,110,000

Aquatic Lands Enhancement Account--State

Appropriation \$1,942,000

Water Quality Account--State Appropriation \$692,000

State Toxics Control Account--State

Appropriation \$2,580,000

Water Quality Permit Account--State Appropriation \$165,000

TOTAL APPROPRIATION \$31,245,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund--state appropriation for fiscal year 2004 and \$37,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$165,000 of the water quality permit account--state appropriation and \$692,000 of the water quality account--state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5889 (animal feeding operations), chapter 325, Laws of 2003.

(4) \$53,000 of the general fund--state appropriation for fiscal year 2004 and \$15,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute House Bill No. 1754 (chickens), chapter 397, Laws of 2003.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM Pollution Liability Insurance Program Trust Account--
State Appropriation \$984,000

PART IV TRANSPORTATION

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2004) \$4,986,000
General Fund--State Appropriation (FY 2005) \$4,988,000
Architects' License Account--State
Appropriation \$696,000
Cemetery Account--State Appropriation \$235,000
Professional Engineers' Account--State
Appropriation \$3,025,000
Real Estate Commission Account--State Appropriation \$7,111,000
Master License Account--State Appropriation \$9,110,000
Uniform Commercial Code Account--State
Appropriation \$2,987,000
Real Estate Education Account--State
Appropriation \$277,000
Real Estate Appraisers Commission Account--State
Appropriation \$927,000
Geologist's Account--State
Appropriation \$7,000
Funeral Directors and Embalmers Account--State
Appropriation \$521,000
Washington Real Estate Research Account--State
Appropriation \$308,000
Data Processing Revolving Account--State
Appropriation \$29,000
TOTAL APPROPRIATION \$35,207,000

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2003-05 fiscal biennium. Pursuant to RCW 43.135.055, during the 2003-05 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2004) \$20,005,000
General Fund--State Appropriation (FY 2005) \$18,855,000
General Fund--Federal Appropriation \$4,240,000
General Fund--Private/Local Appropriation \$378,000
Death Investigations Account--State
Appropriation \$4,489,000
Public Safety and Education Account--State
Appropriation \$20,852,000
Enhanced 911 Account--State Appropriation \$612,000
County Criminal Justice Assistance Account--State
Appropriation \$2,649,000
Municipal Criminal Justice Assistance Account--
State Appropriation \$1,087,000
Fire Service Trust Account--State
Appropriation \$125,000
Fire Service Training Account--State
Appropriation \$7,374,000
State Toxics Control Account--State
Appropriation \$436,000
Violence Reduction and Drug Enforcement Account--
State Appropriation \$286,000
Fingerprint Identification Account--State
Appropriation \$4,405,000
TOTAL APPROPRIATION \$85,793,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the fire service training account--state appropriation is provided solely for the implementation of Senate Bill No. 5176 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(2) \$200,000 of the fire service training account--state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

PART V EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2004) \$11,772,000

General Fund--State Appropriation (FY 2005) \$11,761,000

General Fund--Federal Appropriation \$15,921,000

TOTAL APPROPRIATION \$39,454,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,771,000 of the general fund--state appropriation for fiscal year 2004 and \$10,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(b) \$428,000 of the general fund--state appropriation for fiscal year 2004 and \$428,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$416,000 of the general fund--state appropriation for fiscal year 2004 and \$416,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$157,000 of the general fund--state appropriation for fiscal year 2004 and \$149,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(e) The department of social and health services, the office of the superintendent of public instruction, and the department of health should work together to identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provide cost-effective ways to avoid higher health spending later in life.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2004) \$8,966,000

General Fund--State Appropriation (FY 2005) \$9,345,000

General Fund--Federal Appropriation \$66,405,000

TOTAL APPROPRIATION \$84,716,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund--state appropriation for fiscal year 2005 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) A maximum of \$96,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$96,000 of the general fund--state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(c) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$100,000 of the general fund--state appropriation for fiscal year 2005 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iv) \$400,000 of the general fund--federal appropriation transferred from the department of health is provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(v) \$13,663,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants;

and

(c) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund--state appropriation for fiscal year 2005 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(I) \$306,000 of the fiscal year 2004 appropriation and \$689,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012, chapter 33, Laws of 2003.

(ii) A maximum of \$761,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$757,000 of the general fund--state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$31,000 of the general fund--state appropriation for fiscal year 2005 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,224,000 of the general fund--state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$1,079,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund--state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund--state appropriation for fiscal year 2005 are provided for the Washington civil liberties education program.

(viii) \$500,000 of the general fund--state appropriation for fiscal year 2004 and \$500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) \$1,433,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(x) \$9,510,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xi) \$12,977,000 of the general fund--federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2004) \$3,969,407,000

General Fund--State Appropriation (FY 2005) \$3,977,209,000

TOTAL APPROPRIATION \$7,946,616,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(I) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 0.8 certificated instructional staff units for the 2003-04 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 54.0 funding ratio in the 2003-04 school year, and up to 1.3 of the 53.2 funding ratio in the 2004-05 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(c) Any district maintaining a ratio in grades K-4 equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 school year may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(I) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(I) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(I) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(I) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2003-04 and 2004-05 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 9.68 percent in the 2003-04 school year and 9.68 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.25 percent in the 2003-04 school year and 12.25 percent in the 2004-05 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of \$8,952 per certificated staff unit in the 2004-05 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of \$21,983 per certificated staff unit in the 2004-05 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of \$17,057 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of \$6,392,000 outside the basic education formula during fiscal years 2004 and 2005 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$495,000 may be expended in fiscal year 2004 and a maximum of \$504,000 may be expended in fiscal year 2005;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2004 fiscal year and a maximum of \$2,035,000 for the 2005 fiscal year;

(c) A maximum of \$353,000 may be expended for school district emergencies; and

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(12) \$159,000 of the general fund--state appropriation for fiscal year 2004 and \$1,181,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sa for the 2003-04 school year and LEAP Document 1Sb for the 2004-05 school year; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E.

(2) For the purposes of this section:

(a) "LEAP Document 1Sa" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2003-04 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours;

(b) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2004-05 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2003-04 and 2004-05 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 9.04 percent for school year 2003-04 and 9.04 percent for school year 2004-05 for certificated staff and for classified staff 8.75 percent for school year 2003-04 and 8.75 percent for the 2004-05 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2003-04 School Year

Years of

Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	or PHD
	29,149	29,936	30,752	31,568	34,192	35,881	34,947	37,570	39,262
0									
1	29,540	30,339	31,165	32,019	34,669	36,350	35,335	37,985	39,665
2	30,060	30,870	31,709	32,633	35,289	36,995	35,901	38,556	40,262
3	30,747	31,574	32,429	33,392	36,069	37,833	36,630	39,306	41,071
4	31,285	32,151	33,017	34,018	36,724	38,510	37,208	39,914	41,701
5	31,840	32,716	33,594	34,655	37,365	39,196	37,798	40,509	42,340
6	32,251	33,108	34,016	35,131	37,827	39,667	38,213	40,910	42,750
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9			37,266	38,591	41,443	43,481	41,656	44,510	46,548
		36,272							
10				39,898	42,788	44,894	42,964	45,855	47,960
			38,477						

11		44,196	46,344	44,309	47,263	49,410
	41,243					
12		45,642	47,854	45,707	48,708	50,921
	42,545					
13			49,401	47,154	50,189	52,467
	47,123					
14			51,006	48,644	51,775	54,073
	48,611					
15			52,333	49,908	53,121	55,479
	49,876					
16 or More			53,379	50,906	54,183	56,588
	50,873					

K-12 Salary Allocation Schedule For Certificated Instructional Staff

2004-05 School Year

Years of

Service	<i>MA+90</i>								
	<i>BA</i>	<i>BA+15</i>	<i>BA+30</i>	<i>BA+45</i>	<i>BA+90</i>	<i>BA+135</i>	<i>MA</i>	<i>MA+45</i>	<i>or PHD</i>
0	30,023	30,834	31,674	32,516	35,218	36,958	35,995	38,697	40,439
1	30,427	31,249	32,100	32,979	35,709	37,440	36,395	39,125	40,855
2	30,812	31,642	32,502	33,449	36,171	37,920	36,798	39,520	41,269
3	31,209	32,047	32,916	33,893	36,610	38,401	37,180	39,895	41,687
4	31,598	32,473	33,347	34,358	37,091	38,895	37,580	40,313	42,118
5	32,000	32,879	33,762	34,829	37,552	39,392	37,987	40,711	42,551
6	32,413	33,273	34,186	35,306	38,016	39,866	38,404	41,114	42,963
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172

9	37,266	38,591	41,443	43,481	41,656	44,510	46,548
	36,272						
10		39,898	42,788	44,894	42,964	45,855	47,960
		38,477					
11			44,196	46,344	44,309	47,263	49,410
			41,243				
12			45,642	47,854	45,707	48,708	50,921
			42,545				
13				49,401	47,154	50,189	52,467
				47,123			
14				51,006	48,644	51,775	54,073
				48,611			
15				52,333	49,908	53,121	55,479
				49,876			
16 or More				53,379	50,906	54,183	56,588
				50,873			

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.
- (e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2), subsection (7) of this section, and section 504(1) of this act.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2004) \$28,511,000

General Fund--State Appropriation (FY 2005) \$116,670,000

General Fund--Federal Appropriation \$559,000

TOTAL APPROPRIATION \$145,740,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,913,000 of the general fund--state appropriation for fiscal year 2004 and \$20,238,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to provide a salary adjustment for state formula certificated instructional staff units in their first seven years of service. Consistent with the statewide certificated instructional staff salary allocation schedule in section 503 of this act, sufficient funding is provided to increase the salary of certificated instructional staff units in the 2003-04 school year and the 2004-05 school year by the following percentages: Three percent for certificated instructional staff in their first and second years of service; two and one-half percent for certificated instructional staff in their third year of service; one and one-half percent for certificated instructional staff in their fourth year of service; one percent for certificated instructional staff in their fifth year of service; and one-half of a percent for certificated instructional staff in their sixth and seventh years of service. These increases will take effect September 1, 2003 and September 1, 2004.

(a) In order to receive funding provided in this subsection, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. In cases where a school district providing the increases in the amounts specified in this subsection would cause that school district to be out of compliance with RCW 28A.400.200, they may provide salary increases in different amounts but only to the extent necessary to come into compliance with RCW 28A.400.200. Funds provided in this subsection shall be used exclusively for providing the percentage increases specified in this subsection to the certificated staff units in their first seven years of service and shall not be used to supplant any other state or local funding for compensation for these staff.

(b) The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for school year 2003-04 and 9.04 percent for school year 2004-05 for certificated staff. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(2) The appropriations in this section provide salary adjustments and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2003-04	2004-05
Highly Capable (per formula student)	\$0.93	\$1.89
Transitional Bilingual Education (per eligible bilingual student)	\$2.45	\$4.97
Learning Assistance (per entitlement unit)	\$0.69	\$1.40

(3) \$116,483,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$570.74 per month for the 2004-05 school year at the following rates:

	<i>School Year</i>	
	<i>2003-04</i>	<i>2004-05</i>
<i>Pupil Transportation (per weighted pupil mile)</i>	<i>\$0.22</i>	<i>\$1.03</i>
<i>Highly Capable (per formula student)</i>	<i>\$1.52</i>	<i>\$7.00</i>
<i>Transitional Bilingual Education (per eligible bilingual student)</i>	<i>\$3.92</i>	<i>\$18.40</i>
<i>Learning Assistance (per entitlement unit)</i>	<i>\$3.08</i>	<i>\$14.46</i>

(4) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2004) \$201,638,000
 General Fund--State Appropriation (FY 2005) \$210,279,000
 TOTAL APPROPRIATION \$411,917,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of \$782,000 of the fiscal year 2005 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$39.21 per weighted mile in the 2003-04 school year and \$39.43 per weighted mile in the 2004-05 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) Beginning with busses purchased on or after July 1, 2003, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2004) \$3,100,000
 General Fund--State Appropriation (FY 2005) \$3,100,000
 General Fund--Federal Appropriation \$272,069,000
 TOTAL APPROPRIATION \$278,269,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2004 and \$3,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2004) \$433,984,000
 General Fund--State Appropriation (FY 2005) \$427,214,000
 General Fund--Federal Appropriation \$409,637,000
 TOTAL APPROPRIATION \$1,270,835,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using the S-275 personnel reporting system and all related accounting requirements to ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state and federal funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2003-04 and 2004-05 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$25,746,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(12) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(15) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2004) \$3,538,000

General Fund--State Appropriation (FY 2005) \$3,537,000

TOTAL APPROPRIATION \$7,075,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2004) \$162,236,000

General Fund--State Appropriation (FY 2005) \$167,073,000

TOTAL APPROPRIATION \$329,309,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2004) \$18,596,000

General Fund--State Appropriation (FY 2005) \$19,092,000

TOTAL APPROPRIATION \$37,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$279,000 of the general fund--state appropriation for fiscal year 2004 and \$286,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2004) \$6,597,000

General Fund--State Appropriation (FY 2005) \$6,614,000

TOTAL APPROPRIATION \$13,211,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and \$334.89 per funded student for the 2004-05 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation \$46,198,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2004) \$39,107,000

General Fund--State Appropriation (FY 2005) \$36,501,000

General Fund--Federal Appropriation \$128,402,000

TOTAL APPROPRIATION \$204,010,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$310,000 of the general fund--state appropriation for fiscal year 2004 and \$310,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) \$16,050,000 of the general fund--state appropriation for fiscal year 2004, \$12,511,000 of the general fund--state appropriation for fiscal year 2005, and \$15,455,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning. Of the general fund--state amounts provided:

(a) \$222,000 in fiscal year 2004 and \$244,000 in fiscal year 2005 are for providing high school students who are not successful in one or more content areas of the Washington assessment of student learning the opportunity to retake the test and \$75,000 of the fiscal year 2004 appropriation is provided for developing alternative assessments as provided in Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amounts in this subsection (a) shall lapse.

(b) \$300,000 in fiscal year 2004 is for independent research on the alignment and technical review of the reading, writing, and science content areas of the Washington assessment of student learning, as provided by Engrossed Substitute House Bill No. 2195 (state academic standards). If Engrossed Substitute House Bill No. 2195 is not enacted by June 30, 2003, the amount in this subsection (b) shall lapse.

(3) \$548,000 of the fiscal year 2004 general fund--state appropriation and \$548,000 of the fiscal year 2005 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$2,348,000 of the general fund--state appropriation for fiscal year 2004 and \$2,348,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(I) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(I) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$1,959,000 of the general fund--state appropriation for fiscal year 2004 and \$1,959,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,594,000 of the general fund--state appropriation for fiscal year 2004 and \$3,594,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2004 and \$2,500,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$705,000 of the general fund--state appropriation for fiscal year 2004 and \$705,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2004 and a maximum of \$250,000 of the general fund--state appropriation for fiscal year 2005 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(10) \$3,713,000 of the general fund--state appropriation for fiscal year 2004 and \$3,713,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading that may include research-based reading skills development software for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intersessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(I) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements;

(v) It contains an evaluation component to determine the effectiveness of the program; and

(vi) The program may include a software-based solution to increase the student/tutor ratio to a minimum of 5:1. The selected software program shall be scientifically researched-based.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2003 through August 31, 2005.

(11) \$1,564,000 of the general fund--state appropriation for fiscal year 2004 and \$2,497,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards, subject to the following conditions and limitations:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(12) \$313,000 of the general fund--state appropriation for fiscal year 2004 and \$313,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2004 and \$126,000 of the general fund--state appropriation for fiscal year 2005 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(14) \$3,046,000 of the general fund--state appropriation for fiscal year 2004 and \$3,046,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(15) \$1,764,000 of the general fund--state appropriation for fiscal year 2004 and \$1,764,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(16) \$87,901,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(17) \$25,046,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2004) \$49,791,000

General Fund--State Appropriation (FY 2005) \$52,062,000

General Fund--Federal Appropriation (FY 2005) \$46,309,000

TOTAL APPROPRIATION \$148,162,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and \$725.11 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2004) \$65,385,000

General Fund--State Appropriation (FY 2005) \$64,051,000

General Fund--Federal Appropriation \$307,178,000

TOTAL APPROPRIATION \$436,614,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.15 per funded unit for the 2003-04 school year and \$433.03 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

(d) A school district's general fund--state funded units shall be the sum of the following:

(i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Fund--State
Appropriation (FY 2004) \$203,123,000

Student Achievement Fund--State
Appropriation (FY 2005) \$195,080,000

TOTAL APPROPRIATION \$398,203,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$211.67 per FTE student for the 2003-04 school year and \$254.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) For the 2003-04 school year, the office of the superintendent of public instruction shall distribute ten percent of the school year allocation to districts each month for the months of September through June. For the 2004-05 school year, the superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS.

State general fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(c) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2003-04 and 2004-05 academic years, other than the summer term, shall be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges. Tuition fees may be increased in excess of the fiscal growth factor.

For the 2003-04 academic year, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2002-03 academic year.

For the 2004-05 academic year, the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2003-04 academic year.

(4) For the 2003-05 biennium, the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load at their discretion.

(5) For the 2003-05 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

(6) For the 2004-05 academic year, the legislature hereby lowers the limit on total gross authorized operating fees revenue waived, exempted, or reduced by state institutions of higher education pursuant to RCW 28B.15.910 as follows:

- (a) University of Washington, 20.48 percent
- (b) Washington State University, 19.5 percent
- (c) Eastern Washington University, 10.73 percent
- (d) Central Washington University, 7.8 percent
- (e) Western Washington University, 9.75 percent
- (f) The Evergreen State College, 5.85 percent
- (g) Community colleges as a whole, 33.6 percent.

Further, the governing boards and the state board are encouraged to reduce waiver activity in recognition of the need to retain available resources to preserve the educational quality of higher education institutions. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under authority of RCW 28B.15.915.

(7) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2003-05 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(9) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(10) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2003. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

(11) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2005.

NEW SECTION. Sec. 602. (1) The appropriations in sections 603 through 610 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2003-04	2004-05
	Annual	Annual
	Average	Average

	32,427	32,427
Main campus		
Bothell branch	1,235	1,235
Tacoma branch	1,484	1,484
Washington State University		
	17,348	17,364
Main campus		
Spokane branch	593	593
Tri-Cities branch	616	616
Vancouver branch	1,153	1,153
	7,666	7,666
Central Washington University		
Eastern Washington University	8,017	8,017
The Evergreen State College	3,837	3,837
Western Washington University	11,126	11,126
State Board for Community and Technical Colleges	126,070	126,070
Higher Education Coordinating Board	246	500

(2)(a) In addition to the annual full-time equivalent student enrollments enumerated in this section, funding is provided in (I) section 603 of this act for additional community or technical college full-time equivalent student enrollments in high-demand fields of study and (ii) section 722 of this act (special appropriations to the governor) for additional full-time equivalent transfer student enrollments with junior-class standing.

(b) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2004) \$507,960,000

General Fund--State Appropriation (FY 2005) \$517,854,000

Administrative Contingency Account--State

Appropriation \$3,200,000

TOTAL APPROPRIATION \$1,029,014,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by January 30, 2004, to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; and (b) wage adjustments for part-time faculty.

(3) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to Clark Community College and Lower Columbia Community College to prepare a total of 168 full-time equivalent students for transfer to the engineering and science institute at the Vancouver branch campus of Washington State University. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to districts named in this subsection.

(6) \$640,000 of the general fund--state appropriation for fiscal year 2004 and \$640,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

(a) Bates Technical College;

(b) Bellevue Community College;

(c) Centralia Community College;

(d) Clover Park Community College;

(e) Grays Harbor Community College;

(f) Green River Community College;

(g) Highline Community College;

(h) Tacoma Community College;

(i) Olympic Community College;

(j) Pierce District;

(k) Seattle District; and

(l) South Puget Sound Community College.

(7) \$28,761,000 of the general fund--state appropriation for fiscal year 2004 and \$28,761,000 of the general fund--state appropriation for fiscal year 2005 are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(8) \$1,000,000 of the general fund--state appropriation for fiscal year 2004 and \$1,000,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for tuition support for students enrolled in work-based learning programs.

(9) \$2,950,000 of the administrative contingency account--state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, as well as successful partnerships being supported by these state funds.

(10) \$250,000 of the administrative contingency account--state appropriation is provided solely and on a one-time basis to start up a college district consortium organized under the name "alliance for corporate education." Financial operations shall be self-sustaining by no later than June 30, 2005, after which time any amount remaining unexpended from this amount shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2004 and \$50,000 of the general fund--state appropriation for fiscal year 2005 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(12) \$212,000 of the general fund--state appropriation for fiscal year 2004 and \$212,000 of the general fund--state appropriation for fiscal year 2005 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(13) \$6,304,000 of the general fund--state appropriation for fiscal year 2004 and \$6,305,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand enrollment in high-demand fields.

(a) High-demand fields means (i) health services, (ii) applied science and engineering, (iii) viticulture and enology, and (iv) expansion of worker retraining programs. The state board shall allocate resources among the four areas specified in this subsection and shall manage a competitive process for awarding resources for health services, viticulture, enology, and applied science and engineering programs.

(b) The state board shall provide information on the number of additional headcount and full-time equivalent students enrolled in high-demand fields by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

(14) \$111,000 of the general fund--state appropriation for fiscal year 2004 and \$86,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. From these sums, the state board shall allocate:

(a) \$75,000 a year to Walla Walla community college for its associate science and associate arts degree programs for the purpose of vineyard and wine-making equipment purchases, student labor, instructional supplies, field work, and travel expenses;

(b) \$25,000 on a one-time basis to Wenatchee community college for the purpose of adapting its orchard employee educational program; and

(c) \$22,000 on a one-time basis to Yakima Valley community college for the purpose of vineyard and wine-making equipment and supply purchases.

The college districts named in this subsection are encouraged to seek a portion of the high-demand student enrollment funding made available on a competitive basis through the state board to address their respective need for additional instructors and professional staff.

NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2004) \$311,628,000

General Fund--State Appropriation (FY 2005) \$319,584,000

General Fund--Private/Local Appropriation \$300,000

Death Investigations Account--State

Appropriation \$261,000

Accident Account--State Appropriation \$5,937,000

Medical Aid Account--State Appropriation \$5,960,000

TOTAL APPROPRIATION \$643,670,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund--state appropriation for fiscal year 2004 and \$1,875,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2004 as to its progress and future steps.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) The entire death investigations account appropriation is provided for the forensic pathologist fellowship program.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Olympic natural resources center.

(6) \$1,526,000 of the general fund--state appropriation for fiscal year 2004 and \$3,096,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(7) \$1,250,000 of the general fund--state appropriation for fiscal year 2004 and \$1,250,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for state match to attract or retain federal research grants in high demand and technologically advanced fields.

(8) \$300,000 of the general fund--private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in Chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2004) \$185,265,000

General Fund--State Appropriation (FY 2005) \$189,954,000

Washington State University Building Account--

State Appropriation \$150,000

TOTAL APPROPRIATION \$375,369,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$507,000 of the general fund--state appropriation for fiscal year 2004 and \$1,014,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to expand the entering class of veterinary medicine students by 16 full-time equivalent residents each academic year during the 2003-05 biennium.

(2) \$657,000 of the general fund--state appropriation for fiscal year 2004, \$180,000 of the general fund--state appropriation for fiscal year 2005, and the entire Washington state university building account appropriation are provided solely to support the development of a comprehensive viticulture (grape growing) and enology (wine making) higher education program in Washington state. In consideration of these appropriations, the legislature intends to provide ongoing support of not less than \$180,000 a year for extension field personnel and services. The balance of the amount provided from the fiscal year 2004 appropriation is provided on a one-year basis to enable the university to appoint jointly shared faculty between the Pullman main campus and its branch campus in the TriCities. The legislature expects the university to meet ongoing faculty, staff, and related expenses to support the delivery of baccalaureate degree programs in viticulture and enology by making a successful bid for a portion of high-demand enrollment funding that will be distributed on a competitive basis by the state higher education coordinating board for student instruction pursuant to section 610(3) of this act.

(3) \$675,000 of the general fund--state appropriation for fiscal year 2004 and \$675,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for allocation in full to the branch campus in Vancouver to create and operate a state institute for engineering and science in partnership with Clark and Lower Columbia community colleges and regional industry leaders in southwest Washington. As a condition of this appropriation, the university shall develop and provide to the satisfaction of the office of financial management a business plan for the new institute. The university, together with its two-year college and industry partners, shall provide the governor, legislature, and state higher education coordinating board with an annual summary of its progress to produce more graduates trained in applied science technologies and engineering. Annual reports to inform and advise policymakers of the partners' success, emerging issues, and resource needs if any shall occur by no later than November 15 during the 2003-05 biennium.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2004 and \$150,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

(5) \$165,000 of the general fund--state appropriation for fiscal year 2004 and \$166,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(6) \$949,000 of the general fund--state appropriation for fiscal year 2004 and \$1,927,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2004) \$40,861,000
General Fund--State Appropriation (FY 2005) \$42,183,000
TOTAL APPROPRIATION \$83,044,000

The appropriations in this section are subject to the following conditions and limitations: \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2004) \$39,765,000
General Fund--State Appropriation (FY 2005) \$41,391,000
TOTAL APPROPRIATION \$81,156,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,050,000 of the general fund--state appropriation for fiscal year 2004 and \$1,050,000 of the general fund--state appropriation for fiscal year 2005 are provided to expand university enrollment by 196 full-time equivalent students.

(2) \$206,000 of the general fund--state appropriation for fiscal year 2004 and \$418,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2004) \$22,881,000
General Fund--State Appropriation (FY 2005) \$23,618,000
TOTAL APPROPRIATION \$46,499,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the general fund--state appropriation for fiscal year 2004 and \$252,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) The Washington state institute for public policy shall research the following issues and provide reports to the legislature as directed. The institute board shall prioritize and schedule all studies based on staff capacity.

(a) \$110,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to review research assessing the effectiveness of prevention and early intervention programs concerning children and youth, including but not limited to, programs designed to reduce the at-risk behaviors for children and youth identified in RCW 70.190.010(4).

Using this research, the institute shall identify specific research-proven programs that produce a positive return on the dollar compared to the costs of the program. The institute shall also develop criteria designed to ensure quality implementation and program fidelity of research-proven programs in the state. The criteria shall include measures for ongoing monitoring and continual improvement of treatment delivery, and shall be feasible for inclusion in a contract for services. The institute shall develop recommendations for potential state legislation that encourages local government investment in research-proven prevention and early intervention programs by reimbursing local governments for a portion of the savings that accrue to the state as the result of local investments in such programs. The institute shall present a preliminary report of its findings to the appropriate committees of the legislature by December 1, 2003, and shall present a final report by March 1, 2004.

(b) \$26,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to develop adherence and outcome standards for measuring the effectiveness of treatment programs referred to in Chapter 378, Laws of 2003 (ESSB 5903). The standards shall be developed and presented to the governor and legislature by no later than January 1, 2004.

(c) \$100,000 of the general fund--state appropriation for fiscal year 2004 is provided solely for the Washington state institute for public policy to study the relationship between prison overcrowding and construction, and the current state criminal sentencing structure.

(i) The institute shall determine whether any changes could be made to the current state sentencing structure to address prison overcrowding and the need for new prison construction, giving great weight to the primary purposes of the criminal justice system. These purposes include: Protecting community safety; making frugal use of state and local government resources by concentrating resources on violent offenders and sex offenders who pose the greatest risk to our communities; achieving proportionality in sentencing; and reducing the risk of reoffending by offenders in the community.

(ii) In developing its research plan, the institute may consult with the sentencing guidelines commission, the caseload forecast council, and interested stakeholders.

(iii) The institute for public policy shall present a preliminary report of its findings to the governor and to the appropriate standing committees of the legislature by December 15, 2003, and shall present a final report regarding its findings and recommendations by March 15, 2004.

(d) \$12,000 of the general fund--state appropriation for fiscal year 2004 and \$12,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington state institute for public policy to examine the results of the changes in earned release under Chapter 379, Laws of 2003 (ESSB 5990). The study shall determine whether the changes in earned release affect the rate of recidivism or the type of offenses committed by persons whose release dates were affected by the changes under the bill. The institute shall report its findings to the governor and appropriate committees of the legislature by no later than December 1, 2008.

(e) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the institute for public policy to conduct the evaluation outlined in Substitute Senate Bill No. 5012 (charter schools). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2004) \$53,645,000
General Fund--State Appropriation (FY 2005) \$55,537,000
TOTAL APPROPRIATION \$109,182,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$980,400 of the general fund--state appropriation for fiscal year 2004 and \$980,400 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$248,000 of the general fund--state appropriation for fiscal year 2004 and \$503,000 of general fund--state appropriation for fiscal year 2005 are provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2004) \$4,952,000

General Fund--State Appropriation (FY 2005) \$7,716,000

General Fund--Federal Appropriation \$642,000

TOTAL APPROPRIATION \$13,310,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) Within the appropriations provided in this section, funds are provided to continue the teacher training pilot program pursuant to chapter 28B.80 RCW until standing authority for this program expires as scheduled on January 1, 2005.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2004 and \$175,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

(3) \$2,755,000 of the general fund--state appropriation for fiscal year 2004 and \$5,520,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to contract for 246 full-time equivalent students in high demand fields in fiscal year 2004 and an additional 254 full-time equivalent students in high demand fields in fiscal year 2005. High-demand fields are programs where enrollment access is limited and employers are experiencing difficulty finding qualified graduates to fill job openings. Of the amounts provided, up to \$70,000 may be used for management of the competitive process for awarding high-demand student FTEs during the 2003-05 biennium.

(a) The board will manage a competitive process for awarding high-demand student FTEs. Public baccalaureate institutions are eligible to apply for funding and may submit proposals that include cooperative partnerships with private independent institutions.

(b) Among coequals, the board shall make it a priority to fund proposals that prepare students for careers in (i) nursing and other health services; (ii) applied science and engineering; (iii) teaching and speech pathology; (iv) computing and information technology; and (v) viticulture and enology, but not to the exclusion of compelling proposals that document specific regional student and employer demand in fields not listed in this subsection. Proposals and grant awards will separately identify one-time, nonrecurring costs and ongoing costs.

(c) The board will establish a proposal review committee that will include, but not be limited to, representatives from the board, the office of financial management, and economic development and labor market analysts. The board will develop the request for proposals, including the criteria for awarding grants, in consultation with the proposal review committee.

(d) Baccalaureate institutions that receive grants shall provide the board and the forecast division of the office of financial management with data specified by the board or the office of financial management that shows the impact of this subsection, particularly the degree of improved access to high-demand programs for students and successful job placements for graduates. The board will report on the implementation of this subsection by November 1 of each fiscal year to the office of financial management and the fiscal and higher education committees of the legislature.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2004) \$145,217,000

General Fund--State Appropriation (FY 2005) \$154,412,000

General Fund--Federal Appropriation \$7,530,000

TOTAL APPROPRIATION \$307,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$259,000 of the general fund--state appropriation for fiscal year 2004 and \$273,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the western interstate commission for higher education.

(2) \$1,100,000 of the general fund--state appropriation for fiscal year 2004 and \$1,100,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2004 and \$75,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(4) \$25,000 of the general fund--state appropriation for fiscal year 2004 and \$25,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2003-04 and 2004-05 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(5) \$111,628,000 of the general fund--state appropriation for fiscal year 2004 and \$120,420,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program.

(6) \$17,048,000 of the general fund--state appropriation for fiscal year 2004 and \$17,048,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. In addition to the administrative allowance in subsection (12) of this section, four percent of the general fund--state amount in this subsection may be expended for state work study program administration.

(7) \$2,867,000 of the general fund--state appropriation for fiscal year 2004 and \$2,867,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for educational opportunity grants pursuant to Chapter 233, Laws of 2003 (ESB 5676). The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award.

(8) \$1,919,000 of the general fund--state appropriation for fiscal year 2004 and \$2,155,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence.

(9) \$794,000 of the general fund--state appropriation for fiscal year 2004 and \$845,000 of the general fund--state appropriation for fiscal year 2005 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program.

(10) \$246,000 of the general fund--state appropriation for fiscal year 2004 and \$246,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for community scholarship matching grants of \$2,000 each. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in

new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation.

(11) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$6,050,000 of the general fund--state appropriation for fiscal year 2004 and \$6,050,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the Washington promise scholarship program.

(12) \$2,667,000 of the general fund--state appropriation for fiscal year 2004 and \$2,768,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (6) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

(13) \$539,000 of the general fund--state appropriation for fiscal year 2004 and \$540,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the displaced homemakers program.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2004) \$1,662,000

General Fund--State Appropriation (FY 2005) \$1,620,000

General Fund--Federal Appropriation \$53,790,000

TOTAL APPROPRIATION \$57,072,000

The appropriations in this section are subject to the following conditions and limitations: \$485,000 of the general fund--state appropriation for fiscal year 2004 and \$485,000 of the general fund--state appropriation for fiscal year 2005 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2004 as to the progress and future steps for INTEC as this public-private partnership evolves.

NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2004) \$1,403,000

General Fund--State Appropriation (FY 2005) \$1,419,000

TOTAL APPROPRIATION \$2,822,000

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2004) \$2,247,000

General Fund--State Appropriation (FY 2005) \$2,253,000

General Fund--Federal Appropriation \$1,026,000

TOTAL APPROPRIATION \$5,526,000

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2004) \$2,400,000

General Fund--State Appropriation (FY 2005) \$2,467,000

TOTAL APPROPRIATION \$4,867,000

NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

601. General Fund--State Appropriation (FY 2004) \$1,430,000

General Fund--State Appropriation (FY 2005) \$1,461,000

TOTAL APPROPRIATION \$2,891,000

NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2004) \$4,614,000

General Fund--State Appropriation (FY 2005) \$4,641,000

General Fund--Private/Local Appropriation \$1,335,000

TOTAL APPROPRIATION \$10,590,000

NEW SECTION. Sec. 602. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2004) \$7,578,000

General Fund--State Appropriation (FY 2005) \$7,559,000

General Fund--Private/Local Appropriation \$232,000

TOTAL APPROPRIATION \$15,369,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2004) \$570,186,000

General Fund--State Appropriation (FY 2005) \$626,814,000

Debt-Limit General Fund Bond Retirement Account--

State Appropriation \$10,000,000

State Building Construction Account--State

Appropriation \$7,014,000

Debt-Limit Reimbursable Bond Retirement Account--

State Appropriation \$2,587,000

State Taxable Building Construction Account--

State Appropriation \$322,000

TOTAL APPROPRIATION \$1,216,923,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--

State Appropriation \$29,014,000

Accident Account--State Appropriation \$5,113,000

Medical Aid Account--State Appropriation \$5,113,000

TOTAL APPROPRIATION \$39,240,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2004) \$26,394,000

General Fund--State Appropriation (FY 2005) \$24,805,000

Capitol Historic District Construction

Account--State Appropriation \$299,000

Higher Education Construction Account--State

Appropriation \$238,000

State Vehicle Parking Account--State

Appropriation \$102,000

Nondebt-Limit Reimbursable Bond Retirement Account--

State Appropriation \$128,375,000

TOTAL APPROPRIATION \$180,213,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2004) \$526,000

General Fund--State Appropriation (FY 2005) \$526,000

Higher Education Construction Account--State

Appropriation \$35,000

State Building Construction Account--State

Appropriation \$2,032,000

State Vehicle Parking Account--State

Appropriation \$17,000

Capitol Historic District Construction

Account--State Appropriation \$45,000

State Taxable Building Construction Account--

State Appropriation \$50,000

TOTAL APPROPRIATION \$3,231,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL.

The sum of \$4,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund--State Appropriation (FY 2004) \$850,000

General Fund--State Appropriation (FY 2005) \$850,000

TOTAL APPROPRIATION \$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

Public Safety and Education Account--State Appropriation \$766,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the entire appropriation to King county for extraordinary criminal justice costs.

NEW SECTION. Sec. 708. BELATED CLAIMS.

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 709. FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2004) \$8,243,000

General Fund--State Appropriation (FY 2005) \$38,879,000

Dedicated Funds and Accounts Appropriation \$41,232,000

TOTAL APPROPRIATION \$88,354,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP document 2003-38, a computerized tabulation developed by the legislative evaluation and accountability program committee on June 2, 2003, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2003-38, and adjust appropriation schedules accordingly.

(2)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$504.89 per eligible employee for fiscal year 2004, and \$592.30 for fiscal year 2005.

(b) Within the rates in (a) of this subsection, \$4.13 per eligible employee shall be included in the employer funding rate for fiscal year 2004, and \$2.11 per eligible employee shall be included in the employer funding rate for fiscal year 2005, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2004, through December 31, 2004, the subsidy shall be \$102.35. Starting January 1, 2005, the subsidy shall be \$116.19 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

- (a) For each full-time employee, \$42.76 per month beginning September 1, 2003, and \$49.14 beginning September 1, 2004;
- (b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$42.76 each month beginning September 1, 2003, and \$49.14 beginning September 1, 2004, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The appropriations in this section include amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (2) of this section, consistent with the 2003-2005 transportation appropriations act.

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2003, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2004) \$21,256,000

General Fund--State Appropriation (FY 2005) \$20,914,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2004) \$6,000,000

General Fund--State Appropriation (FY 2005) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2004) \$500,000

General Fund--State Appropriation (FY 2005) \$500,000

TOTAL APPROPRIATION \$55,170,000

NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2004) \$578,000

General Fund--State Appropriation (FY 2005) \$584,000

Public Safety and Education Account--State

Appropriation \$146,000

Judicial Information Systems Account--State

Appropriation \$57,000

Department of Retirement Systems Expense

Account--State Appropriation \$14,000

TOTAL APPROPRIATION \$1,379,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely to fund pension contributions to the public employees' retirement system and teachers' retirement system for judicial and legislative employees, effective July 1, 2003. The office of financial management shall update agency appropriation schedules to reflect the addition of the funding in this section, as identified by agency and fund in LEAP document 2003-39 dated June 3, 2003.

NEW SECTION. Sec. 712. FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2004) \$10,468,000

General Fund--State Appropriation (FY 2005) \$10,468,000

TOTAL APPROPRIATION \$20,936,000

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section is for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 713. INCENTIVE SAVINGS--FY 2004.

The sum of one hundred million dollars or so much thereof as may be available on June 30, 2004, from the total amount of unspent fiscal year 2004 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, in sections 715, 717, 718, and 724 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. Sec. 714. INCENTIVE SAVINGS--FY 2005.

The sum of one hundred million dollars or so much thereof as may be available on June 30, 2005, from the total amount of unspent fiscal year 2005 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(3) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, in sections 715, 717, 718, and 724 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. Sec. 715. INCREASED FEDERAL ASSISTANCE.

(1) If the department of social and health services or the department of veterans affairs receives federal funding to enhance the federal medical assistance percentage for the 2001-2003 or 2003-2005 fiscal biennia as a result of the jobs and growth tax relief reconciliation act of 2003 (P.L. 108-27), the moneys shall be expended as an unanticipated receipt under RCW 43.79.270 and 43.79.280, subject to the following conditions and limitations:

(a) The moneys shall be expended in the manner required by the federal act;

(b) The federal moneys shall be expended in a manner that will maximize the conservation of state moneys, which shall be placed in reserve status and remain unexpended; and

(c) The director of financial management shall notify the appropriate legislative fiscal committees of proposed allotment modifications prior to expenditure of the federal moneys.

(2) If the state receives federal funding for the 2001-2003 or 2003-2005 fiscal biennia as a result of the jobs and growth tax relief reconciliation act of 2003 (P.L. 108-27) in addition to the funding described in subsection (1) of this section, the moneys may be expended as an unanticipated receipt under RCW 43.79.270 and 43.79.280, subject to the following conditions and limitations:

- (a) The moneys shall be expended in the manner required by the federal act;
- (b) The federal moneys shall be expended for necessary state services and in a manner that will maximize the conservation of state moneys, which shall be placed in reserve status and remain unexpended; and
- (c) The director of financial management shall notify the appropriate legislative fiscal committees of proposed allotment modifications prior to expenditure of the federal moneys.

Sec. 716. 2003 c 10 s 708 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2003.

The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

(4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of ~~(this act and section 706 of this act)~~ chapter 371, Laws of 2002 and section 715 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. Sec. 717. AGENCY EXPENDITURES FOR TRAVEL, EQUIPMENT, AND PERSONAL SERVICE CONTRACTS.

The office of financial management shall reduce allotments for all agencies for personal service contracts, equipment, and travel by \$20,000,000 from 2003-05 biennial general fund appropriations in this act to reflect the elimination of expenditures identified in LEAP document 2003-36, a computerized tabulation developed by the legislative evaluation and accountability program committee on April 25, 2003. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 718. AGENCY EXPENDITURES FOR TORT LIABILITY. The office of financial management shall reduce allotments for all agencies by \$10,638,000 from 2003-05 biennial general fund appropriations in this act to reflect the reduction in contributions to the liability account. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 719. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY PUBLIC HEALTH ASSISTANCE

Health Services Account--State Appropriation \$48,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

<i>Health District</i>	<i>FY 2004</i>	<i>FY 2005</i>	<i>FY 2003-05 Biennium</i>
<i>Adams County Health District</i>	\$30,951	\$30,951	\$61,902
<i>Asotin County Health District</i>	\$67,714	\$67,714	\$135,428
<i>Benton-Franklin Health District</i>	\$1,165,612	\$1,165,612	\$2,331,224
<i>Chelan-Douglas Health District</i>	\$184,761	\$184,761	\$369,522
<i>Clallam County Health and Human Services Department</i>	\$141,752	\$141,752	\$283,504
<i>Southwest Washington Health District</i>	\$1,084,473	\$1,084,473	\$2,168,946
<i>Columbia County Health District</i>	\$40,529	\$40,529	\$81,058
<i>Cowlitz County Health Department</i>	\$278,560	\$278,560	\$557,120
<i>Garfield County Health District</i>	\$15,028	\$15,028	\$30,056
<i>Grant County Health District</i>	\$118,595	\$118,595	\$237,191
<i>Grays Harbor Health Department</i>	\$183,870	183,870	\$367,740

<i>Island County Health Department</i>	\$91,892	\$91,892	\$183,784
<i>Jefferson County Health and Human Services</i>	\$85,782	\$85,782	\$171,564
<i>Seattle-King County Department of Public Health</i>	\$9,531,747	\$9,531,747	\$19,063,494
<i>Bremerton-Kitsap County Health District</i>	\$554,669	\$554,669	\$1,109,338
<i>Kittitas County Health Department</i>	\$92,499	\$92,499	\$184,998
<i>Klickitat County Health Department</i>	\$62,402	\$62,402	\$124,804
<i>Lewis County Health Department</i>	\$105,801	\$105,801	\$211,602
<i>Lincoln County Health Department</i>	\$29,705	\$29,705	\$59,410
<i>Mason County Department of Health Services</i>	\$95,988	\$95,988	\$191,976
<i>Okanogan County Health District</i>	\$63,458	\$63,458	\$126,916
<i>Pacific County Health Department</i>	\$77,427	\$77,427	\$154,854
<i>Tacoma-Pierce County Health Department</i>	\$2,820,590	\$2,820,590	\$5,641,180
<i>San Juan County Health and Community Services</i>	\$37,531	\$37,531	\$75,062
<i>Skagit County Health Department</i>	\$223,927	\$223,927	\$447,854
<i>Snohomish Health District</i>	\$2,258,207	\$2,258,207	\$4,516,414
<i>Spokane County Health District</i>	\$2,101,429	\$2,101,429	\$4,202,858
<i>Northeast Tri-County Health District</i>	\$110,454	\$110,454	\$220,908
<i>Thurston County Health Department</i>	\$600,419	\$600,419	\$1,200,838
<i>Wahkiakum County Health Department</i>	\$13,773	\$13,772	\$27,545
<i>Walla Walla County-City Health Department</i>	\$172,062	\$172,062	\$344,124
<i>Whatcom County Health Department</i>	\$855,863	\$855,863	\$1,711,726
<i>Whitman County Health Department</i>	\$78,733	\$78,733	\$157,466
<i>Yakima Health District</i>	\$623,797	\$623,797	\$1,247,594
TOTAL APPROPRIATIONS	\$24,000,000	\$24,000,000	\$48,000,000

NEW SECTION. Sec. 720. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE
General Fund--Federal Appropriation \$5,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriations in this section to the following counties in the amounts designated:

	<i>FY 2004</i>
Adams	\$334,400
Asotin	\$361,900
Columbia	\$679,700
Douglas	\$264,000
Ferry	\$283,600
Garfield	\$759,800
Island	\$66,400
Lincoln	\$297,700
Mason	\$298,000
Okanogan	\$280,000
Pacific	\$89,700
Pend Oreille	\$181,600
Skamania	\$88,000
Stevens	\$418,000
Wahkiakum	\$452,900
Walla Walla	\$144,300
TOTAL APPROPRIATIONS	\$5,000,000

NEW SECTION. Sec. 721. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL ASSISTANCE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT|| MUNICIPAL ASSISTANCE
 General Fund--Federal Appropriation \$5,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriation in this section to the following cities in the amounts designated:

	<i>FY 2004</i>	<i>FY 2005</i>	<i>2003-05 Biennium</i>
Airway Heights	\$3,900	\$2,600	\$6,500
Albion	\$20,500	\$13,700	\$34,200

<i>Almira</i>	\$600	\$400	\$1,000
<i>Asotin</i>	\$8,400	\$5,600	\$14,000
<i>Benton City</i>	\$13,200	\$8,800	\$22,000
<i>Black Diamond</i>	\$15,600	\$10,400	\$2,600
<i>Bridgeport</i>	\$58,100	\$38,700	\$96,800
<i>Brier</i>	\$110,200	\$73,500	\$183,700
<i>Bucoda</i>	\$12,800	\$8,500	\$21,300
<i>Carbonado</i>	\$12,600	\$8,400	\$21,000
<i>Cashmere</i>	\$11,000	\$7,300	\$18,300
<i>Cheney</i>	\$16,400	\$10,900	\$27,300
<i>Chewelah</i>	\$1,100	\$600	\$1,700
<i>Colfax</i>	\$800	\$500	\$1,300
<i>College Place</i>	\$117,800	\$78,500	\$196,300
<i>Colton</i>	\$4,600	\$3,100	\$7,700
<i>Conconully</i>	\$3,300	\$2,200	\$5,500
<i>Concrete</i>	\$900	\$600	\$1,500
<i>Connell</i>	\$23,300	\$15,500	\$38,800
<i>Coulee Dam</i>	\$4,700	\$3,100	\$7,800
<i>Covington</i>	\$100,300	\$66,900	\$167,200
<i>Creston</i>	\$1,600	\$1,100	\$2,700
<i>Cusick</i>	\$600	\$400	\$1,000
<i>Darrington</i>	\$4,800	\$3,200	\$8,000
<i>Davenport</i>	\$3,800	\$2,500	\$6,300
<i>Dayton</i>	\$1,200	\$800	\$2,000
<i>Des Moines</i>	\$137,500	\$91,700	\$229,200

<i>Edgewood</i>	\$233,300	\$155,500	\$388,800
<i>Electric City</i>	\$22,800	\$15,200	\$38,000
<i>Elma</i>	\$1,600	\$1,100	\$2,700
<i>Elmer City</i>	\$9,200	\$6,100	\$15,300
<i>Endicott</i>	\$8,900	\$5,900	\$14,800
<i>Entiat</i>	\$8,700	\$5,800	\$14,500
<i>Everson</i>	\$4,000	\$2,700	\$6,700
<i>Fairfield</i>	\$1,100	\$600	\$1,700
<i>Farmington</i>	\$2,400	\$1,600	\$4,000
<i>Fircrest</i>	\$42,700	\$28,500	\$71,200
<i>Forks</i>	\$4,200	\$2,800	\$7,000
<i>Garfield</i>	\$10,600	\$7,100	\$17,700
<i>George</i>	\$1,900	\$1,300	\$3,200
<i>Gold Bar</i>	\$24,700	\$16,500	\$41,200
<i>Grandview</i>	\$13,100	\$8,700	\$21,800
<i>Granger</i>	\$24,200	\$16,100	\$40,300
<i>Hamilton</i>	\$3,400	\$2,300	\$5,700
<i>Harrah</i>	\$13,500	\$9,000	\$22,500
<i>Harrington</i>	\$700	\$500	\$1,200
<i>Hartline</i>	\$2,800	\$1,900	\$4,700
<i>Hatton</i>	\$3,800	\$2,500	\$4,700
<i>Hoquiam</i>	\$16,600	\$11,100	\$27,700
<i>Index</i>	\$600	\$400	\$1,000
<i>Ione</i>	\$1,500	\$1,000	\$2,500
<i>Kahlotus</i>	\$4,900	\$3,300	\$8,200

<i>Kenmore</i>	\$113,000	\$75,300	\$188,300
<i>Kettle Falls</i>	\$3,200	\$2,100	\$5,300
<i>Kittitas</i>	\$14,200	\$9,500	\$23,700
<i>Krupp</i>	\$700	\$500	\$1,200
<i>Lacrosse</i>	\$2,200	\$1,500	\$3,700
<i>Lake Forest Park</i>	\$116,600	\$77,700	\$194,300
<i>Lake Stevens</i>	\$3,900	\$2,600	\$6,500
<i>Lakewood</i>	\$303,100	\$202,100	\$505,200
<i>Lamont</i>	\$2,100	\$1,400	\$3,500
<i>Latah</i>	\$2,200	\$1,500	\$3,700
<i>Lyman</i>	\$3,000	\$2,000	\$5,000
<i>Mabton</i>	\$44,000	\$29,300	\$73,300
<i>Malden</i>	\$6,700	\$4,500	\$11,200
<i>Mansfield</i>	\$6,900	\$4,600	\$11,500
<i>Maple Valley</i>	\$14,200	\$9,500	\$23,700
<i>Marcus</i>	\$3,000	\$2,000	\$5,000
<i>Mattawa</i>	\$14,500	\$9,700	\$24,200
<i>McCleary</i>	\$12,500	\$8,300	\$20,800
<i>Medical Lake</i>	\$8,200	\$5,500	\$13,700
<i>Mesa</i>	\$1,400	\$900	\$2,300
<i>Metaline</i>	\$1,800	\$1,200	\$3,000
<i>Metaline Falls</i>	\$800	\$500	\$1,300
<i>Mossyrock</i>	\$600	\$400	\$1,000
<i>Mountlake Terrace</i>	\$27,000	\$18,000	\$45,000
<i>Moxee</i>	\$1,900	\$1,300	\$3,200

<i>Napavine</i>	\$16,700	\$11,100	\$27,800
<i>Nespelem</i>	\$5,400	\$3,600	\$9,000
<i>Newcastle</i>	\$1,400	\$900	\$2,300
<i>Nooksack</i>	\$10,900	\$7,300	\$18,200
<i>Normandy Park</i>	\$70,200	\$46,800	\$117,000
<i>North Bonneville</i>	\$1,500	\$1,000	\$2,500
<i>Northport</i>	\$5,900	\$3,900	\$9,800
<i>Oakesdale</i>	\$2,500	\$1,700	\$4,200
<i>Oakville</i>	\$5,900	\$3,900	\$9,800
<i>Orting</i>	\$10,300	\$6,900	\$17,200
<i>Palouse</i>	\$6,300	\$4,200	\$10,500
<i>Pateros</i>	\$600	\$400	\$1,000
<i>Pe Ell</i>	\$16,900	\$11,300	\$28,200
<i>Pomeroy</i>	\$2,100	\$1,400	\$3,500
<i>Prescott</i>	\$1,100	\$600	\$1,700
<i>Pullman</i>	\$18,200	\$12,100	\$30,300
<i>Rainier</i>	\$22,900	\$15,300	\$38,200
<i>Raymond</i>	\$600	\$400	\$1,000
<i>Reardan</i>	\$7,200	\$4,800	\$12,000
<i>Republic</i>	\$900	\$600	\$1,500
<i>Riverside</i>	\$6,000	\$4,000	\$10,000
<i>Rock Island</i>	\$4,900	\$3,300	\$8,200
<i>Rockford</i>	\$1,400	\$900	\$2,300
<i>Rosalia</i>	\$5,500	\$3,700	\$9,200
<i>Roslyn</i>	\$9,700	\$6,500	\$16,200

<i>Royal City</i>	\$10,300	\$6,900	\$17,200
<i>Ruston</i>	\$6,700	\$4,500	\$11,200
<i>Sammamish</i>	\$276,900	\$184,600	\$461,500
<i>Shoreline</i>	\$55,400	\$36,900	\$92,300
<i>Soap Lake</i>	\$16,300	\$10,900	\$27,200
<i>South Bend</i>	\$4,600	\$3,100	\$7,700
<i>South Cle Elum</i>	\$9,200	\$6,100	\$15,300
<i>South Prairie</i>	\$1,500	\$1,000	\$2,500
<i>Sprague</i>	\$1,100	\$700	\$1,800
<i>Springdale</i>	\$600	\$400	\$1,000
<i>Starbuck</i>	\$2,300	\$1,500	\$3,800
<i>Steilacoom</i>	\$16,400	\$10,900	\$27,300
<i>Tekoa</i>	\$4,100	\$2,700	\$6,800
<i>Tenino</i>	\$5,800	\$3,900	\$9,700
<i>Tieton</i>	\$10,400	\$6,900	\$17,300
<i>Toppenish</i>	\$53,600	\$35,700	\$89,300
<i>Uniontown</i>	\$2,500	\$1,700	\$4,200
<i>University Place</i>	\$262,300	\$174,900	\$437,200
<i>Vader</i>	\$10,600	\$7,100	\$17,700
<i>Waitsburg</i>	\$13,000	\$8,700	\$21,700
<i>Wapato</i>	\$30,100	\$20,100	\$50,200
<i>Warden</i>	\$8,200	\$5,500	\$13,700
<i>Washtucna</i>	\$6,400	\$4,300	\$10,700
<i>Waterville</i>	\$10,800	\$7,200	\$18,000
<i>Waverly</i>	\$3,000	\$2,000	\$5,000

West Richland	\$71,700	\$47,800	\$119,500
White Salmon	\$900	\$600	\$1,500
Wilbur	\$600	\$400	\$1,000
Wilkeson	\$600	\$400	\$1,000
Wilson Creek	\$2,900	\$1,900	\$4,800
Yacolt	\$3,100	\$2,100	\$5,200
Zillah	\$4,600	\$3,100	\$7,700
TOTAL APPROPRIATIONS	\$3,000,000	\$2,000,000	\$5,000,000

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT--HIGHER EDUCATION ENROLLMENT

General Fund--State Appropriation (FY 2004) \$3,125,000
 General Fund--State Appropriation (FY 2005) \$3,126,000
 TOTAL APPROPRIATION \$6,251,000

The appropriations in this section are subject to the following conditions and limitation: \$3,125,000 of the general fund--state for fiscal year 2004 and \$3,126,000 of the general fund--state for fiscal year 2005 are provided solely for allocation to public baccalaureate institutions to expand state-supported college access by 400 full-time equivalent student enrollments with junior class standing over levels in the 2002-03 academic year. With these amounts, the legislature intends to assist qualified residents seeking to transfer with an associate degree or credits sufficient to enter degree programs with junior-class standing. Any institution receiving an allocation for instruction shall provide data as required by the forecast division of the office of financial management to establish a baseline and monitor change in state-supported enrollment. This data will also be provided to the state board for community and technical colleges, the higher education coordinating board, and the higher education policy and fiscal legislative committees to demonstrate the impact of this section.

NEW SECTION. Sec. 723. FOR SUNDRY CLAIMS.

The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110: Kelly C. Schwartz, claim number SCJ 03-10 \$18,250

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:

(a) Circle S Landscape Supplies, claim number SCG 03-05 \$49,380

(b) Marilyn Lund Farms, claim number SCG 03-08 \$17,175

(c) Paul Gibbons, claim number SCG 03-09 \$12,414

(d) Bud Hamilton, claim number SCG 03-10 \$15,591

(e) Richard Anderson, claim number SCG 03-11 \$75,933

(f) Neil Ice, claim number SCG 03-12 \$73,474

(g) Carl Anderson, claim number SCG 03-13 \$120,943

NEW SECTION. Sec. 724. AGENCY EXPENDITURES FOR LEGISLATIVE LIAISONS.

During the 2003-05 fiscal biennium, no state agency or institution may expend any moneys appropriated in this act to employ legislative liaisons or contract for legislative liaisons. However, each independently elected statewide official may employ one FTE legislative liaison during the 2003-05 fiscal biennium. The office of financial management shall reduce allotments for agencies by \$3,257,000 from 2003-05 biennial general fund appropriations in this act to reflect the elimination of the expenditures identified in LEAP document 34, a computerized tabulation developed by the legislative evaluation and accountability program committee on April 3, 2003. The general fund allotment reduction shall be placed in unallotted status and remain unexpended.

State funds provided in Part V of this act may not be expended by or for any organization, association, or other entity to influence the passage or defeat of any legislation by the legislature of the state of Washington.

NEW SECTION. Sec. 725. 2003 c 360 s 408 (uncodified) is repealed.

NEW SECTION. Sec. 726. A new section is added to 2003 c 360 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

Aeronautics Account--State Appropriation (\$8,000)
 State Patrol Highway Account--State Appropriation (\$443,000)
 State Patrol Highway Account--Federal Appropriation (\$16,000)
 State Patrol Highway Account--Local Appropriation (\$6,000)
 Motorcycle Safety Education Account--State
 Appropriation (\$2,000)
 Rural Arterial Trust Account--State Appropriation (\$4,000)
 Wildlife Account--State Appropriation (\$2,000)
 Highway Safety Account--State Appropriation (\$461,000)
 Highway Safety Account--Federal Appropriation (\$14,000)
 Motor Vehicle Account--State Appropriation (\$2,305,000)
 Puget Sound Ferry Operations Account--State
 Appropriation (\$1,414,000)

Urban Arterial Trust Account--State Appropriation (\$10,000)
Transportation Improvement Account--State
Appropriation (\$10,000)
County Arterial Preservation Account--State
Appropriation (\$4,000)
Department of Licensing Services Account--State
Appropriation (\$2,000)
Multi-Modal Transportation Account--State
Appropriation (\$154,000)

TOTAL APPROPRIATION (\$4,855,000)

The office of financial management shall update agency appropriation schedules to reflect the addition of the funding in this section, as identified by agency and fund in LEAP document 2003-37 dated May 27, 2003. The appropriations in this section are provided solely for funding agency pension changes as set forth in Senate Bill No. 6029 or House Bill No. 2254.

PART VIII OTHER TRANSFERS AND APPROPRIATIONS

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance
premium distributions \$4,711,500
General Fund Appropriation for public utility
district excise tax distributions \$39,273,684
General Fund Appropriation for prosecuting
attorney distributions \$3,441,197
General Fund Appropriation for boating safety and
education distributions \$4,074,300
General Fund Appropriation for other tax
distributions \$34,750
Death Investigations Account Appropriation for
distribution to counties for publicly
funded autopsies \$2,123,723
Aquatic Lands Enhancement Account Appropriation
for harbor improvement revenue
distribution \$187,068
Timber Tax Distribution Account Appropriation for
distribution to "timber" counties \$51,192,170
County Criminal Justice Assistance

Appropriation \$52,131,000
Municipal Criminal Justice Assistance
Appropriation \$21,069,000
Liquor Excise Tax Account Appropriation for
liquor excise tax distribution \$32,624,831
Liquor Revolving Account Appropriation for
liquor profits distribution \$57,511,693
TOTAL APPROPRIATION \$268,374,916

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNTS

Impaired Driving Safety Account Appropriation \$1,896,502

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-05 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation \$1,264,335

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2003-05 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing
fees distribution \$1,293,828
General Fund Appropriation for federal flood
control funds distribution \$25,050
Forest Reserve Fund Appropriation for federal
forest reserve fund distribution \$83,492,373
TOTAL APPROPRIATION \$84,811,251

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

State Convention and Trade Center Account:

For transfer to the state general fund \$10,000,000

County Sale/Use Tax Equalization Account:

For transfer to the state general fund for fiscal year 2004 \$74,000

Financial Services Regulation Fund: For transfer to the state general fund at the beginning of fiscal year 2005 \$1,632,000

Municipal Sale/Use Tax Equalization Account:

For transfer to the state general fund for fiscal year 2004 \$374,000

Asbestos Account: For transfer to the state general fund \$200,000

Electrical License Account: For transfer to the state general fund \$7,000,000

Local Toxics Control Account: For transfer to the state toxics control account \$4,059,000

Pressure Systems Safety Account: For transfer to the state general fund \$1,000,000

Health Services Account: For transfer to the water quality account \$8,182,000

State Treasurer's Service Account: For transfer to the general fund \$10,000,000

Public Works Assistance Account: For transfer to the drinking water assistance account \$8,387,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$185,000,000

Health Service Account: For transfer to the violence reduction and drug enforcement account \$7,789,000

Nisqually Earthquake Account: For transfer to the disaster response account \$6,200,000

Industrial Insurance Premium Refund Account: For transfer to the state general fund \$577,000

Public Service Revolving Account: For transfer to the state general fund \$1,600,000

State Forest Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2004 and \$250,000 for fiscal year 2005 \$500,000

Flood Control Assistance Account: For transfer to the state general fund, \$1,350,000 for fiscal year 2004 and \$1,350,000 for fiscal year 2005 \$2,700,000

Water Quality Account: For transfer to the water pollution control account \$10,500,000

General Fund: For transfer to the water quality account, \$3,870,000 for fiscal year 2004 and \$4,557,000 for fiscal year 2005 \$8,427,000

Insurance Commissioner's Regulatory Account: For transfer to the state general fund \$1,500,000

Health Services Account: For transfer to the tobacco prevention and control account \$24,216,000

From the Emergency Reserve Fund: For transfer to the state general fund, not to exceed the actual balance of the emergency reserve fund. This transfer is intended to liquidate the emergency reserve fund \$59,350,000

Department of Retirement Systems Expense Account: For transfer to the state general fund \$1,500,000

Woodstove Education and Enforcement Account: For transfer to the air pollution control account \$600,000

Multimodal Transportation Account: For transfer to the air pollution control account for fiscal year 2004. The amount transferred shall be deposited into the segregated subaccount of the air pollution control account created in Engrossed Substitute Senate Bill No. 6072, chapter 264, Laws of 2003. The state treasurer shall perform the transfer from the multimodal transportation account to the air pollution control subaccount

on a quarterly basis \$4,170,726
Multimodal Transportation Account: For transfer
to the vessel response account for fiscal
year 2004 \$1,213,704
Resource Management Cost Account: For transfer
to the contract harvesting revolving account \$250,000
Forest Development Account: For transfer to the
contract harvesting revolving account \$250,000
Site Closure Account: For transfer to the
state general fund \$13,800,000
Health Services Account: For transfer to the
general fund--state for fiscal year 2005 \$1,250,000
NEW SECTION. Sec. 806. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--TRANSFERS
General Fund--State Appropriation: For
transfer to the department of retirement
systems expense account: For the
administrative expenses of the judicial
retirement system \$21,901

PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2001-03 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.

903. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

(a) System refurbishment, acquisitions, and development efforts;
(b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
(c) Assessing of overall information processing performance, resources, and capabilities;
(d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and

(e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903 VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without

first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 904. PROGRAM COST SHIFTS. Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

NEW SECTION. Sec. 905. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 906. STATUTORY APPROPRIATIONS. STATUTORY APPROPRIATIONS In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 907. BOND EXPENSES. BOND EXPENSES In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 908. VOLUNTARY SEPARATION INCENTIVES. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section.

Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2004.

NEW SECTION. Sec. 909. VOLUNTARY RETIREMENT INCENTIVES. It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2005, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2003-05 biennium.

Sec. 910. RCW 19.28.351 and 1988 c 81 s 11 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the "electrical license fund," and (by him) paid out upon vouchers duly and regularly issued therefor and approved by the director of labor and industries or the director's designee following determination by the board that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, (said) the fund, and of all disbursements therefrom.

During the 2003-2005 biennium, the legislature may transfer moneys from the electrical license fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 911. RCW 28A.305.210 and 1975 1st ex.s. c 275 s 51 are each amended to read as follows:

(1) The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

(2) During the 2003-05 biennium, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 912. RCW 28A.500.030 and 2002 c 317 s 4 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

- (a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to
- (b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

- (a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by
- (b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to June 30, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

Sec. 913. RCW 38.52.106 and 2002 c 371 s 904 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the ((2004-)) 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs(~~and costs associated with national security preparedness activities~~).

Sec. 914. RCW 41.50.110 and 2003 c 295 (SHB 1204) s 3 and 2003 c 294 (HB 1200) s 11 are each reenacted and amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the 2003-2005 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 915. RCW 43.03.050 and 1990 c 30 s 1 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

Sec. 916. RCW 43.08.190 and 1991 sp.s. c 13 s 83 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79.040(~~((2)(b))~~) or 43.84.092(~~((2)(b))~~) (4)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 917. RCW 43.10.180 and 1979 c 151 s 95 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the 2003-05 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

Sec. 918. RCW 43.08.250 and 2001 2nd sp.s. c 7 s 914 and 2001 c 289 s 4 are each reenacted and amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, ~~((2003))~~ 2005, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental

security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

Sec. 919. RCW 43.43.944 and 1999 c 117 s 2 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
- (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
- (c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the 2003-2005 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.

Sec. 920. RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the 2003-05 fiscal biennium.

Sec. 921. RCW 43.320.110 and 2002 c 371 s 912 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

~~((Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the digital government revolving account.))~~ During the ~~((2001-))~~ 2003-2005 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund ~~((and appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.)).~~

Sec. 922. RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

- (I) Not more than five percent may be expended for information programs under this chapter;
- (ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;
- (iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;
- (iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(I) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(3) During the 2003-05 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the ORV account to the interagency committee for outdoor recreation, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission. This appropriation is not required to follow the specific distribution specified in subsection (1) of this section.

Sec. 923. RCW 48.02.190 and 2002 c 371 s 913 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. During the (~~2004-2003~~) 2003-2005 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect excess fund balance in the account.

Sec. 924. RCW 49.26.130 and 1989 c 154 s 9 are each amended to read as follows:

(1) The department shall administer this chapter.

(2) The director of the department shall adopt, in accordance with chapters 34.05 and 49.17 RCW, rules necessary to carry out this chapter.

(3) The department shall prescribe fees for the issuance and renewal of certificates, including recertification, and the administration of examinations, and for the review of training courses.

(4) The asbestos account is hereby established in the state treasury. All fees collected under this chapter shall be deposited in the account. Moneys in the account shall be spent after appropriation only for costs incurred by the department in the administration and enforcement of this chapter. Disbursements from the account shall be on authorization of the director of the department or the director's designee.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the asbestos account to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 925. RCW 50.16.010 and 2002 c 371 s 914 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

(4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) all money recovered on official bonds for losses sustained by the fund,

(6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) During the ~~((2001-))~~2003-2005 fiscal biennium, the cost of ~~((worker retraining programs))~~ the job skills program and the alliance for corporate education at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

Sec. 926. RCW 51.44.170 and 2002 c 371 s 916 are each amended to read as follows:

The industrial insurance premium refund account is created in the custody of the state treasurer. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account. Only the executive head of the agency or institution of higher education, or designee, may authorize expenditures from the account. No agency or institution of higher education may make an expenditure from the account for an amount greater than the refund earned by the agency. If the agency or institution of higher education has staff dedicated to workers' compensation claims management, expenditures from the account must be used to pay for that staff, but additional expenditure from the account may be used for any program within an agency or institution of higher education that promotes or provides incentives for employee workplace safety and health and early, appropriate return-to-work for injured employees. During the ~~((2001-2003))~~ 2003-2005 fiscal biennium, the legislature may transfer from the industrial insurance premium refund account to the state general fund such amounts as reflect the ~~((reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings))~~ excess fund balance of the account.

Sec. 927. RCW 66.08.190 and 2002 c 38 s 2 are each amended to read as follows:

(1) Except for revenues generated by the 2003 surcharge of \$0.42/liter on retail sales of spirits that shall be distributed to the state general fund during the 2003-2005 biennium, when excess funds are distributed, all moneys subject to distribution shall be disbursed as follows:

(a) Three-tenths of one percent to border areas under RCW 66.08.195; and

(b) From the amount remaining after distribution under (a) of this subsection, (I) fifty percent to the general fund of the state, (ii) ten percent to the counties of the state, and (iii) forty percent to the incorporated cities and towns of the state.

(2) During the months of June, September, December, and March of each year, prior to disbursing the distribution to incorporated cities and towns under subsection (1)(b) of this section, the treasurer shall deduct from that distribution an amount that will fund that quarter's allotments under RCW 43.88.110 from any legislative appropriation from the city and town research services account. The treasurer shall deposit the amount deducted into the city and town research services account.

(3) The governor may notify and direct the state treasurer to withhold the revenues to which the counties and cities are entitled under this section if the counties or cities are found to be in noncompliance pursuant to RCW 36.70A.340.

Sec. 928. RCW 66.16.010 and 1939 c 172 s 10 are each amended to read as follows:

(1) There shall be established at such places throughout the state as the liquor control board, constituted under this title, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this title and the regulations: PROVIDED, That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed thirty-five percent. Effective no later than September 1, 2003, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military, and tribal sales. The intent of this surcharge is to raise \$14,000,000 in additional general fund-state revenue for the 2003-2005 biennium. To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge. The board shall remove the surcharge once it generates \$14,000,000, but no later than June 30, 2005.

(2) The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a federal permit.

(3) The liquor control board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or institution of the state of Washington, federal government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

(4) The liquor control board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

Sec. 929. RCW 67.40.040 and 1995 c 386 s 13 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(I) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170;

- (iii) For acquisition, design, and construction of the state convention and trade center; and
- (iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and
- (c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) During the 2003-2005 fiscal biennium, the legislature may transfer from the state convention and trade center account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 930. RCW 69.50.520 and 2002 c 371 s 920 are each amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(1)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the ~~((2001-))~~ 2003-2005 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, ~~((the replacement of the department of corrections' offender-based tracking system))~~ funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, civil indigent legal representation, ~~((and for))~~ multijurisdictional narcotics task forces~~((. After July 1, 2003, at least seven and one-half percent of expenditures from the account shall be used for providing)), and grants to community networks under chapter 70.190 RCW by the family policy council.~~

Sec. 931. RCW 70.79.350 and 1979 c 151 s 171 are each amended to read as follows:

The chief inspector shall give an official receipt for all fees required by chapter 70.79 RCW and shall transfer all sums so received to the treasurer of the state of Washington as ex officio custodian thereof and ~~((by him, as such custodian,))~~ the treasurer shall place ~~((said))~~ all sums in a special fund hereby created and designated as the "pressure systems safety fund". ~~((Said))~~ Funds ~~((by him))~~ shall be paid out upon vouchers duly and regularly issued therefor and approved by the director of the department of labor and industries. The treasurer, as ex officio custodian of ~~((said))~~ the fund, shall keep an accurate record of any payments into ~~((said))~~ the fund, and of all disbursements therefrom. ~~((Said))~~ The fund shall be used exclusively to defray only the expenses of administering chapter 70.79 RCW by the chief inspector as authorized by law and the expenses incident to the maintenance of ~~((his))~~ the office. The fund shall be charged with its pro rata share of the cost of administering ~~((said))~~ the fund which is to be determined by the director of financial management and by the director of the department of labor and industries.

During the 2003-2005 fiscal biennium, the legislature may transfer from the pressure systems safety fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 932. RCW 70.94.483 and 1991 sp.s. c 13 ss 64, 65 are each amended to read as follows:

(1) The wood stove education and enforcement account is hereby created in the state treasury. Money placed in the account shall include all money received under subsection (2) of this section and any other money appropriated by the legislature. Money in the account shall be spent for the purposes of the wood stove education program established under RCW 70.94.480 and for enforcement of the wood stove program, and shall be subject to legislative appropriation. However, during the 2003-05 fiscal biennium, the legislature may transfer from the wood stove education and enforcement account to the air pollution control account such amounts as specified in the omnibus operating budget bill.

(2) The department of ecology, with the advice of the advisory committee, shall set a flat fee of thirty dollars, on the retail sale, as defined in RCW 82.04.050, of each solid fuel burning device after January 1, 1992. The fee shall be imposed upon the consumer and shall not be subject to the retail sales tax provisions of chapters 82.08 and 82.12 RCW. The fee may be adjusted annually above thirty dollars to account for inflation as determined by the state office of the economic and revenue forecast council. The fee shall be collected by the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW. If the seller fails to collect the fee herein imposed or fails to remit the fee to the department of revenue in the manner prescribed in chapter 82.08 RCW, the seller shall be personally liable to the state for the amount of the fee. The collection provisions of chapter 82.32 RCW shall apply. The department of revenue shall deposit fees collected under this section in the wood stove education and enforcement account.

Sec. 933. RCW 70.105D.070 and 2001 c 27 s 2 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(I) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW; (iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals. During the 2003-05 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as specified in the omnibus operating budget bill for methamphetamine lab cleanup.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

Sec. 934. RCW 70.146.030 and 2002 c 371 s 921 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, ((2001)) 2003, to June 30, ((2003)) 2005, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

Sec. 935. RCW 70.146.080 and 1994 sp.s. c 6 s 902 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during the 2003-05 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 936. RCW 72.11.040 and 2001 2nd sp.s. c 7 s 919 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ((2001-)) 2003-2005 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community. Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 937. RCW 76.12.050 and 1973 1st ex.s. c 50 s 1 are each amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board of natural resources shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and land owned by the state under the jurisdiction of the department of natural resources, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

(2) During the biennium ending June 30, 2005, the department, with approval of the board, may exchange any state forest land and any timber thereon for any real property and proceeds of equal value. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

Sec. 938. RCW 76.12.170 and 1988 c 128 s 36 are each amended to read as follows:

All receipts from the sale of stock or seed shall be deposited in a state forest nursery revolving fund to be maintained by the department, which is hereby authorized to use all money in said fund for the maintenance of the state tree nursery or the planting of denuded state owned lands.

During the 2003-2005 fiscal biennium, the legislature may transfer from the state forest nursery revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 939. RCW 79.08.180 and 1987 c 113 s 1 are each amended to read as follows:

(1) The department of natural resources, with the approval of the board of natural resources, may exchange any state land and any timber thereon for any land of equal value in order to:

((4)) (a) Facilitate the marketing of forest products of state lands;

((2)) (b) Consolidate and block-up state lands;

((3)) (c) Acquire lands having commercial recreational leasing potential;

((4)) (d) Acquire county-owned lands;

((5)) (e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.01.784; or

((6)) (f) Acquire any other lands when such exchange is determined by the board of natural resources to be in the best interest of the trust for which the state land is held.

((7)) (2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

((8)) (3) The board of natural resources shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4) During the biennium ending June 30, 2005, the department, with approval of the board, may exchange any state land and any timber thereon for any land and proceeds of equal value. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

Sec. 940. RCW 80.01.080 and 2002 c 371 s 924 are each amended to read as follows:

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the ((2001-2003)) 2003-2005 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the ((appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings)) excess fund balance of the fund.

Sec. 941. RCW 82.14.200 and 1998 c 321 s 8 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.110. Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the statewide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection (4) of this section and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax

under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(6) Revenues distributed under subsections (2) through (5) of this section in any calendar year shall not exceed an amount equal to seventy percent of the statewide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties.

(7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) through (5) of this section, then the distributions under subsections (3) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) through (5) of this section to the counties.

(8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion an amount to the county public health account created in RCW 70.05.125 equal to the adjustment under RCW 70.05.125(2)(b).

(9) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) and (8) of this section, then the additional revenues shall be credited and transferred as follows:

(a) Fifty percent to the public facilities construction loan revolving account under RCW 43.160.080; and

(b) Fifty percent to the distressed county public facilities construction loan account under RCW 43.160.220, or so much thereof as will not cause the balance in the account to exceed twenty-five million dollars. Any remaining funds shall be deposited into the public facilities construction loan revolving account.

(10) During the 2003-2005 fiscal biennium, the legislature may transfer from the county sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 942. RCW 82.14.210 and 1996 c 64 s 1 are each amended to read as follows:

There is created in the state treasury a special account to be known as the "municipal sales and use tax equalization account." Into this account shall be placed such revenues as are provided under RCW 82.44.110(1)(e). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to January 1st of each year the department of revenue shall determine the total and the per capita levels of revenues for each city and the statewide weighted average per capita level of revenues for all cities imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city not imposing the sales and use tax under RCW 82.14.030(2) an amount from the municipal sales and use tax equalization account equal to the amount distributed to the city under RCW 82.44.155, multiplied by forty-five fifty-fifths.

(3) Subsequent to the distributions under subsection (2) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the statewide weighted average per capita level of revenues for all cities as determined by the department of revenue under subsection (1) of this section, an amount from the municipal sales and use tax equalization account sufficient, when added to the per capita level of revenues received the previous calendar year by the city, to equal seventy percent of the statewide weighted average per capita level of revenues for all cities determined under subsection (1) of this section, subject to reduction under subsection (6) of this section.

(4) Subsequent to the distributions under subsection (3) of this section, and at such times as distributions are made under RCW 82.44.150, the state treasurer shall apportion to each city imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a third distribution from the municipal sales and use tax equalization account. The distribution to each qualifying city shall be equal to the distribution to the city under subsection (3) of this section, subject to the reduction under subsection (6) of this section. To qualify for the distributions under this subsection, the city must impose the tax under RCW 82.14.030(2) for the entire calendar year. Cities imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) For a city with an official incorporation date after January 1, 1990, municipal sales and use tax equalization distributions shall be made according to the procedures in this subsection. Municipal sales and use tax equalization distributions to eligible new cities shall be made at the same time as distributions are made under subsections (3) and (4) of this section. The department of revenue shall follow the estimating procedures outlined in this subsection until the new city has received a full year's worth of revenues under RCW 82.14.030(1) as of the January municipal sales and use tax equalization distribution.

(a) Whether a newly incorporated city determined to receive funds under this subsection receives its first equalization payment at the January, April, July, or October municipal sales and use tax equalization distribution shall depend on the date the city first imposes the tax authorized under RCW 82.14.030(1).

(i) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of January 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of that year.

(ii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of February 1st, March 1st, or April 1st shall be eligible to receive funds under this subsection beginning with the July municipal sales and use tax equalization distribution of that year.

(iii) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of May 1st, June 1st, or July 1st shall be eligible to receive funds under this subsection beginning with the October municipal sales and use tax equalization distribution of that year.

(iv) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of August 1st, September 1st, or October 1st shall be eligible to receive funds under this subsection beginning with the January municipal sales and use tax equalization distribution of the next year.

(v) A newly incorporated city imposing the tax authorized under RCW 82.14.030(1) effective as of November 1st or December 1st shall be eligible to receive funds under this subsection beginning with the April municipal sales and use tax equalization distribution of the next year.

(b) For purposes of calculating the amount of funds the new city should receive under this subsection, the department of revenue shall:

(i) Estimate the per capita amount of revenues from the tax authorized under RCW 82.14.030(1) that the new city would have received had the city received revenues from the tax the entire calendar year;

(ii) Calculate the amount provided under subsection (3) of this section based on the per capita revenues determined under (b)(i) of this subsection;

(iii) Prorate the amount determined under (b)(ii) of this subsection by the number of months the tax authorized under RCW 82.14.030(1) is imposed.

(c) A new city imposing the tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution calculated under (b) of this subsection shall receive another distribution from the municipal sales and use tax equalization account. This distribution shall be equal to

the calculation made under (b)(ii) of this subsection, prorated by the number of months the city imposes the tax authorized under RCW 82.14.030(2) at the full rate.

(d) The department of revenue shall advise the state treasurer of the amounts calculated under (b) and (c) of this subsection and the state treasurer shall distribute these amounts to the new city from the municipal sales and use tax equalization account subject to the limitations imposed in subsection (6) of this section.

(e) Revenues estimated under this subsection shall not affect the calculation of the statewide weighted average per capita level of revenues for all cities made under subsection (1) of this section.

(6) If inadequate revenues exist in the municipal sales and use tax equalization account to make the distributions under subsection (3), (4), or (5) of this section, then the distributions under subsections (3), (4), and (5) of this section shall be reduced ratably among the qualifying cities. At such time during the year as additional funds accrue to the municipal sales and use tax equalization account, additional distributions shall be made under subsections (3), (4), and (5) of this section to the cities.

(7) If the level of revenues in the municipal sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through (5) of this section, then the additional revenues shall be apportioned among the several cities within the state ratably on the basis of population as last determined by the office of financial management: PROVIDED, That no such distribution shall be made to those cities receiving a distribution under subsection (2) of this section.

(8) During the 2003-2005 fiscal biennium, the legislature may transfer from the municipal sales and use tax equalization account to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 943. RCW 86.26.007 and 1997 c 149 s 914 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 1997-99 fiscal biennium and each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter (~~or, during the 1997-99 fiscal biennium, for transfer to the disaster response account~~). During the 2003-2005 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.

NEW SECTION. Sec. 944. During the 2003-05 fiscal biennium, the requirement is suspended that the department of social and health services issue the reports required by the following statutes; however, the department shall continue to maintain any required data.

- (1) RCW 74.08A.130 (naturalization facilitation);
- (2) RCW 74.14C.080 (intensive family preservation services);
- (3) RCW 74.20A.340(1) (license suspension);
- (4) RCW 71.24.460 (mentally ill offender community transition);
- (5) Section 910, chapter 7, Laws of 2001 2nd sp. sess. (voluntary retirement);
- (6) RCW 80.36.475 (telephone assistance); and
- (7) RCW 72.23.450 (state hospitals).

NEW SECTION. Sec. 945. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 946. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 19.28.351, 28A.305.210, 28A.500.030, 38.52.106, 43.03.050, 43.08.190, 43.10.180, 43.43.944, 43.320.110, 46.09.170, 48.02.190, 49.26.130, 50.16.010, 51.44.170, 66.08.190, 66.16.010, 67.40.040, 69.50.520, 70.79.350, 70.94.483, 70.105D.070, 70.146.030, 70.146.080, 72.11.040, 76.12.050, 76.12.170, 79.08.180, 80.01.080, 82.14.200, 82.14.210, and 86.26.007; reenacting and amending RCW 41.50.110, 43.08.250, and 43.135.045; amending 2003 c 10 s 708 (uncodified); adding a new section to 2003 c 360 (uncodified); creating new sections; repealing 2003 c 360 s 408 (uncodified); making appropriations; and declaring an emergency.", and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Rossi, Zarelli, Fairley; Representatives Sommers, Fromhold, Sehlin

MOTION

On motion of Senator Rossi, the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 5404 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5404, as recommended by the Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5404, as recommended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 28.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 19.

Excused: Senators McCaslin and West - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5404, as recommended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:09 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Thursday, June 5, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate
JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, FIRST SPECIAL SESSION, JUNE 4, 2003

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

TWENTY-FIFTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, June 5, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio and West. On motion of Senator Schmidt, Senator West was excused.

The Sergeant at Arms Color Guard, consisting of Juliette Schindler and Brad Hendrickson, presented the Colors. Senator Don Carlson offered the prayer.

MOTION

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

RULES COMMITTEE

The Committee on Rules was relieved of Substitute Senate Bill No. 5028 and the bill was placed on the third reading calendar.

INTRODUCTION AND FIRST READING

SB 6091 by Senator Esser

AN ACT Relating to assuring that the rights of way of state highways accommodate the deployment of personal wireless service facilities; amending RCW 47.52.001; and adding a new section to chapter 47.04 RCW.
SB 6092 by Senators Zarelli, Rossi, Johnson, McAuliffe and Roach

AN ACT Relating to including a classified employee on the Washington professional educator standards board; and amending RCW 28A.410.200.

MOTION

On motion of Senator Sheahan, Senate Bill No. 6091 and Senate Bill No. 6092 were held at the desk.

MOTION

At 10:07 a.m., on motion of Senator the Senate was declared to be at ease.

The Senate was called to order at 11:22 a.m. by President Owen.

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

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

THIRD READING

SENATE BILL NO. 5463, by Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin (by request of Secretary of State Reed)

Authorizing a pilot project for military and overseas voters to vote over the Internet.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5463 was returned to second reading and read the second time.

MOTION

Senator Roach moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Notwithstanding any provisions of Title 29 RCW, between the effective date of this act and December 31, 2004, the counties of Thurston, Pierce, Kitsap, Spokane, Snohomish, Island, and Cowlitz may participate in the pilot project Secure Electronic Registration and Voting Experiment (SERVE) authorized in the National Defense Authorization Act (P.L. 107-107). Participation of the counties must be approved by the secretary of state and implementation must be in compliance with standards and regulations established by the federal voting assistance program of the United States Department of Defense. Between the effective date of this act and December 31, 2004, participating counties must use the SERVE pilot project for all elections for which the SERVE voting system is available for use.

The SERVE pilot project must allow registered overseas voters, as defined in RCW 29.01.117, and registered service voters, as defined in RCW 29.01.155, to cast their votes electronically, including over the Internet and the World Wide Web. Except for the provisions of RCW 29.36.290 regarding the method for transmitting absentee voting materials and of RCW 29.36.310 regarding the method for processing absentee ballots, votes must be cast and counted in conformity with Title 29 RCW. The SERVE voting system is exempt from the requirements of RCW 29.33.300(6) and 29.33.320(6). Election officials must rely upon the procedures established by the United States Department of Defense for the security, secrecy, and validation of votes cast electronically, but the secretary of state is responsible for verifying the accuracy, secrecy, independence, and security of cast ballots. Votes transmitted over an electronic medium, such as the Internet or the World Wide Web, to the election authority under Title 29 RCW are subject to recount and election contest requirements, but not on the grounds that the vote is invalid or suspect because it was cast electronically. The tabulation of SERVE pilot project votes is subject to the tabulation and observer requirements of RCW 29.54.025. The secretary of state must make certain and confirm that a dependable and accurate ballot tracking procedure is in place for purposes of a statutory recount, as defined in chapter 29.64 RCW.

The secretary of state and participating counties must make every effort, including media press releases, web site information, and standard mail, to inform registered overseas and service voters of the SERVE pilot project. While county election officials and the secretary of state must inform qualified voters of the SERVE pilot project, communication with participating voters must be similar in nature to communication with voters not participating in the SERVE pilot project. The e-mail addresses of all participating voters must be made available for political purposes, as required by RCW 29.04.095 through 29.04.120.

The secretary of state must collect and publish data on the number of overseas and service voters who requested to participate in the pilot project, the number of overseas and service voters who participated in the pilot project, the number of ballots received electronically, the number of ballots rejected, and the reasons ballots were rejected. The information must be collected from the participating counties and from designated participating voters. By January 31, 2005, the secretary of state must compile and present a report on the results of the pilot project to the state government committee of the house of representatives and the government operations and elections committee of the senate. In addition to the data collected from participating counties and voters, the secretary of state must provide a complete description of the funding and costs of the SERVE pilot project, including the cost per vote and detailed information on state and county staffing expenditures.

The secretary of state must terminate the SERVE pilot project within a participating county if, anytime between the effective date of this act and December 31, 2004, the participating county fails to use the SERVE pilot project in any election for which the SERVE voting system is available for use.

This act expires January 31, 2005."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Roach to Senate Bill No. 5463.

The motion by Senator Roach carried and the striking amendment was adopted.

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

On line 2 of the title, after "Internet;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5463, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5463, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5463, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudau, Winsley and Zarelli - 45.

Voting nay: Senator Brandland - 1.

Absent: Senators Carlson and Deccio - 2.

Excused: Senator West - 1.

ENGROSSED SENATE BILL NO. 5463, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President reverted the Senate to the sixth order of business.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2192, by House Committee on Finance (originally sponsored by Representatives Cody and Clements)

Taxing parimutuel machines.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute House Bill No. 2192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2192.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2192 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheldon, T., Shin, Spanel, Stevens, Swecker and Zarelli - 38.

Voting nay: Senators Brown, Eide, McAuliffe, McCaslin, Regala, Sheahan, Sheldon, B., Thibaudeau and Winsley - 9.

Excused: Senators Deccio and West - 2.

SUBSTITUTE HOUSE BILL NO. 2192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257, by House Committee on Appropriations (originally sponsored by Representatives Sommers, Fromhold and Moeller)

Concerning the treatment of income and resources for institutionalized persons receiving medical assistance.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute House Bill No. 2257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2257.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2257 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Carlson, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Roach, Rossi, Schmidt, Sheahan, Shin, Spanel, Stevens, Swecker and Zarelli - 30.

Voting nay: Senators Brandland, Brown, Doumit, Franklin, Fraser, Jacobsen, Kastama, Kohl-Welles, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Thibaudeau and Winsley - 16.

Excused: Senators Deccio, Fairley and West - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5028, by Senate Committee on Natural Resources, Energy and Water (originally sponsored by Senators Morton and Hale)

Clarifying the state's authority to regulate water pollution.

MOTION

On motion of Senator Morton, the rules were suspended., Substitute Senate Bill No 5028 was returned to second reading and read the second time.

MOTION

Senator Morton moved that the following striking amendment by Senators Morton and Honeyford be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

(1) The legislature finds that the courts have rendered decisions in Elkhorn (*Public Utility District No. 1 v. Washington Department of Ecology*, 511 U.S. 700, 114 S. Ct. 1900, 128 L.Ed. 2d 716 (1994)) and Sullivan Creek (*Public Utility District No. 1 of Pend Oreille County v. Washington Department of Ecology*, 146 Wn.2d 778, 51 P.3d 744 (2002)) related to water quality certifications issued under section 401 of the clean water act, 33 U.S.C. 1251 et seq. Enactment of this legislation does not expand or contract the legal holdings of these decisions and does not affect in any way the application of these holdings to any future case or fact pattern related to water quality certifications issued for federally licensed hydropower facilities under section 401 of the clean water act, 33 U.S.C. 1251 et seq.

(2) When a water quality standard cannot be reasonably met through the issuance of permits or regulatory orders issued under the authority of this chapter, the department may use voluntary, incentive-based methods including funding of water conservation projects, lease and purchase of water rights, development of new storage projects, or habitat restoration projects in an attempt to meet water quality standards.

(3) The department may not abrogate, supersede, impair, or condition the ability of a water right holder to fully divert or withdraw water under a water right permit, certificate, statutory exemption, or claim granted or recognized under chapter 90.03, 90.14, or 90.44 RCW through the authority granted to the department in this chapter. However, nothing in this act shall be construed to affect the department's authority related to the issuance of certifications under section 401 of the federal clean water act, 33 U.S.C. 1251 et seq., with respect to the application of federally authorized water quality standards, for federal energy regulatory commission licensed hydropower projects as provided under this chapter and chapter 90.74 RCW. With respect to federal energy regulatory commission licensed hydropower projects, the department may only require a person to mitigate or remedy a water quality violation or problem to the extent there is substantial evidence such person has caused such violation or problem.

Sec. 2. RCW 90.03.400 and 2003 c 53 s 418 are each amended to read as follows:

(1)(a) The unauthorized use of water to which another person is entitled or the willful or negligent waste of water to the detriment of another, is a misdemeanor.

(b) For instances of the waste of water under this subsection, the department may alternatively follow the sequence of enforcement actions as provided in RCW 90.03.605.

(2) The possession or use of water without legal right shall be prima facie evidence of the guilt of the person using it.

(3) It is also a misdemeanor to use, store, or divert any water until after the issuance of permit to appropriate such water.

Sec. 3. RCW 90.03.600 and 1995 c 403 s 635 are each amended to read as follows:

In determining the amount of a penalty to be levied, the department shall consider the seriousness of the violation, whether the violation is repeated or continuous after notice of the violation is given, and whether any damage has occurred to the health or property of other persons. Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, ~~((the power is granted to))~~ the department of ecology ~~((to))~~ may levy civil penalties ~~((of up to))~~ ranging from one hundred dollars to five thousand dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same."

MOTION

Senator Fraser moved the following amendment to the striking amendment by Senators Morton and Honeyford be adopted:

On page 1, beginning on line 3 strike all of Section 1.

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 1, line 3, to the striking amendment by Senators Morton and Honeyford to Substitute Senate Bill No. 5028.

The motion by Senator Fraser failed and the amendment to the striking amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Morton and Honeyford to Substitute Senate Bill No. 5028.

POINT OF INQUIRY

Senator Betti Sheldon: "Senator Morton, is there anything in this measure that precludes the Department of Ecology from fully utilizing the authority granted to the agency under the water codes to regulate water rights?"

Senator Morton: "Thank you, Senator Sheldon. No, the bill does not impact the ability of the Department of Ecology to enforce the water codes or the water quality statutes. This bill simply ensures a distinct line exists between the two bodies of law. All authority granted, including the ability to condemn water rights for higher purposes as authorized by RCW 90.03.040, remains available to the Department of Ecology."

Further debate ensued.

The motion by Senator Morton carried and the striking amendment, under suspension of the rules, was adopted.

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

On page 1, line 1 of the title, after "pollution;" strike the remainder of the title and insert "amending RCW 90.03.400 and 90.03.600; and adding a new section to chapter 90.48 RCW."

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute Senate Bill No. 5028, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5028, under suspension of the rules.

Debate ensued.

Senators Sheahan, Hale and Brandland demanded the previous question.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5028, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Deccio, Doumit, Eide, Esser, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker and Zarelli - 26.

Voting nay: Senators Brown, Carlson, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Shin, Spanel, Thibaudeau and Winsley - 22.

Excused: Senator West - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5028, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute Senate Bill No. 5028 was ordered to be immediately transmitted to the House of Representatives.

MOTION

At 12:25 p.m., on motion of Senator Sheahan, the Senate was declared to the at ease.

The Senate was called to order at 2:03 pm. by President Owen.

MOTION

At 2:03 p.m., on motion of Senator Hale, the Senate was declared to the at ease.

The Senate was called to order at 4:08 p.m. by President Owen.

MOTION

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

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6088, which was held on the Introduction and First Reading Calendar on June 4, 2003, was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 6088, by Senators Deccio, Thibaudeau, Winsley, Swecker and Franklin

Making prescription drugs more affordable to certain groups.

The bill was read the second time.

MOTION

Senator Finkbeiner moved that the following amendments by Senators Finkbeiner and Parlette be considered simultaneously and be adopted:

Beginning on page 4, line 16, strike all of sections 5 and 6.

On page 7, line 24, after "potential;" strike "~~(and)~~" and insert "and".

On page 7, beginning with "; and" on line 26, strike all material through "section" on line 28".

On page 7, line 29, after "Agencies" strike "~~(may)~~ shall" and insert "may".

On page 7, beginning on line 29, after "exceptions" strike " , consistent with section 5 of this act. " .

On page 7, line 31, strike "any list developed as part of".

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Winsley demanded a roll call and the demand was sustained.

Further debate ensued.

POINT OF ORDER

Senator Sheahan: "A point of order, Mr. President. I think there is a rule that you can only speak twice on a particular bill or amendment."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, the rule does say that a person in debate may speak more than once with leave of the Senate. Traditionally, during debate on amendments, unless you invoke a rule that limits debate, we have always allowed a member to speak more than once."

Senator Sheahan: "Mr. President, I withdraw my objection."

Further debate ensued.

POINT OF ORDER

Senator Sheahan: "A point of order, Mr. President. I would ask for a ruling on whether the good lady from the Third District has impugned another member with a statement that the arguments are disingenuous--"

Senator Brown: "Disingenuous statements, I can clarify, Mr. President."

Senator Sheahan: "I would just--I know it is a very important and heartfelt issue, but I think we need to be careful of our rhetoric and I am a little concerned with the use of the term 'disingenuous.'"

REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, the President doesn't really believe it would be appropriate for a ruling in that particular case, other than direct, as he has in the past, the Senator to be careful about the remarks and be sure that they are not pointed at any individual. Thank you, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Finkbeiner and Parlette on page 4, line 16, page 7, lines 24, 26, 28, 29(2), and 31, to Senate Bill No. 6088, under suspension of the rules.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Zarelli - 21.

Voting nay: Senators Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau and Winsley - 27.

Excused: Senator West - 1.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Keiser: "Senator Deccio, does the term 'state purchased health care programs' as used in Senate Bill No. 6088 cover services purchased through health carriers or school districts who do not purchase coverage through the Health Care Authority?"

Senator Deccio: "No, the term does not cover any of these."

Senator Keiser: "In Implementing Senate Bill No. 6088, will drug companies be required to provide the same supplemental rebates negotiated with Medicaid to other state purchased health care programs?"

Senator Deccio: "No, they will not."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6088.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6088 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker Thibaudeau, Winsley and Zarelli - 43.

Voting nay: Senators Esser, Finkbeiner, Mulliken, Parlette and Stevens - 5.

Excused: Senator West - 1.

SENATE BILL NO. 6088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Mr President. I just need to thank the fantastic staff that we have that developed this bill. They were rationale, reasonable, objective, thoughtful--what else?"

President Owen: "Courteous--?"

Senator Thibaudeau: "Curious, helpful--anybody else--brilliant is good. At any rate, I think the whole body would like to thank them, even those who don't necessarily agree with what was voted on today. Nonetheless, they really did a fantastic job and I thank them for that."

MOTION

On motion of Senator Sheahan, Senate Bill No. 6088 was ordered to be immediately transmitted to the House of Representatives.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT: June 5, 2003
The House has passed ENGROSSED HOUSE BILL NO. 2269, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MR. PRESIDENT: June 5, 2003
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5341, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MR. PRESIDENT: June 5, 2003
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6058, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MR. PRESIDENT: June 5, 2002
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 2192,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2002

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1693,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
ENGROSSED HOUSE BILL NO. 2254,
HOUSE CONCURRENT RESOLUTION NO. 4408, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2192,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1693,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
ENGROSSED HOUSE BILL NO. 2254,
HOUSE CONCURRENT RESOLUTION NO. 4408.
MOTION

At 4:59 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 7:12 p.m. by President Owen.

MESSAGES FROM THE HOUSE

June 5, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2285, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2002

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5401. The Speaker has appointed the following members as conferees: Representatives Dunshee, Hunt and Alexander.

June 5, 2003

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5404 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL No. 5404.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2E2SHB 1336 by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway (by request of Governor Locke)

Concerning Watershed planning.

2E2SHB 1338 by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Grant, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway (by request of Governor Locke)

Providing additional certainty for municipal water rights..

EHB 2269 by Representative Gombosky

Relating to increasing revenue.

HB 2285 by Representatives Sommers and Sehlin

Authorizing DSHS to establish cost-sharing requirements for recipients of medical programs.

MOTIONS

On motion of Senator Sheahan, Second Engrossed Second Substitute House Bill No. 1336, Second Engrossed Second Substitute House Bill No. 1338 were held at the desk.

On motion of Senator Sheahan, the rules were suspended, Engrossed House Bill No. 2269 and House Bill No. 2285 were advanced to second reading and placed on the second reading calendar.

MOTIONS

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6091 and Senate Bill No. 6092, which were held on the desk earlier today, were advanced to second reading and placed on the second reading calendar.

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6084, Senate Bill No. 6085 and Senate Bill No. 6086, which were held at the desk on June 3, and Senate Bill No. 6087, which was held on the desk June 4, were advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 6087, by Senator Rossi

Transferring funds to the site closure account.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Senate Bill No. 6087, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be roll call on the final passage of Senate Bill No. 6087, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6087, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker and Zarelli - 35.

Voting nay: Senators Brown, Franklin, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel, Thibaudeau and Winsley - 13.

Excused: Senator West - 1.

SENATE BILL NO. 6087, under suspension of the rules, having received the constitutional majority, was declared passed. The title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I have waited and waited and waited for you to allow this--to take our jackets off. President Cherberg used to allow me to take my jacket off if I asked his permission, but I just got dirty looks from him when I wanted to take it off. Is there anything else we can take off, Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "I would strongly urge you to not take anything else off."

PARLIAMENTARY INQUIRY

Senator Benton: "A point of parliamentary inquiry and/or constitutional inquiry, Mr. President. It has come to my attention that the Governor of the state of Washington has recently vetoed a single sentence out of a multi-sentence section in House Bill 1059. My question to you is it constitutional for the Governor to veto a single sentence out a multi-sentence section and, if so--or if not, is it appropriate for the Senate to take up the veto override action to correct and replace that sentence. If so, how would we pursue that at this time?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, in ruling upon your parliamentary inquiry, the President has historically not ruled

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MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

MOTION

On motion of Senator Hewitt, Senators Deccio and Winsley were excused.

SECOND READING

HOUSE BILL NO. 2285, by Representatives Sommers and Sehlin

Authorizing DSHS to establish cost-sharing requirements for recipients of medical programs.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, House Bill No. 2285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2285, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2285, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Esser, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker and Zarelli - 31.

Voting nay: Senators Brown, Eide, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B. and Spanel - 14.

Excused: Senators Deccio, Thibaudeau, West and Winsley - 4.

HOUSE BILL NO. 2285, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2269, by Representative Gombosky

Relating to increasing revenue.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed House Bill No. 2269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2269, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2269, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker and Zarelli - 34.

Voting nay: Senators Benton, Brandland, Brown, Franklin, Fraser, Kastama, Morton, Mulliken, Poulsen, Reardon and Stevens - 11.

Excused: Senators Deccio, Thibaudeau, West and Winsley - 4.

ENGROSSED HOUSE BILL NO. 2269, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Schmidt, Senator Honeyford was excused.

SECOND READING

HOUSE BILL NO. 2266, by Representatives Hunt and Romero

Revising the state leave sharing program.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the following amendments, under suspension of the rules, were considered simultaneously and were adopted:

Beginning on page 2, line 31, strike all material through "51.32 RCW." on page 3, line 11, and insert the following:
"(~~a~~)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature (~~and which has~~); or
(ii) The employee has been called to service in the uniformed services;
(b) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the employee to:
(i) Go on leave without pay status; or
(ii) Terminate state employment;
(~~b~~)(c) The employee's absence and the use of shared leave are justified;
(~~c~~)(d) The employee has depleted or will shortly deplete his or her:
(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection; or
(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection;
(~~d~~)(e) The employee has abided by agency rules regarding:
(i) Sick leave use if he or she qualifies under (a)(i) of this subsection; or
(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and
(~~e~~)(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection."

On page 5, after line 25, insert the following:

"NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

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

On page 1, line 1 of the title, after "sharing;" strike the remainder of the title and insert "amending RCW 41.04.655, 41.04.660, and 41.04.665; and declaring an emergency."

MOTION

On motion of Senator Schmidt, the rules were suspended, House Bill No. 2266, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be roll call on the final passage of House Bill No. 2266, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2266, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Zarelli - 44.

Excused: Senators Deccio, Honeyford, Thibaudeau, West and Winsley - 5.

HOUSE BILL NO. 2266, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, House Bill No. 2266 was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 6092, by Senators Zarelli, Rossi, Johnson, McAuliffe and Roach

Including a classified employee on the Washington professional educator standards board.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6092, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6092, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6092, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Zarelli - 45.

Excused: Senators Deccio, Thibaudeau, West and Winsley - 4.

SENATE BILL NO. 6092, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 7:57 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 9:37 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6084, by Senators Esser, Reardon, Rossi, Prentice, Horn, Fairley and Finkbeiner

Concerning utility relocation costs.

The bill was read the second time.

MOTION

Senator Esser moved that the following amendments by Senators Esser and Reardon, under suspension of the rules, be considered simultaneously and be adopted:

On page 1, line 12, strike "July 1, 2008" and insert "December 31, 2009"

On page 1, after line 18, insert the following:

"(3) A utility may at its option agree to assume the relocation costs in subsection (2) of this section."

Re-number the remaining subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Esser and Reardon, under suspension of the rules, on page 1, lines 12 and 18 to Senate Bill No. 6084.

The motion by Senator Esser carried and the amendments were adopted, under suspension of the rules.

MOTION

Senator Eide moved that the following amendment, under suspension of the rules, be adopted:

On page 2, after line 13, insert the following:

"(5) The relocation provisions in subsection (2) of this section apply to high-capacity transportation systems as defined in chapter 81.104 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 2, line 13, under suspension of the rules, to Senate Bill No. 6084.

The motion by Senator Eide failed and the amendment was not adopted.

MOTION

Senator Eide moved that the following amendment, under suspension of the rules, be adopted:

On page 2, after line 13, insert the following:

"(5) The relocation provisions in subsection (2) of this section apply to city transportation authorities as defined in chapter 35.95A RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 2, line 13, under suspension of the rules, to Senate Bill No. 6084.

The motion by Senator Eide failed and the amendment was not adopted.

MOTION

Senator Eide moved that the following amendment, under suspension of the rules, be adopted:

On page 2, after line 13, insert the following:

"(5) If an authority pays for the removal or relocation of a utility's facilities as required in subsection (2) of this section, the utility must provide a credit to the accounts of customers that are located within the authority's district. The credit must equal the prorated cost of removing or relocating the facilities."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 2, line 13, under suspension of the rules, to Senate Bill No. 6084.

The motion by Senator Eide failed and the amendment was not adopted.

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Senate Bill No. 6084, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6084, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6084, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Esser, Fairley, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 29.

Voting nay: Senators Brown, Doumit, Eide, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 18.

Excused: Senators Deccio and West - 2.

ENGROSSED SENATE BILL NO. 6084, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Senate Bill No. 6084 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM HOUSE

June 5, 2003

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5401 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

CYTHINA ZEHNDER

REPORT OF CONFERENCE COMMITTEE

SSB 5401 June 5, 2003

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5401, Making appropriations and authorizing expenditures for capital improvements, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2005, out of the several funds specified in this act.

PART 1 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Capital Budget Studies (04-1-950)

The appropriations in this section are provided solely for capital studies, projects, and tasks pursuant to sections 923 and 924 of this act.

Reappropriation:

State Building Construction Account--State \$164,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$664,000

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

Deferred Maintenance Reduction Backlog Projects: Regional Archive (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for the changes to the central Washington regional archives HVAC system to upgrade control systems.

Appropriation:

State Building Construction Account--State \$100,000

Prior Biennia (Expenditures) \$100,000

Future Biennia (Projected Costs) \$400,000

TOTAL \$600,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF THE STATE AUDITOR

Moving and Equipment Costs (04-2-001)

Appropriation:

Thurston County Capital Facilities Account--State \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000

Rural Washington Loan Account--Federal \$4,739,295

Subtotal Reappropriation \$5,297,295

Prior Biennia (Expenditures) \$2,353,072

Future Biennia (Projected Costs) \$0

TOTAL \$7,650,367

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

Rural Washington Loan Fund (RWLF) (04-4-009)

Appropriation:

General Fund--Federal \$1,900,000

Rural Washington Loan Account--Federal \$1,581,000

Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,132,000

TOTAL \$27,613,000

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

Building for the Arts (00-2-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the projects listed in section 109, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,963,092

Prior Biennia (Expenditures) \$1,886,908

Future Biennia (Projected Costs) \$0

TOTAL \$3,850,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

Building for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Artspace (Tashiro Kaplan)	Seattle	\$300,000

<i>Broadway center</i>	<i>Tacoma</i>	<i>\$400,000</i>
<i>Children's museum</i>	<i>Everett</i>	<i>\$200,000</i>
<i>Columbia city gallery</i>	<i>Seattle</i>	<i>\$110,000</i>
<i>Cornish College</i>	<i>Seattle</i>	<i>\$700,000</i>
<i>Friends of Gladish</i>	<i>Pullman</i>	<i>\$37,000</i>
<i>Historic cooper school</i>	<i>Seattle</i>	<i>\$32,000</i>
<i>Lincoln theatre</i>	<i>Mt. Vernon</i>	<i>\$110,000</i>
<i>Olympic theatre arts</i>	<i>Sequim</i>	<i>\$265,000</i>
<i>Orcas sculpture park</i>	<i>Eastsound</i>	<i>\$15,000</i>
<i>Pacific Northwest ballet</i>	<i>Bellevue</i>	<i>\$268,000</i>
<i>Pratt fine arts center</i>	<i>Seattle</i>	<i>\$700,000</i>
<i>Richland players theatre</i>	<i>Richland</i>	<i>\$51,000</i>
<i>S'Klallam longhouse</i>	<i>Kingston</i>	<i>\$200,000</i>
<i>Seattle art museum</i>	<i>Seattle</i>	<i>\$700,000</i>
<i>Squaxin Island museum</i>	<i>Shelton</i>	<i>\$100,000</i>
<i>Vashon allied arts</i>	<i>Vashon</i>	<i>\$80,000</i>
<i>Velocity dance center</i>	<i>Seattle</i>	<i>\$35,000</i>
<i>Western Washington center for the arts</i>	<i>Port Orchard</i>	<i>\$165,000</i>
<i>World kite museum</i>	<i>Long Beach</i>	<i>\$32,000</i>
TOTAL		\$4,500,000

Appropriation:

State Building Construction Account--State \$4,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,000,000

TOTAL \$20,500,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 123, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Public Facility Construction Loan Revolving

Account--State \$4,871,748
Prior Biennia (Expenditures) \$1,769,252
Future Biennia (Projected Costs) \$0
TOTAL \$6,641,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization (CERB) (02-4-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be used solely to provide loans to eligible local governments and grants to the extent permissible by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Facility Construction Loan Revolving
Account--State \$4,431,000
Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,931,000

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for loans to local governments.

Appropriation:

Public Facility Construction Loan Revolving
Account--State \$11,491,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$36,718,769
TOTAL \$48,209,769

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

County Public Facility Construction (00-2-010)

Reappropriation:

Distressed County Facilities Construction Loan
Account--State \$538,989
Prior Biennia (Expenditures) \$3,461,011
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Cancer Research Facility Grant (01-S-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided as grants for equipment and facilities improvements for a prostate cancer research project at the University of Washington medical center and must be matched by an equal amount from nonstate sources.

(2) The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$2,000,000

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (01-H-001)

Reappropriation:

Public Works Assistance Account--State \$93,593,068
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$93,593,068

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (02-4-013)

Reappropriation:

Public Works Assistance Account--State \$184,479,943
Prior Biennia (Expenditures) \$103,893,068
Future Biennia (Projected Costs) \$0
TOTAL \$288,372,911

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (04-4-001)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with chapter 43.155 RCW.

Appropriation:

Public Works Assistance Account--State \$261,200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$1,319,499,999
TOTAL \$1,580,699,999

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Fort Vancouver National Historic Reserve (01-S-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,987,248
Prior Biennia (Expenditures) \$12,752
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Chewelah Peak Environmental Learning Center (01-S-003)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$22,221

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$1,977,779
Future Biennia (Projected Costs) \$0
TOTAL \$3,500,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Fox Theater Project (01-S-006)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$688,006

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$1,311,994
Future Biennia (Projected Costs) \$0
TOTAL \$3,500,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Des Moines Beach Park - Structure Relocation (01-S-010)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$246,875
Prior Biennia (Expenditures) \$3,125
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Upper Kittitas County - Emergency Management Service Facility (01-S-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided as a matching grant for enhanced emergency services related to highway travel and incidental local needs. The funds shall be retained in allotment reserve until the office of financial management approves a plan submitted by the recipient organization for the generation of matching funds and the provision for emergency services needs on Interstate 90. The office of financial management shall identify the recipient entity or organization that is best suited to provide enhanced emergency services for the Cle Elum/I-90 region.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$908,500
Prior Biennia (Expenditures) \$11,500
Future Biennia (Projected Costs) \$0
TOTAL \$920,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

West Central Community Center (01-S-016)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$25,431

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$74,569

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Milton Skate Park (01-H-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$115,537

Prior Biennia (Expenditures) \$1,463

Future Biennia (Projected Costs) \$0

TOTAL \$117,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Pierce County Fairgrounds (01-H-017)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$95,125

Prior Biennia (Expenditures) \$54,875

Future Biennia (Projected Costs) \$0

TOTAL \$150,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Coastal Erosion Grants (01-S-019)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the following conditions and limitations:

(a) Funds are provided for coastal erosion grants in southwest Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

(b) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

(2) The appropriation in this section is provided for coastal erosion grants in southeast Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

Reappropriation:

State Building Construction Account--State \$583,155

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$666,845

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

City of Grandview Infrastructure Development (02-S-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided for allocation by the department to the city of Grandview for infrastructure development, including but not limited to streets, water, sewer, and other utilities associated with the siting of a warehouse distribution center.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects: Job Creation and Infrastructure Projects (02-S-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 202, chapter 238, Laws of 2002 as amended by section 901, chapter 10, Laws of 2003.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$7,213,000

Prior Biennia (Expenditures) \$10,000,000

Future Biennia (Projected Costs) \$0
TOTAL \$17,213,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of RCW 43.63A.125. The reappropriation shall support the projects in section 111, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,814,000
Prior Biennia (Expenditures) \$2,911,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,725,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (04-4-006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the provisions of RCW 43.63A.125. The following projects are eligible for funding:

<i>Projects</i>	<i>Location</i>	<i>Recommendation</i>
<i>Assistance league</i>	<i>Everett</i>	<i>\$400,000</i>
<i>Benton affordable housing</i>	<i>Richland</i>	<i>\$25,000</i>
<i>Boys and girls clubs/Pierce county</i>	<i>Tacoma</i>	<i>\$187,500</i>
<i>Boys and girls clubs/Thurston county</i>	<i>Olympia</i>	<i>\$102,175</i>
<i>Catholic community services</i>	<i>Seattle</i>	<i>\$400,000</i>
<i>Children's therapy center</i>	<i>Kent</i>	<i>\$250,000</i>
<i>Eritrean association</i>	<i>Seattle</i>	<i>\$346,000</i>
<i>First AME child/family center</i>	<i>Seattle</i>	<i>\$194,000</i>
<i>Girl scouts/Pacific peaks</i>	<i>DuPont</i>	<i>\$400,000</i>
<i>Hopelink</i>	<i>Carnation</i>	<i>\$201,521</i>
<i>Horizons</i>	<i>Sunnyside</i>	<i>\$175,000</i>
<i>Kent youth/family services</i>	<i>Kent</i>	<i>\$400,000</i>
<i>LIHI</i>	<i>Seattle</i>	<i>\$131,084</i>
<i>Lopez children's center</i>	<i>Lopez</i>	<i>\$220,000</i>
<i>Neighborhood House</i>	<i>Seattle</i>	<i>\$60,000</i>
<i>Opportunity council</i>	<i>Bellingham</i>	<i>\$400,000</i>
<i>Senior services/Seattle King county</i>	<i>Seattle</i>	<i>\$400,000</i>

S'Klallam development fund	Kingston	\$69,000
Southeast Washington center for the deaf	Pasco	\$27,000
St. Anne's childcare center	Spokane	\$400,000
St. James family center	Cathlamet	\$18,000
Valley boys and girls club	Clarkston	\$400,000
Yelm community center	Yelm	\$400,000
YMCA/Snohomish county	Marysville	\$275,000
Youth Orion center	Seattle	\$50,000
		\$5,931,280

TOTAL

Appropriation:

State Building Construction Account--State \$5,931,280

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,000,000

TOTAL \$21,931,280

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (02-4-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2004, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State \$7,700,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,700,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State \$8,500,000
State Building Construction Account--State \$4,000,000
Subtotal Appropriation \$12,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$32,400,000
TOTAL \$44,900,000

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with RCW 70.119A.170.

Appropriation:

Drinking Water Assistance Account--State \$11,200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$11,200,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Farmworker Housing Assistance (02-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers.

(2) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.

(3) The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses.

(4) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(5) Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Reappropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$7,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$8,000,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (02-4-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) Meeting the conditions and limitations under section 117, chapter 8, Laws of 2001 2nd sp. sess. when combined with the prior biennial expenditures.

(2) The reappropriation in this section shall not be included in the annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Reappropriation:

State Taxable Building Construction Account--State \$22,000,000
Prior Biennia (Expenditures) \$35,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$57,500,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

Appropriation:

State Taxable Building Construction Account--State \$80,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$200,000,000

TOTAL \$280,000,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Lewis and Clark Confluence Project (04-2-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Seattle Heart Alliance (at Swedish Hospital) (04-4-960)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

McCaw Opera House (04-4-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Greenbank Farm (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Japanese American Memorial (04-4-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Wing Luke Asian Art Museum (04-4-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Bremerton Waterfront Project (04-4-953)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

PBS Digital Upgrade (04-4-958)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section shall meet the requirements of section 151(1) of this act.
- (2) \$350,000 is provided to public television station KYVE for the costs to convert to digital transmission capability and the upgrading and replacement of equipment, studio facilities, and contents.
- (3) The remaining appropriation is available for public television stations based outside central Puget Sound metropolitan areas.

Appropriation:

State Building Construction Account--State \$700,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$700,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Pine Lake Park Phase II (04-4-956)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$600,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Bellevue Open Space Enhancement (04-4-955)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

William Factory Business Incubator (04-4-957)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$560,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$560,000

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

City of Woodland Infrastructure Development (04-4-959)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section shall meet the requirements of section 151(1) of this act.
- (2) The appropriation is provided for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.

Appropriation:

State Building Construction Account--State \$300,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$300,000

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Yakima Ballfields (04-2-952)

The appropriation in this section is subject to the following conditions and limitations: \$120,000 of the appropriation is provided solely to Yakima Valley Community College for the purchase of Noel field from the city of Yakima, and \$230,000 is provided solely to the city of Yakima to replace and relocate ballfields. It is the intention of the legislature that no funds be distributed to the city of Yakima until the transfer of the Noel field property is complete.

Appropriation:

State Building Construction Account--State \$350,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$350,000

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Seventh Street Theatre (90-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act. All funds appropriated in this section must be matched by nonstate sources.

(2) The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$51,110

Appropriation:

State Building Construction Account--State \$100,000
Prior Biennia (Expenditures) \$78,890
Future Biennia (Projected Costs) \$0
TOTAL \$230,000

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing for Homeless Families with Children (02-4-012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

Reappropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$1,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,000,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Highline School District Aircraft Noise Mitigation (03-H-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations in section 205, chapter 205, Laws of 2002.

(2)(a) The appropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching this appropriation.

(b) This appropriation does not commit the state to make future appropriations for this program.

Reappropriation:

State Building Construction Account--State \$600,000
Education Construction Account--State \$4,400,000
Subtotal Reappropriation \$5,000,000

Appropriation:

State Building Construction Account--State \$10,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$10,000,000

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department.

(2) The appropriation is provided for the following list of projects:

Local Community Project List	Location	Amount
Art Crate field	Bethel	\$500,000
Asia Pacific cultural center	Tacoma	\$100,000
Asotin aquatic center	Clarkston	\$500,000
Auburn YMCA	Auburn	\$250,000

<i>Burke museum</i>	<i>Seattle</i>	<i>\$500,000</i>
<i>Capital arts theater and sculpture garden</i>	<i>Olympia</i>	<i>\$250,000</i>
<i>Capitol theater</i>	<i>Yakima</i>	<i>\$500,000</i>
<i>Chinese reconciliation project</i>	<i>Tacoma</i>	<i>\$300,000</i>
<i>Clark lake park</i>	<i>Kent</i>	<i>\$400,000</i>
<i>Colman school</i>	<i>Seattle</i>	<i>\$300,000</i>
<i>Crossroads community center</i>	<i>Bellevue</i>	<i>\$500,000</i>
<i>Eastside heritage center</i>	<i>Bellevue</i>	<i>\$200,000</i>
<i>Eatonville city projects</i>	<i>Eatonville</i>	<i>\$150,000</i>
<i>Edgewood sewer</i>	<i>Edgewood</i>	<i>\$100,000</i>
<i>Edmonds center for the arts</i>	<i>Edmonds</i>	<i>\$500,000</i>
<i>Farmers market and maritime park</i>	<i>Bellingham</i>	<i>\$500,000</i>
<i>Firstenburg community center</i>	<i>Vancouver</i>	<i>\$500,000</i>
<i>Former capitol historical marker</i>	<i>Olympia</i>	<i>\$2,000</i>
<i>Friends of the falls/Great Gorge park</i>	<i>Spokane</i>	<i>\$250,000</i>
<i>Frontier park</i>	<i>Pierce county</i>	<i>\$165,000</i>
<i>GAR cemetery</i>	<i>Seattle</i>	<i>\$5,000</i>
<i>Graham fire district emergency services center</i>	<i>Graham</i>	<i>\$150,000</i>
<i>Grandmother's hill</i>	<i>Tukwila</i>	<i>\$300,000</i>
<i>Highline historical society</i>	<i>Highline</i>	<i>\$300,000</i>
<i>Historical cabins project</i>	<i>Federal Way</i>	<i>\$106,000</i>
<i>Hugs foundation</i>	<i>Raymond</i>	<i>\$21,500</i>
<i>Museum of flight - WWI and WWII</i>	<i>Seattle</i>	<i>\$500,000</i>
<i>Naval museum</i>	<i>Bremerton</i>	<i>\$500,000</i>
<i>New Phoebe house</i>	<i>Tacoma</i>	<i>\$25,000</i>

<i>Northwest orthopaedic institute</i>	<i>Tacoma</i>	<i>\$200,000</i>
<i>Paramount theater</i>	<i>Seattle</i>	<i>\$250,000</i>
<i>Rainier historical museum/Community center</i>	<i>Rainier</i>	<i>\$20,000</i>
<i>Ritzville public development authority</i>	<i>Ritzville</i>	<i>\$50,000</i>
<i>Seahurst ELC</i>	<i>Burien</i>	<i>\$100,000</i>
<i>South Hill community park</i>	<i>Pierce county</i>	<i>\$250,000</i>
<i>South Wenatchee family services center</i>	<i>Wenatchee</i>	<i>\$400,000</i>
<i>Stonerose interpretive center</i>	<i>Republic</i>	<i>\$8,000</i>
<i>Sweetwater creek restoration</i>	<i>Hood Canal</i>	<i>\$500,000</i>
<i>Tacoma seawall</i>	<i>Tacoma</i>	<i>\$250,000</i>
<i>Thyme patch park</i>	<i>Seattle</i>	<i>\$5,000</i>
<i>ToscoSports complex</i>	<i>Ferndale</i>	<i>\$500,000</i>
<i>Ustalady beach acquisition</i>	<i>Island county</i>	<i>\$135,000</i>
<i>Veterans memorial museum</i>	<i>Chehalis</i>	<i>\$255,000</i>
<i>West Hylebos state park</i>	<i>Federal Way</i>	<i>\$250,000</i>
<i>White Center apprenticeship</i>	<i>White Center</i>	<i>\$250,000</i>
<i>Woodway wildlife reserve</i>	<i>Woodway</i>	<i>\$300,000</i>
<i>Youth development center</i>	<i>Federal Way</i>	<i>\$100,000</i>

\$12,197,500

TOTAL

Appropriation:

State Building Construction Account--State \$12,197,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$12,197,500

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

State Games (04-4-850)

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 153. FOR THE PUBLIC DISCLOSURE COMMISSION
Infrastructure Security/Disaster Recovery Systems

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to develop a colocation facility to house infrastructure security/disaster recovery systems that will provide redundant fault tolerant capabilities in the event of natural or man-made disasters. The public disclosure commission shall consult with the department of information services in acquiring a location to house redundant servers and network infrastructure. The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

State Building Construction Account--State \$270,172
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$270,172

NEW SECTION. Sec. 154. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Merrill Hall Fire Repairs - Horticulture Building (01-H-020)

The reappropriation in this section is subject to the following conditions and limitations:

(1) In addition to the funds provided in this section, the University of Washington may utilize appropriated funds for minor works to address emergent needs for Merrill hall.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 155. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Budget System Improvements (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the following conditions and limitations in section 147, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$141,000
Prior Biennia (Expenditures) \$59,000
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 156. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Capital Monitoring (04-2-028)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management shall review each agency request for project funding for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget with particular emphasis on major projects to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The office of financial management shall pay particular attention to: (a) Whether the construction phase of the project is consistent with the predesign and design when applicable; (b) that the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; (c) that standard measurements such as cost per square foot are reasonable; and (d) that any equipment related to the project is an appropriate capital expenditure. The office of financial management may seek assistance from the department of general administration.

(2) The office of financial management shall consult with state agencies, higher education institutions, and the legislature and recommend criteria for funding equipment in the capital budget. This recommendation shall be made to the legislative fiscal committees by September 1, 2003.

(3) \$150,000 of this appropriation shall be used to conduct a study of the realignment of military forces and alternative uses of the land and facilities currently used by the Washington State military department readiness centers and armories for the Washington army national guard.

Appropriation:

State Building Construction Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
East Plaza Repairs (96-1-002)

Reappropriation:

State Vehicle Parking Account--State \$18,000,000
Prior Biennia (Expenditures) \$23,567,200
Future Biennia (Projected Costs) \$12,425,000
TOTAL \$53,992,200

NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Office Building Two Rehabilitation (98-1-007)

Reappropriation:

Thurston County Capital Facilities Account--State \$3,771,000
Prior Biennia (Expenditures) \$11,629,000

Future Biennia (Projected Costs) \$0
TOTAL \$15,400,000

NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Transportation Building Preservation (98-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State \$1,001,000
Prior Biennia (Expenditures) \$1,964,065
Future Biennia (Projected Costs) \$19,090,000
TOTAL \$22,055,065

NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Heritage Park/Capitol Lake (00-1-007)

Reappropriation:

State Building Construction Account--State \$405,000
Prior Biennia (Expenditures) \$1,567,700
Future Biennia (Projected Costs) \$0
TOTAL \$1,972,700

NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Heritage Park (01-H-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) This appropriation shall be used to complete the northeast sector of Heritage park, the area east of Capitol lake and north of the Burlington Northern-Santa Fe railroad tracks, and the hillside located north of the temple of justice.

(2) The department shall give priority to developing the park so that underground utilities are installed, topsoil laid, and grass planted in the northeast sector. No funds are to be used to demolish the existing restroom/storage facility or to build a new facility.

Reappropriation:

Capitol Building Construction Account--State \$976,000

Appropriation:

Thurston County Capital Facilities Account--State \$500,000
Prior Biennia (Expenditures) \$14,559,774
Future Biennia (Projected Costs) \$0
TOTAL \$16,035,774

NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction
Account--State \$68,450,000
State Building Construction Account--State \$6,000,000
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State \$2,300,000
Prior Biennia (Expenditures) \$26,031,000
Future Biennia (Projected Costs) \$0
TOTAL \$102,781,000

NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus: Infrastructure Preservation (02-1-003)

Reappropriation:

State Building Construction Account--State \$901,000

Prior Biennia (Expenditures) \$849,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,750,000

NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
North Cascades Gateway Center Minor Works (02-1-004)

Reappropriation:

State Building Construction Account--State \$362,000
Prior Biennia (Expenditures) \$488,000
Future Biennia (Projected Costs) \$0
TOTAL \$850,000

NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Thurston County Facilities: Preservation (02-1-002)

Reappropriation:

Capitol Building Construction Account--State \$518,000
State Building Construction Account--State \$1,466,000
Subtotal Reappropriation \$1,984,000
Prior Biennia (Expenditures) \$14,559,774
Future Biennia (Projected Costs) \$0
TOTAL \$16,543,774

NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$210,000

Prior Biennia (Expenditures) \$540,000

Future Biennia (Projected Costs) \$0

TOTAL \$750,000

NEW SECTION. Sec. 167. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Minor Works - Infrastructure Preservation: Capitol Campus (04-1-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall not be used for studies.

Appropriation:

Thurston County Capital Facilities Account--State \$2,100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,100,000

NEW SECTION. Sec. 168. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Emergency Repairs (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

Thurston County Capital Facilities Account--State \$1,300,000

State Building Construction Account--State \$300,000

Subtotal Appropriation \$1,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,600,000

NEW SECTION. Sec. 169. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services (04-2-014)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State \$140,000

State Building Construction Account--State \$6,009,000

Thurston County Capital Facilities Account--State \$3,437,000

Subtotal Appropriation \$9,586,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$9,586,000

NEW SECTION. Sec. 170. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Historic Buildings - Exteriors Preservation (04-1-012)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for the sole purpose of capital projects on the capitol campus that correct immediate restoration deficiencies. It does not include survey, planning, or interior work.

Appropriation:

State Building Construction Account--State \$1,475,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$11,600,000

TOTAL \$13,075,000

NEW SECTION. Sec. 171. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

State Capitol Master Plan Update (04-2-002)

The appropriation in this section is subject to the following conditions and limitations: The department shall update the state capital master plan. The department and the insurance commissioner shall revise their agreement for the department to study constructing a new building on the capitol campus to house the insurance commissioner and others and incorporate that study into the state master plan update. The \$100,000 the insurance commissioner is providing for that study shall be used for the state capital master plan update under this section.

Appropriation:

Thurston County Capital Facilities Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 172. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor Works - Facility Preservation: Statewide (04-1-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) The purpose of this appropriation is to address minor works projects under one million dollars total project cost, regardless of whether the project is completed in one biennia.

(2) The appropriation shall not be used for studies, surveys, or carpet replacement.

Appropriation:

State Vehicle Parking Account--State \$220,000
Thurston County Capital Facilities Account--State \$2,055,000
General Administration Service Account--State \$3,270,000
Subtotal Appropriation \$5,545,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,545,000

NEW SECTION. Sec. 173. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Security (04-2-950)

Appropriation:

Thurston County Capital Facilities Account--State \$1,179,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,179,000

NEW SECTION. Sec. 174. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Space Use Changes (04-1-951)

Appropriation:

State Building Construction Account--State \$1,570,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,570,000

NEW SECTION. Sec. 175. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Cherberg Building: Predesign (04-2-951)

Appropriation:

Thurston County Capital Facilities Account--State \$600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$600,000

NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT
Bremerton Readiness Center (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 183, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

General Fund--Federal \$5,100,000
State Building Construction Account--State \$5,800,000
Subtotal Reappropriation \$10,900,000
Prior Biennia (Expenditures) \$923,000
Future Biennia (Projected Costs) \$0
TOTAL \$11,823,000

NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT
Combined Support Maintenance Shop (02-2-011)

Reappropriation:

General Fund--Federal \$1,000,000
Prior Biennia (Expenditures) \$1,281,000
Future Biennia (Projected Costs) \$26,544,000
TOTAL \$28,825,000

NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT
Minor Works to Support Federal Construction Projects (02-1-001)

Reappropriation:

General Fund--Federal \$5,300,000
State Building Construction Account--State \$1,700,000
Subtotal Reappropriation \$7,000,000
Prior Biennia (Expenditures) \$5,525,000

Future Biennia (Projected Costs) \$0
TOTAL \$12,525,000

NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT
Energy Management Control Systems (04-2-006)

Appropriation:

State Building Construction Account--State \$365,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$365,000

NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT
Preservation Projects - Statewide (02-1-006)

Reappropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$235,000
Future Biennia (Projected Costs) \$0
TOTAL \$485,000

NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT
Minor Works - Preservation (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to correct deficiencies to state-owned facilities and does not include parking lot repairs or paving.

Appropriation:

State Building Construction Account--State \$1,113,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,113,000

NEW SECTION. Sec. 182. FOR THE MILITARY DEPARTMENT
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 207, chapter 238, Laws of 2002 2nd sp. sess.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$1,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 183. FOR THE MILITARY DEPARTMENT
Communication Security - Emergency Management Division-Building No. 20 (04-1-002)

Appropriation:

General Fund--Federal \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 184. FOR THE MILITARY DEPARTMENT
Minor Works to Support Federal Construction Projects (04-1-003)

Appropriation:

General Fund--Federal \$11,150,000
State Building Construction Account--State \$2,798,000
Subtotal Appropriation \$13,948,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,948,000

NEW SECTION. Sec. 185. FOR THE MILITARY DEPARTMENT
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

NEW SECTION. Sec. 186. FOR THE MILITARY DEPARTMENT
Spokane Readiness Center (04-2-003)

The appropriations in this section are subject to the following conditions and limitations: In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management. These reports must contain local, state, and federal funding reconciliation and balance sheets for this project and must detail any federal intentions on future readiness center projects.

Appropriation:

General Fund--Federal \$8,800,000
State Building Construction Account--State \$4,768,000
Subtotal Appropriation \$13,568,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,568,000

NEW SECTION. Sec. 187. FOR THE MILITARY DEPARTMENT
Orting School District Safety Bridge Study (04-4-951)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the department to conduct a study of the feasibility of constructing a bridge to allow safe evacuation of the Orting school district to high ground in the event of natural disasters related to Mt. Rainier. The study shall include the estimated cost of bridge construction and under what circumstances the bridge is expected to allow safe evacuation. The department shall report to the Orting school board, the office of financial management, and the legislature by January 1, 2004.

Appropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 188. FOR THE STATE CONVENTION AND TRADE CENTER
Washington State Convention and Trade Center Omnibus Minor Works (04-1-002)

Appropriation:

State Convention and Trade Center Account--State \$2,045,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,045,000

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center - Site: Infrastructure Improvements (96-2-229)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,100,000

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$925,000
Prior Biennia (Expenditures) \$2,769,607
Future Biennia (Projected Costs) \$0
TOTAL \$4,794,607

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Green Hill School Redevelopment: 416 Bed Institution (96-2-230)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$300,000
Prior Biennia (Expenditures) \$50,177,721
Future Biennia (Projected Costs) \$0
TOTAL \$50,477,721

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center - Vocational Education: Construction (98-2-211)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department realizes project savings, funds reappropriated in this section may be transferred to infrastructure savings or used for a facilities condition assessment and preservation survey.

Reappropriation:

State Building Construction Account--State \$150,000
Prior Biennia (Expenditures) \$3,236,667
Future Biennia (Projected Costs) \$0
TOTAL \$3,386,667

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Legal Offender Unit (98-2-052)

The appropriations in this section are subject to the following conditions and limitations: The purpose of the appropriations is to complete construction, renovate wards, and demolish North Hall.

Reappropriation:

State Building Construction Account--State \$2,590,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$47,701,751
Future Biennia (Projected Costs) \$0

TOTAL \$51,294,341

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School - Laundry: Equipment (00-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$345,000
Prior Biennia (Expenditures) \$105,000
Future Biennia (Projected Costs) \$0
TOTAL \$450,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center - Cottages: Modifications, Phase 3 (00-1-015)

Reappropriation:

State Building Construction Account--State \$100,000

Appropriation:

State Building Construction Account--State \$1,800,000
Prior Biennia (Expenditures) \$2,024,776
Future Biennia (Projected Costs) \$0
TOTAL \$3,924,776

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Campus Renovation, Phase 5 (00-2-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$9,600,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,100,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Eleven Cottages: Renovation (00-1-041)

Reappropriation:

State Building Construction Account--State \$250,000

Appropriation:

State Building Construction Account--State \$5,490,000
Prior Biennia (Expenditures) \$525,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,265,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - Secure Facility: Construction, Phase 3 (00-2-001)

The appropriations in this section are subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to minor works--health, safety, and code requirements (04-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State \$24,000,000

Appropriation:

State Building Construction Account--State \$11,158,212
Prior Biennia (Expenditures) \$23,665,000
Future Biennia (Projected Costs) \$0
TOTAL \$58,823,212

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital - Activity Therapy Building: Renovation (02-1-060)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$70,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$70,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - Less Restrictive Alternative: New Building (02-2-075)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to minor works--health, safety, and code requirements (04-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State \$75,000
Prior Biennia (Expenditures) \$3,132,000

Future Biennia (Projected Costs) \$0
TOTAL \$3,207,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Special Commitment Center - Regional SCTF: New 12 Bed Facility (04-2-502)

Appropriation:

State Building Construction Account--State \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Care Facilities for Students and State Employees (01-S-003)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided to recapitalize child care facilities grant programs and provide for administration of the program. These funds may be used by state agencies and higher education institutions to provide child care facilities for employees and students. Grants to state agencies will be provided and administered per chapter 41.04 RCW. Grants for higher education child care facilities will be transferred into accounts administered through chapter 28B.135 RCW.

(2) The department may expend up to \$95,000 in the 2003-2005 biennium for administration and contract management.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,500,000
Prior Biennia (Expenditures) \$500,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Infrastructure Project: Savings (02-1-053)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall be spent solely on projects or project elements in conformance with section 915 of this act.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$340,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$340,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide: Omnibus Preservation Projects (02-1-069)

The reappropriations in this section are subject to the following conditions and limitations:

(1) No expenditures from the reappropriation should be made for developmental disabilities facilities subject to closure.

(2) \$340,000 of the state building construction account--state reappropriation is to be expended on the Oakridge group home for miscellaneous repairs and is contingent upon the office of financial management transferring that amount from infrastructure project: Savings (02-1-053) to this appropriation by June 30, 2003.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$1,450,000
State Building Construction Account--State \$2,385,000
Subtotal Reappropriation \$3,835,000
Prior Biennia (Expenditures) \$2,005,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,840,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide: Omnibus Programmatic Projects (02-2-070)

The reappropriations in this section are subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$385,000
State Building Construction Account--State \$425,000
Subtotal Reappropriation \$810,000
Prior Biennia (Expenditures) \$190,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital - Power Plant: Revisions/Smokestack Removal (03-1-012)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$80,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,080,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES:
Capital Project Management (04-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Juvenile Rehabilitation - Acute Mental Health Unit: New Facility (04-2-203)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to complete a predesign and siting study on existing state owned property that addresses the need for a functional program, operating efficiencies, and the optimum size of the program based on forecasted population.

(2) This study shall be integrated with juvenile rehabilitation administration master planning efforts.

Appropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$7,502,000
TOTAL \$7,702,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Rainier School: Wastewater Treatment (Buckley) (04-1-950)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School - Steam Plant and Tunnels: Upgrade (04-1-207)

Appropriation:

State Building Construction Account--State \$2,650,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,650,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Program: Mental Health (04-2-365)

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Health, Safety, and Code Requirements (04-1-111)

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Facility Preservation (04-1-112)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Infrastructure Preservation (04-1-113)

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide - Emergency Repairs (04-1-116)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide - Hazards Abatement and Demolition (04-1-119)

The appropriation in this section is subject to the following conditions and limitations:

(1) No more than \$50,000 of this appropriation shall be used for hazardous materials surveys.

(2) The remainder of the appropriation shall be used to demolish abandoned structures at facilities other than those managed by the division of developmental disabilities as approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide: Facilities Condition Assessment and Preservation Plan (04-1-120)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$100,000

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
RHC Consolidation (04-1-958)

The appropriations in this section are subject to the following conditions and limitations:

(1) By September 15, 2003, the department shall submit a project request report planning document to the office of financial management and legislative fiscal committees and appropriate policy committees. The report shall outline and identify the projects, scope, schedule, and preliminary cost estimates for capital projects related to residential habilitation center consolidation within this appropriation for the 2003-05 biennium. Future project costs shall also be addressed that enable the department to complete consolidation during the 2005-07 biennium. Priority shall be given to infrastructure repairs and cottage renovations. The budget for 2003-05 is set at \$6,000,000 and shall not include demolition of structures.

(2) Up to \$50,000 of this appropriation may be used to expedite the completion of the planning document and to ensure accurate cost estimates by hiring consultants.

Appropriation:

State Building Construction Account--State \$2,000,000
Charitable, Educational, Penal and Reformatory
Institutions Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

Sec. 231. 2001 2nd sp.s. c 8 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Legal Offender Unit (98-2-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State ((\$2,365,463))

\$250,000

Prior Biennia (Expenditures) \$15,330,537

Future Biennia (Projected Costs) \$0

TOTAL ((\$17,696,000))

\$15,580,537

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Juvenile Rehabilitation Administration Master Planning Updates (04-1-957)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the juvenile rehabilitation administration to contract for master planning services.

(2) The department shall contract for planning services to include, but not necessarily be limited to, an update to presently existing plans, and shall consider system-wide facility capacity and infrastructure condition and capacity; security needs; specialized populations, including acute mental health needs; and efficiencies, based on current population growth. The study shall investigate the possibility of lesser or greater growth than currently forecasted.

(3) The study scope is subject to review and approval by the office of financial management and the legislative fiscal capital and appropriate policy committees. The office of financial management shall coordinate the review of the study scope.

(4) The juvenile rehabilitation administration shall report to the office of financial management and the legislature with initial information about the process and demographic data to be used in planning by December 1, 2003. The final study is due to the office of financial management and fiscal capital and policy committees no later than September 1, 2004.

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (02-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal \$5,000,000

Prior Biennia (Expenditures) \$19,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$24,000,000

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (04-4-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal \$28,122,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$28,122,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Biosafety Level 3 Facility (02-2-001)

Reappropriation:

State Building Construction Account--State \$2,231,485

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,231,485

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: C Wing Remodel (02-2-002)

Reappropriation:

State Building Construction Account--State \$295,900

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$295,900

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:

State Building Construction Account--State \$2,355,142

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,355,142

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: E Wing Remodel (02-2-003)

Reappropriation:

State Building Construction Account--State \$295,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$295,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Veterans' Home: Minor Works Mechanical/Electrical/HVAC (02-1-001)

Reappropriation:

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$520,000*

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$520,000

NEW SECTION, Sec. 240. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil: 240 Bed Nursing Facility (02-2-008)

Reappropriation:

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$500,000*

Appropriation:

General Fund--Federal \$30,730,700

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$250,000*

State Building Construction Account--State \$12,000,000

Subtotal Appropriation \$42,980,700

Prior Biennia (Expenditures) \$2,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$45,980,700

NEW SECTION, Sec. 241. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Historic District Management Plan (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the completion of an historic district management plan that will address a federal requirement related to demolition of historically significant buildings and other structures as identified by the state historical preservation office at Retsil veterans home.

Appropriation:

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$40,000*

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$40,000

NEW SECTION, Sec. 242. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency Repairs (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$300,000*

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$300,000

NEW SECTION, Sec. 243. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Infrastructure Savings (04-1-851)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION, Sec. 244. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Facility Preservation: Orting (04-1-004)

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$140,000

Future Biennia (Projected Costs) \$0

TOTAL \$890,000

NEW SECTION, Sec. 245. FOR THE DEPARTMENT OF CORRECTIONS

Correctional Industries Space (98-2-005)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$4,368,519

Prior Biennia (Expenditures) \$3,431,481
Future Biennia (Projected Costs) \$0
TOTAL \$7,800,000

NEW SECTION, Sec. 246. FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expansion (98-2-011)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,054,117
Prior Biennia (Expenditures) \$1,607,834
Future Biennia (Projected Costs) \$0
TOTAL \$2,661,951

NEW SECTION, Sec. 247. FOR THE DEPARTMENT OF CORRECTIONS

Stafford Creek Corrections Center: Construction (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,436,433
Prior Biennia (Expenditures) \$191,151,952
Future Biennia (Projected Costs) \$0
TOTAL \$197,588,385

NEW SECTION, Sec. 248. FOR THE DEPARTMENT OF CORRECTIONS

Local Criminal Justice Facilities (99-2-003)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation from the state building construction account--state appropriation is provided solely for grants to local jurisdictions for jail capacity expansion projects. Grants provided in this section shall be limited to up to \$500,000 per jurisdiction.

(2) \$500,000 of the state building construction account--state reappropriation increase in this section is provided solely for grants to local jurisdictions for the construction of jail beds.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

General Fund--Federal \$3,019,674
State Building Construction Account--State \$2,668,195
Subtotal Reappropriation \$5,687,869

Prior Biennia (Expenditures) \$1,097,603
Future Biennia (Projected Costs) \$0
TOTAL \$6,785,472

NEW SECTION, Sec. 249. FOR THE DEPARTMENT OF CORRECTIONS

Violent Offender/Truth in Sentencing Grant Administration (99-2-004)

Reappropriation:

General Fund--Federal \$672,287
Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$94,194
Subtotal Reappropriation \$766,481

Prior Biennia (Expenditures) \$271,521
Future Biennia (Projected Costs) \$0
TOTAL \$1,038,002

NEW SECTION, Sec. 250. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature to explore the concept of an anaerobic digester to treat dairy waste in Snohomish county, with the Monroe honor farm being one possible site for such a project.

(2) The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site prior to December 1, 2004.

Reappropriation:

General Fund--Federal \$10,964,679
State Building Construction Account--State \$8,575,906
Subtotal Reappropriation \$19,540,585

Appropriation:

State Building Construction Account--State \$18,674,031
Prior Biennia (Expenditures) \$1,223,416
Future Biennia (Projected Costs) \$0
TOTAL \$39,438,032

NEW SECTION, Sec. 251. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Intensive Management Unit Improvements (00-1-025)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$4,100,964
Future Biennia (Projected Costs) \$0
TOTAL \$4,600,964

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Regional Training Center (02-2-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,812,140
Prior Biennia (Expenditures) \$162,860
Future Biennia (Projected Costs) \$0
TOTAL \$2,975,000

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works: Omnibus Preservation (02-1-015)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,124,489
Prior Biennia (Expenditures) \$494,758
Future Biennia (Projected Costs) \$0
TOTAL \$3,619,247

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works: Program (02-2-030)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,291,000
Prior Biennia (Expenditures) \$234,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,525,000

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS

Olympic Corrections Center: Replace Telecomm System (02-1-041)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$406,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,406,000

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS

Pine Lodge: Replace Telecommunication System (02-1-009)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$774,944
Prior Biennia (Expenditures) \$364,056
Future Biennia (Projected Costs) \$0
TOTAL \$1,139,000

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS

Statewide Intensive Management Unit Repairs (02-1-040)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,544,656
Prior Biennia (Expenditures) \$67,344
Future Biennia (Projected Costs) \$0
TOTAL \$1,612,000

NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Building Water Pipe Replacement Phase 2 (02-1-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,281,299
Prior Biennia (Expenditures) \$412,701
Future Biennia (Projected Costs) \$0
TOTAL \$2,694,000

NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Domestic Water System Improvements (02-1-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,300,000
Prior Biennia (Expenditures) \$231,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,531,000

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Replace Steam/Condensate Piping (02-1-006)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,170,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,170,000

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Electrical Supply System (02-1-024)

Reappropriation:

State Building Construction Account--State \$3,729,706

Appropriation:

State Building Construction Account--State \$4,242,715
Prior Biennia (Expenditures) \$331,294
Future Biennia (Projected Costs) \$4,016,473
TOTAL \$12,320,188

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Sanitary/Domestic Water Lines (02-1-026)

Reappropriation:

State Building Construction Account--State \$870,000

Appropriation:

State Building Construction Account--State \$1,312,167
Prior Biennia (Expenditures) \$200,000
Future Biennia (Projected Costs) \$1,187,520
TOTAL \$3,569,687

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expand Minimum Security Facility by 210 Beds (03-2-002)

Reappropriation:

State Building Construction Account--State \$2,804,073
Prior Biennia (Expenditures) \$589,927
Future Biennia (Projected Costs) \$0
TOTAL \$3,394,000

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Water Tank Replacement (03-1-022)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,394,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,394,000

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Replace Submarine Electric Power Cable (04-1-006)

Appropriation:

State Building Construction Account--State \$4,902,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$980,000
TOTAL \$5,882,000

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Facility Preservation (04-1-001)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS
Minor Works - Infrastructure Preservation (04-1-003)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS
Emergency Repairs (04-1-036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$1,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,600,000

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS
Washington State Penitentiary: Convert BAR Units from Medium to Close Custody (04-2-004)

Appropriation:

State Building Construction Account--State \$17,809,202
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,809,202

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS
Washington State Penitentiary: North Close Security Compound (04-2-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to construct essential close custody security beds and directly related structures.

Appropriation:

State Building Construction Account--State \$133,940,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$5,800,000
TOTAL \$139,740,000

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS
Master Planning (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department to contract for master planning services.

(2) The department shall incorporate the integration of operating and capital in the scope of work and master planning effort to include a minimum six-year planning horizon.

(3) The master plan shall include an analysis of forecasted offender population growth, gender, custody level, population and medical needs, infrastructure needs, and a system-wide view of facility needs. Alternatives should be generated that include the management of excess capacity.

(4) The plan shall consider strategies to integrate capital and operating planning and improve efficiencies in both areas.

(5) The scope of planning work shall be subject to review and approval by the office of financial management and the legislative fiscal capital committees. The office of financial management shall coordinate the review process. No later than October 1, 2003, and prior to pursuing a request for proposal, the department shall report to the office of financial management and the legislative fiscal capital committees on a proposed scope of work and draft timeline work plan. No later than January 15, 2004, the department shall report to the office of financial management and the legislative fiscal capital committees on the selection of a consultant, and revised scope of work and timeline work plan.

(6) The department shall not deduct any portion of this amount for administrative costs related to new staffing.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS
Washington Corrections Center: Regional Infrastructure (04-2-008)**

Appropriation:

State Building Construction Account--State \$4,650,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$10,518,000
TOTAL \$15,168,000

**NEW SECTION. Sec. 275. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
School Mapping and Security (04-4-950)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington association of sheriffs and police chiefs to conduct a school mapping and security project. The association and the criminal justice training commission shall coordinate this effort with the school safety advisory committee.

Appropriation:

State Building Construction Account--State \$4,800,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,800,000

**PART 3
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY
Referendum 38 Water Supply Facilities (74-2-006)**

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contracts on or before June 30, 2003. Reappropriated funds not associated with contracted projects lapse June 30, 2003.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2003, listing all projects funded from this section.

(4) \$614,000 of the reappropriation from the state drought preparedness account is provided solely to purchase or lease water pursuant to section 308 of this act.

Reappropriation:

State Drought Preparedness--State \$614,000
State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$3,716,000
Subtotal Reappropriation \$4,330,000
Prior Biennia (Expenditures) \$13,268,071
Future Biennia (Projected Costs) \$0
TOTAL \$17,598,071

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY
Referendum 38 Water Supply Facilities (02-4-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the reappropriation is provided solely to study the development of the Lake Wenatchee water storage project.

(2) The department shall submit a report to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee by December 1, 2003, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving
Account (Water Supply Facilities)--State \$5,394,000
Prior Biennia (Expenditures) \$606,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY
Local Toxics Grants to Locals for Cleanup and Prevention (88-2-008)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contract on or before June 30, 2003. Reappropriated funds not associated with contracted projects lapse June 30, 2003. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(2) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2003, listing all projects funded from this section.

Reappropriation:

Local Toxics Control Account--State \$49,791,440
Prior Biennia (Expenditures) \$84,039,482
Future Biennia (Projected Costs) \$0
TOTAL \$133,830,922

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY
Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,000,000 of the appropriation is provided solely for a grant to the port of Ridgefield to continue clean-up actions on port-owned property.

(2) \$1,800,000, or as much thereof as may be necessary, of the appropriation is provided solely for a grant to Klickitat county for removal and disposal or recycling of vehicle tires. The grant shall include conditions that require Klickitat county to contract for the vehicle tire removal following a competitive bidding process. No funds from the grant may be expended for any remediation activities other than vehicle tire removal, disposal, and recycling.

Appropriation:

Local Toxics Control Account--State \$45,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$45,000,000

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal \$27,357,355
Prior Biennia (Expenditures) \$73,083,222
Future Biennia (Projected Costs) \$0
TOTAL \$100,440,577

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State \$5,255,168
Prior Biennia (Expenditures) \$1,028,898
Future Biennia (Projected Costs) \$0
TOTAL \$6,284,066

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY
Low-level Nuclear Waste Disposal Trench Site Investigation (04-4-010)

Appropriation:

Site Closure Account--State \$1,141,415
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,141,415

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY
Water Rights Purchase/Lease (99-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for the purchase or lease of water rights under the trust water rights program under chapters 90.42 and 90.38 RCW, for the purpose of improving stream and river flows in fish critical basins.

Reappropriation:

General Fund--Federal \$1,343,000
Prior Biennia (Expenditures) \$2,145,551
Future Biennia (Projected Costs) \$0
TOTAL \$3,488,551

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY
Water Rights Purchase/Lease (04-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

Appropriation:

General Fund--Federal \$1,500,000
State Drought Preparedness--State \$1,500,000
Subtotal Appropriation \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY
Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of

the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, 2003, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

Reappropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$2,650,000
Water Quality Account--State \$3,117,000
Subtotal Reappropriation \$5,767,000

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$3,233,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,000,000

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY

Water Measuring Devices (01-H-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.

Reappropriation:

State Building Construction Account--State \$2,700,000
Prior Biennia (Expenditures) \$700,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,400,000

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Water Quality Account--State \$20,210,510
Prior Biennia (Expenditures) \$115,983,563
Future Biennia (Projected Costs) \$0
TOTAL \$136,194,073

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.

(2) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(4) \$1,500,000 of the state building construction--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(5) \$4,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.

(6) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.

(7) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(8) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$30,452,000
Water Quality Account--State \$15,948,000
Subtotal Appropriation \$46,400,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$200,000,000
TOTAL \$246,400,000

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State \$149,099,023

Water Pollution Control Revolving Account--Federal \$39,474,405
Subtotal Reappropriation \$188,573,428

Prior Biennia (Expenditures) \$166,029,368
Future Biennia (Projected Costs) \$0
TOTAL \$354,602,796

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving Account--State \$66,663,333
Water Pollution Control Revolving
Account--Federal \$44,466,666
Subtotal Appropriation \$111,129,999

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$462,000,000
TOTAL \$573,129,999

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY
Water Supply Facilities Program (04-4-006)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$1,000,000 of the state building construction account appropriation and \$3,000,000 of the state and local improvements revolving account appropriation are provided solely for expenditure under a contract between the department of ecology and the United States bureau of reclamation for the development of plans, engineering, and financing reports and other preconstruction activities associated with the development of water storage projects in the Yakima river basin, consistent with the Yakima river basin water enhancement project, P.L. 103-434. The initial water storage feasibility study shall be for the Black Rock reservoir project. The department shall seek federal funds to augment the funding provided by this appropriation.

(b) Up to \$2,240,000 of the state building construction account--state appropriation is provided solely for phase 1 of restoration of anadromous fish habitat in Manastash creek.

(c) The remainder of the state building construction account appropriation is provided solely for grants for the development of plans, engineering and financing reports, acquiring land and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects must be consistent with the recommendations of the water storage task force and the governor's water strategy. Priority for the use of these funds must be given to: Projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plans; to projects that are part of an approved habitat conservation plan or other intergovernmental agreement; or to joint projects with federal entities such as the bureau of reclamation. The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this appropriation.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(3) By December 1, 2003, the department shall submit a report to the office of financial management and standing capital budget committees of the house of representatives and the senate listing all projects funded under this section.

Appropriation:

State Building Construction Account--State \$6,650,000
State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$7,000,000
Subtotal Appropriation \$13,650,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,650,000

NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY
Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal \$1,472,891
State Building Construction Account--State \$693,353
Subtotal Reappropriation \$2,166,244

Appropriation:

General Fund--Federal \$2,417,196
State Building Construction Account--State \$568,804
Subtotal Appropriation \$2,986,000
Prior Biennia (Expenditures) \$527,756
Future Biennia (Projected Costs) \$0
TOTAL \$5,680,000

NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY
Twin Lake Aquifer Recharge Project (04-2-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water right applications and restoration of the Twin Lakes in the Methow valley.

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

NEW SECTION. Sec. 319. FOR THE DEPARTMENT OF ECOLOGY
Columbia Basin Ground Water Management (04-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of ecology to make grants to implement the Columbia basin ground water management area plan.

Appropriation:

Water Quality Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark Trail Bicentennial (00-1-010)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided solely to renovate facilities and enhance exhibits at Lewis and Clark trail interpretive centers located at Sacajawea state park and Fort Canby state park.

Reappropriation:

State Building Construction Account--State \$700,000

Appropriation:

State Building Construction Account--State \$3,337,000
Prior Biennia (Expenditures) \$600,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,837,000

NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION
Facility Improvement (01-S-005)

The reappropriation in this section is subject to the following conditions and limitations: \$200,000 is provided solely for funding of the twin tunnels bridge on the Iron Goat trail.

Reappropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$2,750,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,500,000

NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION
Beacon Rock Pierce Trust (02-3-018)

Reappropriation:

Parks Renewal and Stewardship Account--State \$200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION
Beacon Rock Pierce Trust (04-2-018)

Appropriation:

Parks Renewal and Stewardship Account--State \$50,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION
Coastal Facility Relocation (00-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$800,000
Prior Biennia (Expenditures) \$1,200,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION
Coastal Facility Relocation (02-1-017)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 324, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Parks Renewal and Stewardship Account--State \$3,500,000
Prior Biennia (Expenditures) \$584,500
Future Biennia (Projected Costs) \$0
TOTAL \$4,084,500

NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION

Facilities Preservation: Statewide (98-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section expires December 31, 2003.

Reappropriation:

State Building Construction Account--State \$900,000
Prior Biennia (Expenditures) \$8,784,535
Future Biennia (Projected Costs) \$0
TOTAL \$9,684,532

NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Facility Preservation and Deferred Maintenance (99-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section expires December 31, 2003.

Reappropriation:

State Building Construction Account--State \$125,000
Prior Biennia (Expenditures) \$3,875,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION

Facility Preservation (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

(2) The legislature does not intend to reappropriate any amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,000,000
Prior Biennia (Expenditures) \$4,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,000,000

NEW SECTION. Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Facility Preservation (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Appropriation:

State Building Construction Account--State \$1,837,500
Parks Renewal and Stewardship Account--State \$5,900,000
Subtotal Appropriation \$7,737,500
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,737,500

NEW SECTION. Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for park preservation and for development of the multipurpose dining and meeting facility.

Reappropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$4,569,365
Future Biennia (Projected Costs) \$0
TOTAL \$6,069,365

NEW SECTION. Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden (04-1-004)

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach State Park Development (99-2-001)

Reappropriation:

Parks Renewal and Stewardship Account--State \$310,000
Prior Biennia (Expenditures) \$690,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION

Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000
Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,200,000

NEW SECTION. Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION
Natural/Historic Stewardship (02-1-006)

Reappropriation:

State Building Construction Account--State \$600,000
Prior Biennia (Expenditures) \$400,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION
Historic Structure and Land Use Program (00-1-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$300,000
Prior Biennia (Expenditures) \$6,200,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,500,000

NEW SECTION. Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION
Historic Stewardship (04-1-010)

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$8,000,000
TOTAL \$9,000,000

NEW SECTION. Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION
Park Housing (02-2-008)

Reappropriation:

State Building Construction Account--State \$300,000

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$200,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION
Parkland Acquisition Account (02-2-016)

Reappropriation:

Parkland Acquisition Account--State \$1,951,417
Prior Biennia (Expenditures) \$48,583
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION
Parkland Acquisition (04-2-013)

Appropriation:

Parkland Acquisition Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$8,000,000
TOTAL \$9,000,000

NEW SECTION. Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION
Iron Horse Trail (04-2-016)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

(2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

State Building Construction Account--State \$262,500
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$262,500

NEW SECTION. Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION
Recreation Development-Grayland Beach (02-2-007)

Reappropriation:

State Building Construction Account--State \$450,000
Prior Biennia (Expenditures) \$50,000
Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**NEW SECTION. Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION
Statewide Boat Pumpout - Federal Clean Vessel Act (02-2-020)**

Reappropriation:

General Fund--Federal \$797,528
Prior Biennia (Expenditures) \$202,472
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

**NEW SECTION. Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION
Statewide Boat Pumpout - Federal Clean Vessel Act (04-4-014)**

Appropriation:

General Fund--Federal \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$4,000,000
TOTAL \$5,000,000

**NEW SECTION. Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION
Job Creation and Infrastructure (03-1-001)**

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.
- (2) The reappropriation shall support the projects as listed in section 211, chapter 238, Laws of 2002.

Reappropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$5,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$9,500,000

**NEW SECTION. Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION
Deception Pass State Park Renovation (04-1-019)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for design and permits for park and marine crew area relocation.

Appropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

**NEW SECTION. Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION
Emergency Repairs (04-1-012)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$3,200,000
TOTAL \$3,700,000

**NEW SECTION. Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION
Facility Assessment (04-2-011)**

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit to the legislature, no later than October 15, 2003, a report regarding the current condition and prospective content of the state parks system for the system's centennial in 2013. The report and its proposals must include the following elements: Lands, facilities, and programs within the current state parks system, park renovation needs, development of new public-use facilities on existing state park lands, the rearranging of park assets for better public use, and how these investments relate to the recreation needs of the state's growing population. The report also is to include a financing strategy including but not limited to private/public resources potentially available for the centennial.

Appropriation:

Parks Renewal and Stewardship Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

**NEW SECTION. Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION
Recreation Development (04-2-002)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$100,000 of the appropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.

(2) \$900,000 of the appropriation shall be used to install fee collection stations at selected parks statewide.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$2,900,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$8,000,000
TOTAL \$10,900,000

**NEW SECTION. Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Canby Improvements (04-2-850)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Realvest upland area.

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

**NEW SECTION. Sec. 350. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Boating Facilities Projects (98-2-001)**

Reappropriation:

Recreation Resources Account--State \$9,929,319
Prior Biennia (Expenditures) \$9,553,140
Future Biennia (Projected Costs) \$0
TOTAL \$19,482,459

**NEW SECTION. Sec. 351. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms Range Program (98-2-004)**

Reappropriation:

Firearms Range Account--State \$147,078
Prior Biennia (Expenditures) \$426,591
Future Biennia (Projected Costs) \$0
TOTAL \$573,669

**NEW SECTION. Sec. 352. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Wildlife and Recreation Program (WWRP) (98-2-003)**

The reappropriations in this section are subject to the following conditions and limitations:

(1) Reappropriated funds that are not obligated to a specific project may be used to fund projects from the list of alternate projects in biennia succeeding the biennium in which the funds were originally appropriated.

(2) The reappropriations in this section expire December 31, 2003.

Reappropriation:

Outdoor Recreation Account--State \$16,226,384
Habitat Conservation Account--State \$14,098,656
Subtotal Reappropriation \$30,325,040
Prior Biennia (Expenditures) \$64,740,260
Future Biennia (Projected Costs) \$0
TOTAL \$84,649,025

**NEW SECTION. Sec. 353. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Wildlife and Recreation Program (WWRP) (02-4-003)**

The reappropriations in this section are for the wildlife and recreation program under chapter 43.99A RCW and RCW 43.99A.040 are subject to the following conditions and limitations:

(1) The reappropriation is provided for the approved list of projects included in LEAP capital document No. 2001-24, as developed on June 7, 2001, and LEAP capital document No. 2002-21, as developed on March 12, 2002.

(2) The department of natural resources shall manage lands acquired through project No. 00-1427 "North Bay NAP" as a natural resources conservation area under chapter 79.71 RCW.

(3) It is the intent of the legislature that no reappropriations shall be made in the 2005-07 biennium.

Reappropriation:

Outdoor Recreation Account--State \$15,089,319
Habitat Conservation Account--State \$19,200,926
Subtotal Reappropriation \$34,290,245
Prior Biennia (Expenditures) \$10,709,755
Future Biennia (Projected Costs) \$0
TOTAL \$45,000,000

**NEW SECTION. Sec. 354. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington Wildlife and Recreation Program (WWRP) (04-4-002)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-45, as developed on June 4, 2003. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(2) It is the intent of the legislature that any moneys remaining unexpended shall be reappropriated in the 2005-07 biennium, but no reappropriations shall be made in subsequent biennia.

(3) The department of natural resources shall manage lands acquired through project No. 02-1090, "Bone river and Niawiakum river natural area preserves," as natural resources conservation areas under chapter 79.71 RCW.

Appropriation:

Outdoor Recreation Account--State \$22,500,000
Habitat Conservation Account--State \$22,500,000
Subtotal Appropriation \$45,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$120,000,000

TOTAL \$165,000,000

**NEW SECTION. Sec. 355. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms and Archery Range Program (FARR) (02-0-001)**

Reappropriation:

Firearms Range Account--State \$388,462
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$388,462

**NEW SECTION. Sec. 356. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms and Archery Range Recreation Program (FARR) (04-4-006)**

Appropriation:

Firearms Range Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

**NEW SECTION. Sec. 357. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Hatchery Management Program (02-4-009)**

Reappropriation:

General Fund--Federal \$9,663,822
Prior Biennia (Expenditures) \$1,404,650
Future Biennia (Projected Costs) \$0
TOTAL \$11,068,472

**NEW SECTION. Sec. 358. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Hatchery Management Program (04-4-010)**

Appropriation:

General Fund--Federal \$10,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$40,000,000
TOTAL \$50,000,000

**NEW SECTION. Sec. 359. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Land and Water Conservation (LWCF) (02-4-005)**

The reappropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the recreation resources account--federal is reappropriated for projects chosen by the interagency committee for outdoor recreation.

Reappropriation:

Recreation Resources Account--Federal \$7,143,443
Prior Biennia (Expenditures) \$225,228
Future Biennia (Projected Costs) \$0
TOTAL \$7,500,000

**NEW SECTION. Sec. 360. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Land and Water Conservation Fund (LWCF) (04-4-007)**

Appropriation:

General Fund--Federal \$5,735,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,735,000

**NEW SECTION. Sec. 361. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
National Recreation Trails (NRTP) (98-2-006)**

Reappropriation:

Recreation Resources Account--Federal \$261,247
Prior Biennia (Expenditures) \$1,760,568
Future Biennia (Projected Costs) \$0
TOTAL \$2,067,614

**NEW SECTION. Sec. 362. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
National Recreation Trails Program (NRTP) (02-4-006)**

Reappropriation:

Recreation Resources Account--Federal \$1,617,419
Prior Biennia (Expenditures) \$420,230
Future Biennia (Projected Costs) \$0
TOTAL \$2,132,936

**NEW SECTION. Sec. 363. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
National Recreation Trails Program (NRTP) (04-4-008)**

Appropriation:

General Fund--Federal \$2,260,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,260,000

**NEW SECTION. Sec. 364. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway Off-Road Vehicle Program (NOVA) (98-2-002)**

Reappropriation:

Nonhighway and Off-Road Vehicle Activities
Program Account--State \$3,982,180
Prior Biennia (Expenditures) \$7,064,917
Future Biennia (Projected Costs) \$0
TOTAL \$11,095,923

NEW SECTION. Sec. 365. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway Off-Road Vehicle (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off-road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off-road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway Off-Road Vehicle Activities Program
Account--State \$4,479,456
Prior Biennia (Expenditures) \$1,040,141
Future Biennia (Projected Costs) \$0
TOTAL \$5,527,551

NEW SECTION. Sec. 366. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$325,000 of the appropriation is provided solely to the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses within state parks.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program
Account--State \$6,226,310
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,226,310

NEW SECTION. Sec. 367. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

General Fund--Federal \$35,263,219
Salmon Recovery Account--State \$11,076,017
Subtotal Reappropriation \$46,339,236
Prior Biennia (Expenditures) \$53,566,576
Future Biennia (Projected Costs) \$0
TOTAL \$101,569,389

NEW SECTION. Sec. 368. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery (02-4-007)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Activities funded through grants provided in this section shall be consistent with the salmon recovery funding board's goals, mission, and responsibilities.

(2) Jobs for the environment projects submitted by lead entities are eligible to receive funding, including wages for jobs for the environment participants.

Reappropriation:

General Fund--Federal \$45,519,996
State Building Construction Account--State \$20,748,251
Subtotal Reappropriation \$66,268,247
Prior Biennia (Expenditures) \$10,577,920
Future Biennia (Projected Costs) \$0
TOTAL \$74,993,000

NEW SECTION. Sec. 369. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (SRFB) (04-4-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$23,187,500 of the appropriation is provided for grants for restoration projects.

(2) The remainder of the appropriation is provided solely for grants for other salmon recovery efforts. These grants shall include a grant to any regional recovery board established in the Revised Code of Washington and may include grants for additional restoration projects.

(3) By December 1, 2003, the salmon recovery funding board shall provide a report to the house of representatives capital budget committee and the senate ways and means committee that enumerates board expenditures for salmon recovery projects and activities. The report shall include a list of each project that has been approved for funding by the board, and each project that was submitted on a lead entity habitat project schedule and not funded by the board. Each list shall include the project, project description, project sponsor, status of the project including expenditures to date and completion date, and matching funds that were available for the project. The report shall also include a list and description of all other activities funded by the board including consulting contracts, lead entity and regional recovery board contracts, a description of each of these activities, and the timeline for their completion.

Appropriation:

General Fund--Federal \$34,375,000

State Building Construction Account--State \$12,000,000

Subtotal Appropriation \$46,375,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$46,375,000

NEW SECTION. Sec. 370. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (02-4-001)

Reappropriation:

Recreation Resources Account--State \$6,389,602

Prior Biennia (Expenditures) \$345,510

Future Biennia (Projected Costs) \$0

TOTAL \$6,934,013

NEW SECTION. Sec. 371. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (04-4-003)

Appropriation:

Recreation Resources Account--State \$7,506,959

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,506,959

NEW SECTION. Sec. 372. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (BIG) (02-4-010)

Reappropriation:

Recreation Resources Account--Federal \$1,926,155

Prior Biennia (Expenditures) \$39,350

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 373. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant Program (BIG) (04-4-009)

Appropriation:

General Fund--Federal \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 374. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Blockages Program (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 369 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(3) The committee may not expend more than \$100,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 375. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement Grants (00-2-014)

The reappropriation in this section is subject to the following conditions and limitations: The department shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

Aquatic Lands Enhancement Account--State \$1,485,269
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,485,269

NEW SECTION, Sec. 376. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Aquatic Lands Enhancement Grants (02-4-018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for a list of projects in LEAP capital document No. 2001-44, as developed on June 7, 2001.

Reappropriation:

Aquatic Lands Enhancement Account--State \$3,630,075
Prior Biennia (Expenditures) \$1,934,925
Future Biennia (Projected Costs) \$0
TOTAL \$5,565,000

NEW SECTION, Sec. 377. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Aquatic Lands Enhancement Grants (04-4-018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-32, as developed on June 4, 2003.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2005-2007 capital budget. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) A uniform criteria for selecting projects and awarding grants for up to fifty percent of the total project cost; (b) local community support for the project; and (c) environmental benefits to be derived from projects. This process must be coordinated with the salmon recovery funding board selection process. The list of projects must be submitted to the office of financial management by September 15, 2004.

Appropriation:

Aquatic Lands Enhancement Account--State \$5,356,400
Prior Biennia (Expenditures) \$12,622,319
Future Biennia (Projected Costs) \$22,000,000
TOTAL \$39,978,719

NEW SECTION, Sec. 378. FOR THE STATE CONSERVATION COMMISSION
Skykomish Flood Mitigation Project (01-H-013)

Reappropriation:

State Building Construction Account--State \$300,000

Appropriation:

State Building Construction Account--State \$181,000
Prior Biennia (Expenditures) \$318,000
Future Biennia (Projected Costs) \$0
TOTAL \$799,000

NEW SECTION, Sec. 379. FOR THE STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION, Sec. 380. FOR THE STATE CONSERVATION COMMISSION
Dairy Nutrient Management Grants Program (02-4-002)

Reappropriation:

Water Quality Account--State \$350,000

Appropriation:

Water Quality Account--State \$1,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,950,000

NEW SECTION, Sec. 381. FOR THE STATE CONSERVATION COMMISSION
Puget Sound District Grants (02-4-003 and 04-4-005)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 02-4-003. The appropriation is for project number 04-4-005.

Reappropriation:

Water Quality Account--State \$150,000

Appropriation:

Water Quality Account--State \$840,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,680,000

**NEW SECTION. Sec. 382. FOR THE STATE CONSERVATION COMMISSION
Water Quality Grants Program (02-4-001 and 04-4-002)**

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 02-4-001. The appropriation is for project number 04-4-002.

Reappropriation:

Water Quality Account--State \$750,000

Appropriation:

State Building Construction Account--State \$3,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,250,000

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish Screens (01-H-011)**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the inventory, design, construction, and installation of fish screens and fishways. To the extent practicable and cost effective, the department shall contract for the design, construction, and installation of fish screens and fishways. Funds provided by these appropriations may be used to match federal funds appropriated under HR 1444, the fisheries restoration and irrigation mitigation act of 2000.

Reappropriation:

State Building Construction Account--State \$1,000,000

General Fund--Federal \$500,000

Subtotal Reappropriation \$1,500,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

**NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Code Compliance and Protection (02-1-005)**

The reappropriations in this section are subject to the following conditions and limitations: This section reappropriates a portion of the appropriations made in section 389, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

General Fund--Federal \$506,700

State Building Construction Account--State \$350,000

Subtotal Reappropriation \$856,700

Prior Biennia (Expenditures) \$2,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,856,700

**NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Commercial and Recreational Customer Satisfaction Improvements (02-2-006)**

Reappropriation:

Warm Water Game Fish Account--State \$505,000

Wildlife Account--State \$500,000

Subtotal Reappropriation \$1,005,000

Prior Biennia (Expenditures) \$55,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,060,000

**NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Diverse Fish and Wildlife Population Health and Protection (02-2-004)**

Reappropriation:

State Building Construction Account--State \$190,000

Wildlife Account--State \$1,045,000

Subtotal Reappropriation \$1,235,000

Prior Biennia (Expenditures) \$6,015,000

Future Biennia (Projected Costs) \$0

TOTAL \$7,250,000

**NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF FISH AND WILDLIFE
ESA Compliance on Agency Lands (02-2-002)**

Reappropriation:

State Building Construction Account--State \$650,000

Prior Biennia (Expenditures) \$350,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Facility and Infrastructure Standards and Renovations (02-1-009)**

The reappropriations in this section are subject to the following conditions and limitations: The department shall expend the reappropriated funds as detailed in section 390, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Aquatic Lands Enhancement Account--State \$150,000

State Building Construction Account--State \$3,290,000

Wildlife Account--State \$250,000
Subtotal Reappropriation \$3,690,000
Prior Biennia (Expenditures) \$8,931,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,621,000

**NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)**

The appropriations in this section are subject to the following conditions and limitations: \$301,000 of the state building construction account appropriation is provided solely for improvements at the Centralia game farm, to include: (1) \$175,000 for a brooder barn to replace numerous houses; (2) \$50,000 to replace flight pens; and (3) \$76,000 to replace to the roofs on several buildings.

Appropriation:

General Fund--Federal \$600,000
State Building Construction Account--State \$3,875,000
Subtotal Appropriation \$4,475,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,475,000

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish and Wildlife Opportunity Improvements (04-2-006)**

Appropriation:

Warm Water Game Fish Account--State \$550,000
Wildlife Account--State \$1,500,000
Subtotal Appropriation \$2,050,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,050,000

**NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Forest and Fish Road Upgrade and Abandonment on Agency Lands (02-1-003)**

Reappropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$300,000
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

**NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Partnership Improvements with Internal and External Customers (02-2-008)**

The reappropriations in this section are subject to the following conditions and limitations: Expenditures of the reappropriation in this section for fencing must comply with chapter 16.60 RCW.

Reappropriation:

Aquatic Lands Enhancement Account--State \$30,000
State Building Construction Account--State \$150,000
Game Special Wildlife Account--Federal \$400,000
Subtotal Reappropriation \$580,000
Prior Biennia (Expenditures) \$3,695,400
Future Biennia (Projected Costs) \$0
TOTAL \$4,275,400

**NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Culvert Replacement for Fish Passage (03-S-001)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to the department of fish and wildlife to replace culverts on state lands that impair fish passage. The department shall prioritize projects that affect fish species listed as threatened or endangered under the federal endangered species act.

Reappropriation:

State Building Construction Account--State \$420,000
Prior Biennia (Expenditures) \$80,000
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

**NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Job Creation and Infrastructure Projects (03-1-001)**

The reappropriation in this section is subject to the following conditions and limitations:
(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$970,000
Prior Biennia (Expenditures) \$2,070,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,040,000

**NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Watchable Fish and Wildlife Recreation Sites (02-2-007)**

Reappropriation:

Wildlife Account--State \$995,076
Prior Biennia (Expenditures) \$4,924
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Local and Regional Salmon Recovery Planning (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations contained in section 133, chapter 238, Laws of 2002.

Reappropriation:

Water Quality Account--State \$700,000
Prior Biennia (Expenditures) \$300,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 397. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish and Wildlife Population and Habitat Protection (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the wildlife account--state appropriation is provided solely for upland wildlife habitat.

(2) \$500,000 of the wildlife account--state appropriation is provided solely to maintain existing mitigation

agreements in the Snake river region for upland habitat and additional agreements with landowners.

Appropriation:

General Fund--Federal \$2,830,000
General Fund--Private/Local \$3,500,000
State Building Construction Account--State \$2,400,000
Wildlife Account--State \$1,700,000
Subtotal Appropriation \$10,430,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$10,430,000

NEW SECTION. Sec. 398. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the state building construction account--state appropriation is provided solely for Naselle hatchery.

(2) \$1,300,000 of the state building construction account--state appropriation is provided solely for the Tokul creek hatchery.

(3) The wildlife account--state appropriation is provided solely for design of capture and acclimation ponds at Grandy creek.

Appropriation:

General Fund--Federal \$4,500,000
General Fund--Private/Local \$1,500,000
Wildlife Account--State \$200,000
State Building Construction Account--State \$7,700,000
Subtotal Appropriation \$13,900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,900,000

NEW SECTION. Sec. 399. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Internal and External Partnership Improvements (04-1-007)

The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal \$4,000,000
General Fund--Private/Local \$2,000,000
Game Special Wildlife Account--State \$50,000
Game Special Wildlife Account--Federal \$400,000
Game Special Wildlife Account--Private/Local \$50,000
Subtotal Appropriation \$6,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,500,000

NEW SECTION. Sec. 400. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Washington Department of Fish and Wildlife Energy Savings (04-1-016)

Appropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Wind Power Mitigation (04-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to support the development and implementation of a wind power alternative mitigation pilot program, the purpose of which is to maximize the habitat value of mitigation funds and streamline the mitigation process for wind power projects. The program must combine the acquisition of strategically important habitat by the department with annual funding from wind developers for restoration, management, and monitoring of these critical habitat areas. The appropriation is for the department to undertake the acquisition component of the program.

Appropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Youth Sport Fishing Program (04-2-017)

Appropriation:

Wildlife Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Region 1 Office - Spokane (04-2-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the construction of the eastern region headquarters office complex to be located at Mirabeau Point.

Appropriation:

State Building Construction Account--State \$3,900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,900,000

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Deschutes Hatchery (04-2-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$350,000 of the state building construction account appropriation is provided solely for the department to contract for a predesign assessment of alternatives for the Deschutes hatchery and the report described in this section.

(2) By September 15, 2004, the department shall report to the legislature and the office of financial management the results of the predesign assessment. The report shall include, but is not limited to:

(a) A determination of facility requirements to comply with water quality standards, including meeting standards for water bodies on the 303(d) list of impaired waters;

(b) Identification of agencies and organizations contributing to the facility, including their role, funding commitments, and sources of funds for the construction and operation of the facility;

(c) Estimated cost of all facilities, proposed funding sources, and construction timeline; and

(d) Identification of fish hatchery facilities and programs to be replaced or modified as a result of construction of the Deschutes hatchery.

(3) The department shall provide a progress report to the legislature and the office of financial management by January 15, 2004.

(4) It is the intent of the legislature that funding for the design of the Deschutes hatchery be considered in the 2005-07 fiscal biennium.

Appropriation:

State Building Construction Account--State \$350,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$350,000

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF NATURAL RESOURCES
Forest Legacy (00-2-020 and 02-2-015)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation provides \$184,309 for project number 00-2-020 and \$4,200,000 for project number 02-2-015.

Reappropriation:

General Fund--Federal \$4,384,309
Prior Biennia (Expenditures) \$2,885,691
Future Biennia (Projected Costs) \$0
TOTAL \$7,270,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works (02-2-001)

Reappropriation:

Forest Development Account--State \$256,230
Resources Management Cost Account--State \$482,466
State Building Construction Account--State \$455,575
Agricultural College Trust Management Account--State \$68,950
Subtotal Reappropriation \$1,263,221

Prior Biennia (Expenditures) \$6,006,779
Future Biennia (Projected Costs) \$0

TOTAL \$7,270,000

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF NATURAL RESOURCES
Marine Station Public Access (02-2-019)**

Reappropriation:

Aquatic Lands Enhancement Account--State \$65,000
Prior Biennia (Expenditures) \$110,000
Future Biennia (Projected Costs) \$0
TOTAL \$175,000

**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works--Facility Preservation (04-1-002)**

Appropriation:

Forest Development Account--State \$224,900
Resources Management Cost Account--State \$389,700
State Building Construction Account--State \$150,000
Agricultural College Trust Management Account--State \$49,200
Subtotal Appropriation \$813,800
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$813,800

**NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF NATURAL RESOURCES
Agricultural Asset Preservation (04-1-017)**

Appropriation:

Resource Management Cost Account--State \$100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$100,000

**NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial Development/Local Improvement Districts (04-2-009)**

Appropriation:

Resource Management Cost Account--State \$100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$100,000

**NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication Site Repairs (04-1-024)**

Appropriation:

Forest Development Account--State \$50,000
Resource Management Cost Account--State \$150,000
Subtotal Appropriation \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

**NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF NATURAL RESOURCES
Community and Technical College Trust Land Acquisition (04-2-014)**

Appropriation:

Community and Technical College Forest Reserve
Account--State \$96,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$96,000

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF NATURAL RESOURCES
Forest Legacy (04-2-015)**

Appropriation:

General Fund--Federal \$6,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

**NEW SECTION. Sec. 414. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous Waste Removal (04-1-006)**

Appropriation:

Forest Development Account--State \$25,000
Resource Management Cost Account--State \$25,000
Subtotal Appropriation \$50,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

**NEW SECTION. Sec. 415. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land Bank (04-2-013)**

Appropriation:

Resource Management Cost Account--State \$5,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,000,000

NEW SECTION. Sec. 416. FOR THE DEPARTMENT OF NATURAL RESOURCES
Marine Station Public Access (04-2-019)

Appropriation:

Aquatic Lands Enhancement Account--State \$100,000
Prior Biennia (Expenditures) \$175,000
Future Biennia (Projected Costs) \$1,500,000
TOTAL \$1,775,000

NEW SECTION. Sec. 417. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works - Health, Safety, and Code (04-2-001)

Appropriation:

Forest Development Account--State \$133,400
Resource Management Cost Account--State \$232,000
Agricultural College Trust Management Account--State \$29,000
Subtotal Appropriation \$394,400

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$394,400

NEW SECTION. Sec. 418. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mobile Radio System Upgrade (04-2-022)

The appropriations in this section are subject to the following conditions and limitations: The department shall study and evaluate options for a comprehensive user fee system that equally distributes the cost to operate, maintain, and capitalize the radio system to all users on the network. The study must include an evaluation of a user fee system based on access to the network and not on radio inventory. The department shall report the study's findings and recommendations to the office of financial management by September 15, 2003.

Appropriation:

Forest Development Account--State \$227,400
Resource Management Cost Account--State \$386,500
State Building Construction Account--State \$1,659,800
Subtotal Appropriation \$2,273,700

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,273,700

NEW SECTION. Sec. 419. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Area Facilities Preservation (04-1-016)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a study of funding source options that fully support the maintenance, operation, and capitalization of its natural area preserve facilities. This study must be submitted to the office of financial management by September 15, 2003.

Appropriation:

State Building Construction Account--State \$185,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$185,000

NEW SECTION. Sec. 420. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Resource Real Property Replacement (04-2-012)

Appropriation:

Natural Resources Real Property Replacement
Account--State \$20,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$20,000,000

NEW SECTION. Sec. 421. FOR THE DEPARTMENT OF NATURAL RESOURCES
Trust Land Transfer Program (04-2-010)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements/leases for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring commercial real property of equal value to be managed as common school trust land.

(3) Property subject to easement/lease agreements under this section shall be appraised at fair market value both with and without the imposition of the easement/lease. The entire difference in appraised value shall be deposited

by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers and easements/leases such that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements/leases on other properties.

(9) On June 30, 2005, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

(10) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-17, as developed on June 4, 2003.

(11) The department of natural resources shall manage lands acquired as "Bone river natural area preserve" as a natural resources conservation area under chapter 79.71 RCW.

Appropriation:

State Building Construction Account--State \$55,000,000

Natural Resources Real Property Replacement

Account--State \$11,000,000

Subtotal Appropriation \$66,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$250,000,000

TOTAL \$316,000,000

NEW SECTION. Sec. 422. FOR THE DEPARTMENT OF NATURAL RESOURCES

Real Estate Repair, Maintenance, and Tenant Improvements (04-1-005)

Appropriation:

Resource Management Cost Account--State \$1,200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,200,000

NEW SECTION. Sec. 423. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation Facilities Preservation (04-1-011)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a study of funding source options that will fully support the maintenance, operation, and capitalization of its recreational facilities to the office of financial management by September 15, 2003.

Appropriation:

State Building Construction Account--State \$225,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$225,000

NEW SECTION. Sec. 424. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right of Way Acquisition (04-2-007)

Appropriation:

Forest Development Account--State \$100,000

Resource Management Cost Account--State \$400,000

Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION. Sec. 425. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (04-2-023)

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than \$100,000 of the appropriation for administrative or staff costs.

(3) The resource management cost account--state appropriation is solely for a riparian inventory system.

Appropriation:

State Building Construction Account--State \$1,000,000
Resource Management Cost Account--State \$1,500,000
Subtotal Appropriation \$2,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,500,000

NEW SECTION. Sec. 426. FOR THE DEPARTMENT OF NATURAL RESOURCES
Small Timber Landowner Program (04-2-003)

Appropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 427. FOR THE DEPARTMENT OF NATURAL RESOURCES
Statewide Estuarine Restoration Projects (04-2-021)

Appropriation:

Aquatic Lands Enhancement Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 428. FOR THE DEPARTMENT OF NATURAL RESOURCES
Wetland Grants (04-2-004)

Appropriation:

General Fund--Federal \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 429. FOR THE DEPARTMENT OF NATURAL RESOURCES
Digitize Geology Library Collections (04-1-950)

Appropriation:

State Building Construction Account--State \$900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$900,000

NEW SECTION. Sec. 430. FOR THE DEPARTMENT OF AGRICULTURE
Fair Improvements (04-4-850)

Appropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL
Seattle Toxicology Lab (00-2-009)

Appropriation:

State Building Construction Account--State \$800,000
Prior Biennia (Expenditures) \$12,059,864
Future Biennia (Projected Costs) \$1,655,000
TOTAL \$14,514,864

NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL
Minor Works - Facility Preservation: Fire Training Academy (04-1-001)

Appropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL
Spokane Crime Laboratory Construction (02-2-013)

Appropriation:

State Building Construction Account--State \$11,365,000
Prior Biennia (Expenditures) \$635,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,000,000

NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL
Vancouver Crime Lab - Design/Construction (2002-2-010)

Appropriation:

State Building Construction Account--State \$10,000,000
Prior Biennia (Expenditures) \$365,000
Future Biennia (Projected Costs) \$3,135,000
TOTAL \$13,500,000

**NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF TRANSPORTATION
Columbia River Dredging (03-H-001)**

The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:

State Building Construction Account--State \$17,700,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,700,000

**Sec. 506. 2003 c 360 (ESHB 1163) s 306 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P
Transportation 2003 Account (Nickel Account) \$2,000,000**

Motor Vehicle Account--State Appropriation \$178,909,000
Motor Vehicle Account--Federal Appropriation \$457,467,000
Motor Vehicle Account--Local Appropriation \$12,666,000
Multimodal Account--State Appropriation (~~(\$6,000,000)~~)

\$1,690,000

Multimodal Account--Federal Appropriation \$4,247,000
TOTAL APPROPRIATION (~~(\$661,289,000)~~)

\$656,979,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, (~~(\$6,000,000)~~) \$1,690,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(3) The motor vehicle account--state appropriation includes \$77,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((8))~~ (7) To manage some projects more efficiently, federal funds may be transferred from program Z to program P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

Sec. 507. 2003 c 360 (ESHB 1163) s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation (~~(\$11,688,000)~~)

\$14,688,000

Motor Vehicle Account--Federal Appropriation \$14,510,000
~~((Multimodal Transportation Account--State Appropriation \$3,000,000))~~
TOTAL APPROPRIATION \$29,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided in this section are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$9,408,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 508. 2003 c 360 (ESHB 1163) s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation \$770,000
Multimodal Transportation Account--State

Appropriation ((\$35,530,000))

\$34,530,000

Multimodal Transportation Account--Federal Appropriation \$9,499,000

Washington Fruit Express Account--State Appropriation \$500,000

TOTAL APPROPRIATION ((\$46,299,000))

\$45,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) ((\$5,530,000)) \$4,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account--federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.

(3) ((\$2,000,000)) \$1,230,000 of the multimodal transportation account--state appropriation and \$770,000 of the essential rail assistance account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF TRANSPORTATION

Port of Everett Satellite Rail Barge Facility (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for a rail barge facility to accommodate very large or oversized cargo to complement the port of Everett's existing deep-water marine terminals.

(2) The appropriation is contingent upon an office of financial management finding that:

(a) This project is a necessary expansion for the port to meet the needs of a tenant employing thousands of Washington residents to expand the tenant's operations and to provide very substantial economic benefits to the region; and

(b) The tenant has committed to performing the manufacturing or other programs that this project will serve in the Puget Sound region.

(3) The department shall report to the house of representatives and senate transportation committees, the house of representatives capital committee and the senate ways and means committee at least ten days prior to the transmittal of any funds authorized under this section.

Appropriation:

Multimodal Account--State \$15,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$15,500,000

**PART 5
EDUCATION**

NEW SECTION. Sec. 601. FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,500,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$67,415,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State \$27,000,000

Education Construction Account--State \$67,415,000

Subtotal Appropriation \$94,415,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$94,415,000

NEW SECTION. Sec. 602. FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Grants (02-4-001)

The reappropriations in this section are for project numbers 00-2-001, 00-2-002, and 02-04-001.

Reappropriation:

State Building Construction Account--State \$36,946

Common School Construction Account--State \$246,000,000
Subtotal Reappropriation \$246,036,946
Prior Biennia (Expenditures) \$645,475,724
Future Biennia (Projected Costs) \$0
TOTAL \$891,512,670

NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION
State Bonds for Common School Construction (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit in the common school construction account.

Appropriation:

State Building and Construction Account--State \$118,050,000
NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION
Resource Efficiency Pilot Project (04-4-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,350,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K-12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards.

(2) Up to \$150,000 of this appropriation shall be used to:

(a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;

(b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;

(c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;

(d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.

The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 605. LEGISLATIVE INTENT. The legislature reaffirms that provision of facilities for public schools is a partnership between local school districts and the state, and recognizes the importance of safe and well-functioning school facilities in the education of students. The legislature expands on the small step taken in 2001 that increased funding for kindergarten space by increasing the state assistance provided through the school construction grant program for all grade levels in the 2003-05 biennium. In this act, the legislature uses bonds to offset shortfalls in traditional school funding resources and to fund an increase in the formula for providing school construction grants to local districts. The legislature intends to permanently fund the increase in area cost allowance authorized in section 606(3) of this act, and intends to continue to review ways to enhance state assistance for school construction in the future.

NEW SECTION. Sec. 606. FOR THE STATE BOARD OF EDUCATION
School Construction Assistance Grants (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.

(3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.

Appropriation:

Common School Construction Account--State \$399,768,513
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$1,258,456,614
TOTAL \$2,258,225,127

NEW SECTION. Sec. 607. FOR THE STATE BOARD OF EDUCATION
Port Angeles School District North Olympic Skill Center (04-4-852)

The appropriation in this section is subject to the following conditions and limitations: This appropriation completes the state contribution to this project.

Appropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$3,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,000,000

NEW SECTION. Sec. 608. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

State School Construction Assistance Program Staff

The reappropriation in this section is for project number 02-4-001. The appropriation is for project number 04-2-001.

Reappropriation:

Common School Construction Account--State \$100,000

Appropriation:

Common School Construction Account--State \$2,038,390

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,138,390

NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE BLIND
Ahlsten: Material Center and Braille Production (02-2-003)

Reappropriation:

State Building Construction Account--State \$1,084,179

Prior Biennia (Expenditures) \$1,257,009

Future Biennia (Projected Costs) \$0

TOTAL \$2,341,188

NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE BLIND
Campus Preservation (02-1-002)

Reappropriation:

State Building Construction Account--State \$401,426

Prior Biennia (Expenditures) \$198,574

Future Biennia (Projected Costs) \$0

TOTAL \$600,000

NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE BLIND
Distance Learning Center/Covered Play Area (02-2-004)

Reappropriation:

State Building Construction Account--State \$2,213,226

Prior Biennia (Expenditures) \$575,774

Future Biennia (Projected Costs) \$0

TOTAL \$2,789,000

NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE BLIND
Irwin: Old Main, Kennedy, and Dry Building Preservation (02-1-001)

Reappropriation:

State Building Construction Account--State \$233,555

Prior Biennia (Expenditures) \$1,747,445

Future Biennia (Projected Costs) \$0

TOTAL \$1,981,000

NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE BLIND
Boiler House Renovation/Electrical Vault Replacement (04-1-001)

Appropriation:

State Building Construction Account--State \$668,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$668,000

NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE BLIND
Campus Preservation (04-1-004)

Appropriation:

State Building Construction Account--State \$770,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$2,830,000

TOTAL \$3,600,000

NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND
Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

Appropriation:

State Building Construction Account--State \$2,279,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,279,000

NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON
UW Law School Building (94-2-017)

Reappropriation:

Higher Education Construction Account--State \$6,600,000

Higher Education Non-Proprietary Local Capital

Accounts--Private/Local \$3,400,000

Subtotal Reappropriation \$10,000,000

Prior Biennia (Expenditures) \$64,855,500

Future Biennia (Projected Costs) \$0

TOTAL \$74,855,500

NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Phase 2A (00-2-017)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$3,000,000
Prior Biennia (Expenditures) \$34,635,933
Future Biennia (Projected Costs) \$0
TOTAL \$37,635,933

NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON
UW Tacoma Land Acquisition (01-2-029)

Reappropriation:

Education Construction Account--State \$4,450,000
Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,950,000

NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON
UW Emergency Power Expansion - Phase 1 (02-1-009)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

University of Washington Building Account--State \$5,300,000
Prior Biennia (Expenditures) \$5,700,000
Future Biennia (Projected Costs) \$0
TOTAL \$11,000,000

NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON
UW Bothell Phase 2B Offramp (02-2-014)

The reappropriation in this section is subject to the following conditions and limitations: The legislature intends to appropriate funds for construction of this project in a future transportation budget.

Reappropriation:

State Building Construction Account--State \$2,390,000
Prior Biennia (Expenditures) \$110,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,500,000

NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON
UW Life Sciences II Building (02-2-028)

The reappropriation in this section is subject to the University of Washington providing sufficient evidence to the office of financial management of local revenue to support issuance of bonded debt and accompanying debt service associated with this project.

Reappropriation:

Higher Education Construction Account--State \$29,025,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$40,000,000
TOTAL \$69,025,000

NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON
UW Minor Repairs Programs (02-1-026)

Reappropriation:

State Building Construction Account--State \$520,000
Prior Biennia (Expenditures) \$480,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON
UW Special Projects - Code Requirements (02-1-025)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$1,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON
UW Tacoma Campus Phase 2B (02-2-027)

Reappropriation:

State Building Construction Account--State \$35,000,000
Prior Biennia (Expenditures) \$9,349,000
Future Biennia (Projected Costs) \$0
TOTAL \$44,349,000

NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON

UW Urgent Deferred Renewal/Modernization (02-1-031)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

University of Washington Building Account--State \$1,500,000

Education Construction Account--State \$4,000,000

Subtotal Reappropriation \$5,500,000

Prior Biennia (Expenditures) \$4,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$10,000,000

NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of section 218, chapter 238,

Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$2,100,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,500,000

NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON

UW Johnson Hall Renovation (04-1-005)

Appropriation:

State Building Construction Account--State \$16,103,000

University of Washington Building Account--State \$15,552,000

Gardner-Evans Higher Education Construction

Account--State \$21,400,000

Subtotal Appropriation \$53,055,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$53,055,000

NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase II (04-1-024)

Reappropriation:

University of Washington Building Account--State \$700,000

Appropriation:

State Building Construction Account--State \$3,500,000

University of Washington Building Account--State \$2,448,000

Subtotal Appropriation \$5,948,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,813,164

TOTAL \$14,161,164

NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 630 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$20,108,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$20,108,000

NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON

Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 629 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$10,943,000 of the appropriation may be used for the following design studies and other eligible projects:

(a) Health science H-Wing infrastructure;

(b) Guggenheim hall renovation;

(c) Architecture hall renovation;

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$1,000,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$28,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$200,700,000

TOTAL \$229,300,000

NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (04-2-004)

Appropriation:

State Building Construction Account--State \$6,500,000

University of Washington Building Account--State \$4,000,000

Subtotal Appropriation \$10,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,975,000

TOTAL \$31,475,000

NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON

UW Campus Communications Infrastructure (04-1-011)

Appropriation:

State Building Construction Account--State \$5,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,000,000

TOTAL \$25,000,000

NEW SECTION. Sec. 634. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Murrow Hall Addition: New Facility (98-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$8,560,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,560,000

NEW SECTION. Sec. 635. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Education Addition Cleveland Hall (98-2-032)

Reappropriation:

State Building Construction Account--State \$250,000

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$11,160,000

Prior Biennia (Expenditures) \$1,290,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,700,000

NEW SECTION. Sec. 636. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Johnson Hall Addition - Plant Bioscience Building (00-2-007)

The appropriations in this section are subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least \$10,000,000 in federal funds for a related facility or addition.

Reappropriation:

State Building Construction Account--State \$1,200,000

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$14,000,000

State Building Construction Account--State \$5,542,000

Washington State University Building Account--

State \$15,658,000

Subtotal Appropriation \$35,200,000

Prior Biennia (Expenditures) \$2,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$39,000,000

NEW SECTION. Sec. 637. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Shock Physics Building (00-2-080)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$500,000

Prior Biennia (Expenditures) \$11,900,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,400,000

NEW SECTION. Sec. 638. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Engineering and Life Sciences Building (00-2-904)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$26,470,650

Future Biennia (Projected Costs) \$0

TOTAL \$29,470,650

NEW SECTION. Sec. 639. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Student Services Center (00-2-905)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$950,000

Prior Biennia (Expenditures) \$605,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,555,000

NEW SECTION. Sec. 640. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Capital Preservation/Renewal (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$200,000

Prior Biennia (Expenditures) \$5,800,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

NEW SECTION. Sec. 641. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Capital Safety/Environmental Projects (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$200,000

Prior Biennia (Expenditures) \$800,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 642. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Campus Infrastructure: Preservation (02-1-073)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$1,000,000
State Building Construction Account--State \$1,600,000
Subtotal Reappropriation \$2,600,000
Prior Biennia (Expenditures) \$9,150,141
Future Biennia (Projected Costs) \$0
TOTAL \$11,750,141

NEW SECTION. Sec. 643. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Energy Plant (02-1-501)

Reappropriation:

State Building Construction Account--State \$14,500,000
Prior Biennia (Expenditures) \$10,039,000
Future Biennia (Projected Costs) \$0
TOTAL \$24,539,000

NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY
WSU Branch Campuses: Minor Campus Projects (02-1-901)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$300,000
Prior Biennia (Expenditures) \$700,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Minor Capital Improvements (MCI) (02-2-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$1,300,000
Prior Biennia (Expenditures) \$4,700,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY
WSU Vancouver - Multimedia/Electronic Communication Classroom Building (02-2-907)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$14,400,000
Future Biennia (Projected Costs) \$0
TOTAL \$15,900,000

NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations in section 219, chapter 238, Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$200,000
Prior Biennia (Expenditures) \$2,800,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Biotechnology/Life Sciences 1 (04-2-085)

Appropriation:

Washington State University Building Account--State \$4,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$45,000,000
TOTAL \$49,500,000

NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Campus Infrastructure (04-1-073)

Appropriation:

State Building Construction Account--State \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$12,000,000
TOTAL \$15,000,000

NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 651 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$7,876,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,876,000

NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY

Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 650 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$14,615,000 of the appropriation may be used for the following design studies and other eligible projects:

(a) Holland library renovation;

(b) Public safety-LARC remodel;

(c) Nuclear radiation center;

(d) Avery hall renovation;

(e) BioMedical science facility;

(f) Hospital renovation study;

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$1,000,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$37,235,000

Washington State University Building Account--

State \$4,765,000

Subtotal Appropriation \$42,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$259,000,000

TOTAL \$301,000,000

NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Campus Utilities/Infrastructure: Infrastructure (04-2-916)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$4,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$14,000,000

TOTAL \$18,300,000

NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY

WSU TriCities - Bioproducts and Sciences Building (04-2-940)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$34,349,000
TOTAL \$35,249,000

NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY
WSU ICN Spokane - Nursing Building at Riverpoint: New Facility (04-2-941)

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$3,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$31,600,000
TOTAL \$34,600,000

NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY
WSU Prosser - Multipurpose Building: New Facility (04-2-942)

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY
Omnibus Equipment and Program Improvements (04-2-951)

The appropriation in this section is subject to the following conditions and limitations: Except for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year, appropriated funds may be applied to the purchase of equipment to improve, upgrade, or replace necessary instructional and research apparatus throughout the university.

Appropriation:

Washington State University Building Account--
State \$4,380,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$10,928,500
TOTAL \$15,308,500

NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY
Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

NEW SECTION. Sec. 658. FOR EASTERN WASHINGTON UNIVERSITY
EWU Computing and Engineering Sciences Building (Cheney Hall) (00-2-009)

Reappropriation:

State Building Construction Account--State \$1,675,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$19,000,482

Prior Biennia (Expenditures) \$2,225,000
Future Biennia (Projected Costs) \$0
TOTAL \$22,900,482

NEW SECTION. Sec. 659. FOR EASTERN WASHINGTON UNIVERSITY
EWU Senior Hall Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State \$730,000

Appropriation:

State Building Construction Account--State \$6,000,000

Prior Biennia (Expenditures) \$581,000
Future Biennia (Projected Costs) \$8,480,315
TOTAL \$15,791,315

NEW SECTION. Sec. 660. FOR EASTERN WASHINGTON UNIVERSITY
EWU Campus Network Upgrade (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,500,000

NEW SECTION. Sec. 661. FOR EASTERN WASHINGTON UNIVERSITY
EWU Classroom Renewal (02-2-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$775,000

Eastern Washington University Capital Projects

Account--State \$75,000

Subtotal Reappropriation \$850,000

Prior Biennia (Expenditures) \$1,516,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,366,000

NEW SECTION. Sec. 662. FOR EASTERN WASHINGTON UNIVERSITY

EWU Infrastructure Preservation (02-1-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$3,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,000,000

NEW SECTION. Sec. 663. FOR EASTERN WASHINGTON UNIVERSITY

EWU Roof Replacement (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$2,369,000

Future Biennia (Projected Costs) \$6,000,000

TOTAL \$8,619,000

NEW SECTION. Sec. 664. FOR EASTERN WASHINGTON UNIVERSITY

EWU Water System Preservation and Expansion (02-1-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,250,000

Prior Biennia (Expenditures) \$986,000

Future Biennia (Projected Costs) \$7,500,000

TOTAL \$9,736,000

NEW SECTION. Sec. 665. FOR EASTERN WASHINGTON UNIVERSITY

EWU Minor Works - Preservation (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$600,000

Eastern Washington University Capital Projects

Account--State \$1,250,000

Subtotal Reappropriation \$1,850,000

Prior Biennia (Expenditures) \$3,150,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,000,000

NEW SECTION. Sec. 666. FOR EASTERN WASHINGTON UNIVERSITY

EWU Minor Works - Program (02-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Eastern Washington University Capital Projects

Account--State \$600,000

Prior Biennia (Expenditures) \$1,618,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,218,000

NEW SECTION. Sec. 667. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,028,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,028,000

NEW SECTION. Sec. 668. FOR EASTERN WASHINGTON UNIVERSITY

EWU Campus Network Upgrade (04-2-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to modernize the computing environment supporting student services (enterprise system) during the 2003-05 biennium.

Appropriation:

Eastern Washington University Capital Projects Account--
State \$3,875,000

Prior Biennia (Expenditures) \$2,500,000
Future Biennia (Projected Costs) \$4,000,000
TOTAL \$10,375,000

NEW SECTION, Sec. 669. FOR EASTERN WASHINGTON UNIVERSITY
EWU Classroom Renewal (04-2-013)

Appropriation:

Eastern Washington University Capital Projects
Account--State \$691,325

Prior Biennia (Expenditures) \$3,016,000
Future Biennia (Projected Costs) \$8,200,000
TOTAL \$11,907,325

NEW SECTION, Sec. 670. FOR EASTERN WASHINGTON UNIVERSITY
EWU Infrastructure Preservation (04-1-006)

Appropriation:

State Building Construction Account--State \$1,550,000
Prior Biennia (Expenditures) \$1,300,000

Future Biennia (Projected Costs) \$12,000,000
TOTAL \$14,850,000

NEW SECTION, Sec. 671. FOR EASTERN WASHINGTON UNIVERSITY
EWU Minor Works - Program (04-2-017)

Appropriation:

Eastern Washington University Capital Projects
Account--State \$650,000

Prior Biennia (Expenditures) \$4,189,000
Future Biennia (Projected Costs) \$9,000,000
TOTAL \$13,839,000

NEW SECTION, Sec. 672. FOR EASTERN WASHINGTON UNIVERSITY
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 673 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,726,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,726,000

NEW SECTION, Sec. 673. FOR EASTERN WASHINGTON UNIVERSITY
Facility Preservation Backlog Reduction (04-1-952)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 672 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$18,500,000
TOTAL \$22,750,000

NEW SECTION. Sec. 674. FOR EASTERN WASHINGTON UNIVERSITY
EWU University Visitor Center and Formal Entry (04-2-010)

Appropriation:

Eastern Washington University Capital Projects
Account--State \$975,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$975,000

NEW SECTION. Sec. 675. FOR EASTERN WASHINGTON UNIVERSITY
Infrastructure Savings (04-1-953)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

NEW SECTION. Sec. 676. FOR EASTERN WASHINGTON UNIVERSITY
Minor Works - Health, Safety, and Code (04-1-850)

Appropriation:

State Building Construction Account--State \$391,325
Eastern Washington University Capital Projects Account--
State \$108,675
Subtotal Appropriation \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$2,000,000
TOTAL \$2,500,000

NEW SECTION. Sec. 677. FOR CENTRAL WASHINGTON UNIVERSITY
Music Education Facility (00-2-001)

The appropriations in this section are subject to the following conditions and limitations: Allowable expenditure for equipment is limited to \$2,400,000 and does not include moving costs, small musical instruments, vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

Education Construction Account--State \$11,350,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$12,600,000
Prior Biennia (Expenditures) \$2,650,000
Future Biennia (Projected Costs) \$0
TOTAL \$26,600,000

NEW SECTION. Sec. 678. FOR CENTRAL WASHINGTON UNIVERSITY
CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

State Building Construction Account--State \$1,438,000
Community and Technical College Capital Projects
Account--State \$2,962,000
Central Washington University Capital Projects
Account--State \$3,600,000
Subtotal Appropriation \$8,000,000
Prior Biennia (Expenditures) \$75,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,575,000

NEW SECTION. Sec. 679. FOR CENTRAL WASHINGTON UNIVERSITY
McConnell Stage Remodel (02-1-004)

Reappropriation:

State Building Construction Account--State \$1,800,000
Prior Biennia (Expenditures) \$300,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,100,000

NEW SECTION. Sec. 680. FOR CENTRAL WASHINGTON UNIVERSITY

Omnibus - Preservation (02-1-001)

Reappropriation:

Central Washington University Capital Projects
Account--State \$130,000
Prior Biennia (Expenditures) \$3,645,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,775,000

NEW SECTION. Sec. 681. FOR CENTRAL WASHINGTON UNIVERSITY

Omnibus - Program (02-2-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$350,000 of this reappropriation is provided for interior classroom improvements within the Olympic south building of Pierce College at Fort Steilacoom.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Central Washington University Capital Projects
Account--State \$1,503,000
Prior Biennia (Expenditures) \$2,247,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,750,000

NEW SECTION. Sec. 682. FOR CENTRAL WASHINGTON UNIVERSITY

Randall/Michaelsen Life Safety (02-1-003)

Reappropriation:

Education Construction Account--State \$3,250,000
Prior Biennia (Expenditures) \$550,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,800,000

NEW SECTION. Sec. 683. FOR CENTRAL WASHINGTON UNIVERSITY

Steam/Electric/Chilled Water (98-1-120)

Reappropriation:

Education Construction Account--State \$400,000
Prior Biennia (Expenditures) \$1,600,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 684. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Program (04-2-028)

Appropriation:

Central Washington University Capital Projects
Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$24,347,000
TOTAL \$26,347,000

NEW SECTION. Sec. 685. FOR CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 686 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,886,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,886,000

NEW SECTION. Sec. 686. FOR CENTRAL WASHINGTON UNIVERSITY

Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 685 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local

discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$18,500,000

TOTAL \$22,750,000

NEW SECTION. Sec. 687. FOR CENTRAL WASHINGTON UNIVERSITY

Combined Utility Upgrade (04-1-952)

Appropriation:

State Building Construction Account--State \$5,000,000

Central Washington University Capital Projects Account--

State \$400,000

Subtotal Appropriation \$5,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$36,688,000

TOTAL \$42,088,000

NEW SECTION. Sec. 688. FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Moses Lake Higher Education Center (04-2-031)

Appropriation:

Central Washington University Capital Projects Account--

State \$600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$600,000

NEW SECTION. Sec. 689. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure Savings (04-1-953)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION. Sec. 690. FOR THE EVERGREEN STATE COLLEGE

Life Safety/Code Compliance Reappropriation (02-1-013)

Reappropriation:

The Evergreen State College Capital Projects

Account--State \$300,000

Prior Biennia (Expenditures) \$2,200,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

NEW SECTION. Sec. 691. FOR THE EVERGREEN STATE COLLEGE

Minor Works Preservation Reappropriation (02-1-014)

Reappropriation:

The Evergreen State College Capital Projects

Account--State \$300,000

Prior Biennia (Expenditures) \$1,900,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,200,000

NEW SECTION. Sec. 692. FOR THE EVERGREEN STATE COLLEGE

Seminar Building Phase II - Construction (02-2-004)

The appropriations in this section are subject to the following conditions and limitations: The appropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State \$16,500,000

Appropriation:

The Evergreen State College Capital Projects

Account--State \$2,500,000

Prior Biennia (Expenditures) \$24,250,000
Future Biennia (Projected Costs) \$0
TOTAL \$43,250,000

**NEW SECTION, Sec. 693. FOR THE EVERGREEN STATE COLLEGE
Daniel J. Evans Building - Modernization (04-2-006)**

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$21,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$22,250,000
TOTAL \$43,750,000

**NEW SECTION, Sec. 694. FOR THE EVERGREEN STATE COLLEGE
Infrastructure Preservation (04-1-001)**

Appropriation:

State Building Construction Account--State \$1,550,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$1,000,000
TOTAL \$2,550,000

**NEW SECTION, Sec. 695. FOR THE EVERGREEN STATE COLLEGE
Lab II 3rd Floor - Chemistry Labs Remodel (04-2-007)**

Appropriation:

The Evergreen State College Capital Projects
Account--State \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

**NEW SECTION, Sec. 696. FOR THE EVERGREEN STATE COLLEGE
Minor Works - Health, Safety, and Code (04-1-004)**

Appropriation:

State Building Construction Account--State \$500,000
The Evergreen State College Capital Projects
Account--State \$2,000,000
Subtotal Appropriation \$2,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$11,400,000
TOTAL \$13,900,000

**NEW SECTION, Sec. 697. FOR THE EVERGREEN STATE COLLEGE
Preventive Facility Maintenance and Building System Repairs (04-1-950)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 698 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

The Evergreen State College Capital Projects
Account--State \$150,000
Education Construction Account--State \$584,000
Subtotal Appropriation \$734,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$734,000

**NEW SECTION, Sec. 698. FOR THE EVERGREEN STATE COLLEGE
Facility Preservation Backlog Reduction (04-1-951)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 697 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,900,000

TOTAL \$29,150,000

**NEW SECTION. Sec. 699. FOR THE EVERGREEN STATE COLLEGE
Minor Works Program (04-2-003)**

Appropriation:

The Evergreen State College Capital Projects

Account--State \$850,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,700,000

TOTAL \$8,550,000

**NEW SECTION. Sec. 700. FOR THE EVERGREEN STATE COLLEGE
Infrastructure Savings (04-1-952)**

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

**NEW SECTION. Sec. 701. FOR WESTERN WASHINGTON UNIVERSITY
Campus Infrastructure Development (98-2-024)**

Reappropriation:

State Building Construction Account--State \$700,000

Appropriation:

State Building Construction Account--State \$2,160,000

Prior Biennia (Expenditures) \$13,419,000

Future Biennia (Projected Costs) \$0

TOTAL \$16,279,000

**NEW SECTION. Sec. 702. FOR WESTERN WASHINGTON UNIVERSITY
Communications Facility (98-2-053)**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State \$22,500,000

Appropriation:

Western Washington University Capital Projects Account--

State \$3,920,000

Prior Biennia (Expenditures) \$13,973,400

Future Biennia (Projected Costs) \$0

TOTAL \$40,393,400

**NEW SECTION. Sec. 703. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Infrastructure Preservation (02-1-070)**

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,750,000

Prior Biennia (Expenditures) \$1,250,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

**NEW SECTION. Sec. 704. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Preservation - Safety (02-1-071)**

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$400,000

Prior Biennia (Expenditures) \$2,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 705. FOR WESTERN WASHINGTON UNIVERSITY
Academic Instructional Center (02-2-026)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$5,618,000

Prior Biennia (Expenditures) \$115,000

Future Biennia (Projected Costs) \$51,438,000

TOTAL \$57,171,000

NEW SECTION. Sec. 706. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Program (02-2-072)

Reappropriation:

Western Washington University Capital Projects

Account--State \$1,800,000

Prior Biennia (Expenditures) \$5,031,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,831,000

NEW SECTION. Sec. 707. FOR WESTERN WASHINGTON UNIVERSITY

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations in section 905, chapter 10,

Laws of 2003.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$3,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,500,000

NEW SECTION. Sec. 708. FOR WESTERN WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 709 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$2,814,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,814,000

NEW SECTION. Sec. 709. FOR WESTERN WASHINGTON UNIVERSITY

Facility Preservation Backlog Reduction (04-1-952)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 708 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,900,000
TOTAL \$29,150,000

NEW SECTION. Sec. 710. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Health, Safety, and Code (04-1-074)

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$4,000,000
TOTAL \$5,000,000

NEW SECTION. Sec. 711. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Infrastructure Preservation (04-1-075)

Appropriation:

State Building Construction Account--State \$1,550,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$6,200,000
TOTAL \$7,750,000

NEW SECTION. Sec. 712. FOR WESTERN WASHINGTON UNIVERSITY
Campus Roadway Development (04-2-073)

The appropriations in this section are subject to the following conditions and limitations:

(1) The purpose of the appropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

Appropriation:

State Building Construction Account--State \$249,000
Western Washington University Capital Projects
Account--State \$80,000
Subtotal Appropriation \$329,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$329,000

NEW SECTION. Sec. 713. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Program (04-2-077)

Appropriation:

State Building Construction Account--State \$500,000
Western Washington University Capital Projects
Account--State \$50,000
Subtotal Appropriation \$550,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$17,925,000
TOTAL \$18,475,000

NEW SECTION. Sec. 714. FOR WESTERN WASHINGTON UNIVERSITY
Shannon Point Marine - Undergraduate Center (04-2-059)

The appropriation in this section is subject to the following conditions and limitations:

(1) The university has independently completed a predesign for this facility. Allotment for construction is contingent upon filing a copy of the predesign with an addendum that discloses federal and grant funding available for construction, equipment, and operating costs for the facility upon occupancy.

(2) Any further appropriations for equipment or furnishings shall be met with local funds.

Appropriation:

State Building Construction Account--State \$998,329
Western Washington University Capital Projects Account--
State \$4,000,000
Subtotal Appropriation \$4,998,329

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,998,329

NEW SECTION. Sec. 715. FOR WESTERN WASHINGTON UNIVERSITY
Planetarium Improvement (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for, and shall be expended as matching funds for the replacement of, the Western Washington

University planetarium projector. Western Washington University shall expend at least an equal amount from institutional funds or donated funds received for the same purpose. If an appropriate replacement projector can be obtained for less than \$250,000, the university may reserve any excess funds for future repair, replacement, or operation of the planetarium.

Appropriation:

State Building Construction Account--State \$125,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$125,000

NEW SECTION. Sec. 716. FOR WESTERN WASHINGTON UNIVERSITY

Miller Hall Renovation (04-1-953)

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$34,750,000

TOTAL \$35,000,000

NEW SECTION. Sec. 717. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure Savings (04-1-999)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION. Sec. 718. FOR THE STATE HISTORICAL SOCIETY

Tacoma: State History Museum Preservation (02-1-002)

Reappropriation:

State Building Construction Account--State \$270,000

Prior Biennia (Expenditures) \$103,016

Future Biennia (Projected Costs) \$0

TOTAL \$373,016

NEW SECTION. Sec. 719. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark Trail Interpretive Infrastructure Grant Program (02-4-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided for development of station camp 1805 as a national historic park in conjunction with the projected relocation of highway 101 in Pacific county.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 720. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$552,226

Future Biennia (Projected Costs) \$0

TOTAL \$2,552,226

NEW SECTION. Sec. 721. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Olympia-State Capital Museum Preservation Projects (02-1-001)

Reappropriation:

State Building Construction Account--State \$56,000

Prior Biennia (Expenditures) \$649,397

Future Biennia (Projected Costs) \$0

TOTAL \$705,397

NEW SECTION. Sec. 722. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma - Stadium Way Research Center Preservation Projects (02-1-004)

Reappropriation:

State Building Construction Account--State \$68,830

Prior Biennia (Expenditures) \$299,847

Future Biennia (Projected Costs) \$0

TOTAL \$368,677

NEW SECTION. Sec. 723. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Project (02-4-004)

The reappropriation in this section shall support the projects as listed in section 734, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$14,194,136

Future Biennia (Projected Costs) \$0

TOTAL \$15,694,136

**NEW SECTION, Sec. 724. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Stadium Way Research Center - Code Violation Correction (04-1-003)**

Appropriation:

State Building Construction Account--State \$461,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$461,200

**NEW SECTION, Sec. 725. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
State History Museum Preservation (04-1-850)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for paver replacement.

Appropriation:

State Building Construction Account--State \$60,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$60,000

**NEW SECTION, Sec. 726. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Washington Heritage Project (04-4-004)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided for the following list of projects:

Project	Amount Recommended
American museum of radio	\$151,799
Bigelow House preservation association	\$33,900
City of Port Angeles	\$112,200
City of Roslyn	\$181,816
City of Sprague	\$98,000
Duwamish tribal service, inc.	\$350,000
Enumclaw plateau historical society	\$54,054
Fort Nisqually living history museum	\$350,000
Gallery one	\$115,500
Georgetown community council	\$50,000
Gig Harbor - peninsula historical society	\$140,000
Historic Seattle PDA	\$350,000
Ilwaco heritage foundation	\$179,400
Jefferson county public works	\$350,000

<i>Lopez Island historical society</i>	<i>\$60,000</i>
<i>Museum of flight</i>	<i>\$350,000</i>
<i>Museum of history and industry</i>	<i>\$350,000</i>
<i>Northwest maritime center</i>	<i>\$350,000</i>
<i>Olympia Waldorf school</i>	<i>\$45,000</i>
<i>Spokane parks and recreation</i>	<i>\$136,000</i>
<i>Spokane symphony</i>	<i>\$56,925</i>
<i>Suquamish museum and tribal cultural center</i>	<i>\$7,000</i>
<i>Vashon parks</i>	<i>\$12,906</i>
<i>World kite museum and hall of fame</i>	<i>\$115,500</i>
<i>Subtotal</i>	<i>\$4,000,000</i>
<i>Alternates</i>	
	<i>\$24,818</i>
<i>Vashon parks</i>	
<i>Clymer museum</i>	<i>\$113,598</i>
<i>San Juan historical museum</i>	<i>\$8,800</i>
<i>Jefferson county historical society</i>	<i>\$115,500</i>
<i>City of Lynwood</i>	<i>\$37,835</i>
<i>City of Mt. Vernon</i>	<i>\$66,664</i>
<i>White river valley museum</i>	<i>\$115,500</i>
<i>Town of La Conner</i>	<i>\$2,376</i>
<i>Subtotal alternates</i>	<i>\$485,091</i>
TOTAL	\$4,485,091
Appropriation:	
<i>State Building Construction Account--State \$4,000,000</i>	
<i>Prior Biennia (Expenditures) \$0</i>	
<i>Future Biennia (Projected Costs) \$0</i>	
TOTAL \$4,000,000	

NEW SECTION. Sec. 727. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College - Allied Health Building (98-2-661)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$175,089

Prior Biennia (Expenditures) \$10,861,686

Future Biennia (Projected Costs) \$0

TOTAL \$11,036,775

NEW SECTION Sec. 728. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park: Transportation Trade - Construction (96-2-662)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,380,368

Prior Biennia (Expenditures) \$14,665,032

Future Biennia (Projected Costs) \$0

TOTAL \$18,045,400

NEW SECTION Sec. 729. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College Poulsbo Center: Construction (96-2-654)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,450,000

Prior Biennia (Expenditures) \$6,596,675

Future Biennia (Projected Costs) \$0

TOTAL \$13,046,675

NEW SECTION Sec. 730. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Health/Business Building (98-2-672)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,737,347

Prior Biennia (Expenditures) \$5,199,252

Future Biennia (Projected Costs) \$0

TOTAL \$8,936,599

NEW SECTION Sec. 731. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Phase 3 - New Facility (98-2-673)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$9,627,984

Prior Biennia (Expenditures) \$7,377,016

Future Biennia (Projected Costs) \$0

TOTAL \$17,005,000

NEW SECTION Sec. 732. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College: Technology Resource Center (98-2-674)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,379,770

Prior Biennia (Expenditures) \$8,391,230

Future Biennia (Projected Costs) \$0

TOTAL \$11,771,000

NEW SECTION Sec. 733. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley Community College: Whidbey Higher Education Center (98-2-675)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$641,516

Prior Biennia (Expenditures) \$9,278,097

Future Biennia (Projected Costs) \$0

TOTAL \$9,919,613

NEW SECTION Sec. 734. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia College: Instructional Building Replacement (99-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$172,934
Prior Biennia (Expenditures) \$14,227,066
Future Biennia (Projected Costs) \$0
TOTAL \$14,400,000

NEW SECTION. Sec. 735. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College: Clark Center at Washington State University Vancouver (00-2-680)

The appropriations in this section are subject to the following conditions and limitations: No money from the appropriations in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$1,096,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$18,009,800

Prior Biennia (Expenditures) \$668,000

Future Biennia (Projected Costs) \$0

TOTAL \$19,773,800

NEW SECTION. Sec. 736. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Facilities Repairs "A" (00-1-050)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,784,463

Community and Technical College Capital Projects

Account--State \$85,847

Subtotal Reappropriation \$1,870,310

Prior Biennia (Expenditures) \$25,529,690

Future Biennia (Projected Costs) \$0

TOTAL \$27,400,000

NEW SECTION. Sec. 737. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College: Drama/Music Class - Renovation (00-2-322)

Reappropriation:

State Building Construction Account--State \$398,031

Prior Biennia (Expenditures) \$3,031,969

Future Biennia (Projected Costs) \$0

TOTAL \$3,430,000

NEW SECTION. Sec. 738. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Highline Community College: Higher Ed Center/Childcare (00-2-678)

Reappropriation:

State Building Construction Account--State \$985,949

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$14,654,000

Community and Technical College Capital Projects

Account--State \$3,898,000

Subtotal Appropriation \$18,552,000

Prior Biennia (Expenditures) \$1,359,051

Future Biennia (Projected Costs) \$0

TOTAL \$20,897,000

NEW SECTION. Sec. 739. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (Minor Improvements) (00-1-130)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,587,700

Community and Technical College Capital Projects

Account--State \$308,506

Subtotal Reappropriation \$1,896,206

Prior Biennia (Expenditures) \$14,953,794

Future Biennia (Projected Costs) \$0

TOTAL \$16,850,000

NEW SECTION. Sec. 740. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Olympic College: Physical Plant Building Replacement (00-2-002)

Reappropriation:

Education Construction Account--State \$416,607

Prior Biennia (Expenditures) \$5,698,993

Future Biennia (Projected Costs) \$0

TOTAL \$6,115,600

NEW SECTION. Sec. 741. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Phase III Expansion (00-2-676)

Reappropriation:

State Building Construction Account--State \$723,985

Appropriation:

*Gardner-Evans Higher Education Construction
Account--State \$23,374,774*

Prior Biennia (Expenditures) \$1,236,215

Future Biennia (Projected Costs) \$0

TOTAL \$25,334,974

NEW SECTION. Sec. 742. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Shoreline Community College: Library/Technical Center (00-2-319)

Reappropriation:

State Building Construction Account--State \$215,408

Prior Biennia (Expenditures) \$7,034,592

Future Biennia (Projected Costs) \$0

TOTAL \$7,250,000

NEW SECTION. Sec. 743. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:

Education Construction Account--State \$1,092,690

Appropriation:

State Building Construction Account--State \$17,350,248

Prior Biennia (Expenditures) \$812,310

Future Biennia (Projected Costs) \$0

TOTAL \$19,255,248

NEW SECTION. Sec. 744. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Whatcom Community College: Classroom/Lab Building (00-2-677)

Reappropriation:

State Building Construction Account--State \$372,634

Appropriation:

State Building Construction Account--State \$10,932,400

Prior Biennia (Expenditures) \$599,266

Future Biennia (Projected Costs) \$0

TOTAL \$11,904,300

NEW SECTION. Sec. 745. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Yakima Valley Community College: Higher Education Center (00-2-954)

Reappropriation:

State Building Construction Account--State \$4,214,248

Prior Biennia (Expenditures) \$16,285,752

Future Biennia (Projected Costs) \$0

TOTAL \$20,500,000

NEW SECTION. Sec. 746. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College: Science Building (01-2-688)

Appropriation:

Community and Technical College Capital Projects

Account--State \$2,396,409

Prior Biennia (Expenditures) \$100,000

Future Biennia (Projected Costs) \$27,407,191

TOTAL \$29,903,600

NEW SECTION. Sec. 747. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Science Building (01-2-687)

Appropriation:

State Building Construction Account--State \$2,379,000

Prior Biennia (Expenditures) \$100,000

Future Biennia (Projected Costs) \$28,929,265

TOTAL \$31,408,265

NEW SECTION. Sec. 748. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Technology Institute Partner College Computer Labs (01-2-689)

The reappropriation in this section is provided to complete construction and equip three computer science and language labs, an approximate size being 1,200 square feet, one at each of the following college districts: Highline, Olympic, and South Puget Sound, as provided in section 824, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$345,722

Prior Biennia (Expenditures) \$1,154,278

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bates Technical College: LRC/Vocational (02-2-684)

Appropriation:

State Building Construction Account--State \$1,796,206
Prior Biennia (Expenditures) \$94,346
Future Biennia (Projected Costs) \$15,168,902
TOTAL \$17,059,454

NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellevue Community College: "A" Building Renovation (02-1-320)

Reappropriation:

State Building Construction Account--State \$5,025,531
Prior Biennia (Expenditures) \$540,569
Future Biennia (Projected Costs) \$0
TOTAL \$5,566,100

NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellingham Technical College: Replacement (02-1-239)

Reappropriation:

State Building Construction Account--State \$4,307,533
Prior Biennia (Expenditures) \$50,367
Future Biennia (Projected Costs) \$0
TOTAL \$4,357,900

NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Big Bend Community College: Library Replacement (02-1-232)

Reappropriation:

Education Construction Account--State \$7,128,718
Prior Biennia (Expenditures) \$368,282
Future Biennia (Projected Costs) \$0
TOTAL \$7,497,000

NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Centralia Community College Science Building (04-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study for a science building that will address a range of alternatives, meet the needs of project enrollment in the sciences, and be sited in a location that maximizes future development of the campus.

(2) The predesign shall be consistent with the college's adopted strategic and facility master plans and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

Sec. 754. 2001 2nd sp.s. c 8 s 817 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park - Building 18 Machine Trades: New Facility (02-1-343)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State ((\$4,791,800))

\$208,492

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((\$4,791,800))

\$208,492

NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clover Park Technical College: Building 25 Machine Trades (04-1-953)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation results from a transfer of remaining funding from Clover Park Technical College: Building 18 machine trades (02-1-343).

(2) Should any shortfall occur as a result of this scope change, further appropriations as required to complete the project shall be met by the college with local funds. Completion of the project is meant to include building and site development as well as equipment and furnishings. This does not preclude the use of one-time funds provided in section 788 of this act.

Appropriation:

State Building Construction Account--State \$4,583,308
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,583,308

NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Columbia Basin College: Building "A" Renovation (02-1-333)

Reappropriation:

State Building Construction Account--State \$2,387,456

Prior Biennia (Expenditures) \$4,046,644
Future Biennia (Projected Costs) \$0
TOTAL \$6,434,100

NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Edmonds Community College: Instructional Lab Building (02-2-685)

Appropriation:

State Building Construction Account--State \$2,939,060
Prior Biennia (Expenditures) \$58,000
Future Biennia (Projected Costs) \$14,491,466
TOTAL \$17,488,526

NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Facility Repairs "A" (02-1-050)

Reappropriation:

Education Construction Account--State \$12,716,919
Prior Biennia (Expenditures) \$8,943,409
Future Biennia (Projected Costs) \$0
TOTAL \$21,660,328

NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Grays Harbor College: Library Renovation (02-1-311)

Reappropriation:

State Building Construction Account--State \$2,142,150
Prior Biennia (Expenditures) \$2,437,350
Future Biennia (Projected Costs) \$0
TOTAL \$4,579,500

NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College: International Program Replacement (02-1-222)

Reappropriation:

Community and Technical College Capital Projects
Account--State \$501,790
Prior Biennia (Expenditures) \$85,280
Future Biennia (Projected Costs) \$0
TOTAL \$587,070

NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lake Washington Technical College: Replacement (02-1-240)

Reappropriation:

State Building Construction Account--State \$6,536,746
Prior Biennia (Expenditures) \$378,554
Future Biennia (Projected Costs) \$0
TOTAL \$6,915,300

NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lower Columbia College: Physical Science Portables Replacement (02-1-226)

Reappropriation:

State Building Construction Account--State \$1,445,865

Prior Biennia (Expenditures) \$513,935
Future Biennia (Projected Costs) \$0
TOTAL \$1,959,800

NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Preservation (Emergency Funds) (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$5,912,186
Prior Biennia (Expenditures) \$6,087,814
Future Biennia (Projected Costs) \$0
TOTAL \$12,000,000

NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (02-1-130)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations in section 795(1), chapter 8, Laws of 2001 2nd sp. sess.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$7,744,801
Education Construction Account--State \$3,365,870
Subtotal Reappropriation \$11,110,671
Prior Biennia (Expenditures) \$10,156,829

Future Biennia (Projected Costs) \$0
TOTAL \$21,267,500

NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Peninsula College: Buildings D and E Renovation (02-1-310)

Reappropriation:

State Building Construction Account--State \$2,656,850
Prior Biennia (Expenditures) \$12,950
Future Biennia (Projected Costs) \$0
TOTAL \$2,669,800

NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Pierce College Fort Steilacoom: Portables Replacement (02-1-223)

Reappropriation:

State Building Construction Account--State \$2,134,848
Prior Biennia (Expenditures) \$317,252
Future Biennia (Projected Costs) \$0
TOTAL \$2,452,100

NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Roof Repairs "A" (02-1-010)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$4,370,213
Prior Biennia (Expenditures) \$3,102,864
Future Biennia (Projected Costs) \$0
TOTAL \$7,473,077

NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College: Edison Hall Renovation (02-1-315)

Reappropriation:

State Building Construction Account--State \$4,705,209
Prior Biennia (Expenditures) \$1,103,991
Future Biennia (Projected Costs) \$0
TOTAL \$5,809,200

NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College: Portables Replacement (02-1-215)

Reappropriation:

State Building Construction Account--State \$6,808,687
Prior Biennia (Expenditures) \$88,713
Future Biennia (Projected Costs) \$0
TOTAL \$6,897,400

NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Shoreline Community College: Building 800 Renovation (02-1-319)

Reappropriation:

State Building Construction Account--State \$5,858,057
Prior Biennia (Expenditures) \$163,043
Future Biennia (Projected Costs) \$0
TOTAL \$6,021,100

NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Site Repairs "A" (02-1-090)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the following conditions and limitations: \$200,000 of the reappropriation from the state building construction account--state is provided solely to South Seattle Community College for the Seattle Chinese gardens. The appropriation must be matched by \$200,000 in additional contributions toward the project from local government.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$89,000
Education Construction Account--State \$3,852,474
Subtotal Reappropriation \$3,941,474
Prior Biennia (Expenditures) \$4,601,758
Future Biennia (Projected Costs) \$0
TOTAL \$8,543,232

NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Skagit Valley College: Office Space Replacement (02-1-213)

Reappropriation:

Community and Technical College Capital Projects
Account--State \$752,777
Prior Biennia (Expenditures) \$9,912
Future Biennia (Projected Costs) \$0
TOTAL \$762,689

NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Family Education/Child Center (02-1-238)

Reappropriation:

State Building Construction Account--State \$6,718,357
Prior Biennia (Expenditures) \$413,643
Future Biennia (Projected Costs) \$0
TOTAL \$7,132,000

NEW SECTION, Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Seattle Community College: Building "A" Replacement (02-1-217)

Reappropriation:

State Building Construction Account--State \$5,190,236
Prior Biennia (Expenditures) \$287,164
Future Biennia (Projected Costs) \$0
TOTAL \$5,477,400

NEW SECTION, Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Falls Community College: Fine Arts Building Replacement (02-1-231)

Reappropriation:

Community and Technical College Capital Projects
Account--State \$672,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$672,000

NEW SECTION, Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Falls Community College: Library Renovation (02-1-331)

Reappropriation:

State Building Construction Account--State \$5,269,005
Prior Biennia (Expenditures) \$332,995
Future Biennia (Projected Costs) \$0
TOTAL \$5,602,000

NEW SECTION, Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Information Technology Vocational Center (02-2-683)

Reappropriation:

State Building Construction Account--State \$534,671

Appropriation:

State Building Construction Account--State \$14,531,900
Prior Biennia (Expenditures) \$663,429
Future Biennia (Projected Costs) \$0
TOTAL \$15,730,000

NEW SECTION, Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Portable Buildings Replacement (02-1-236)

Reappropriation:

Education Construction Account--State \$3,437,867
Prior Biennia (Expenditures) \$19,133
Future Biennia (Projected Costs) \$0
TOTAL \$3,457,000

NEW SECTION, Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$573,000
Prior Biennia (Expenditures) \$36,300
Future Biennia (Projected Costs) \$5,431,700
TOTAL \$6,041,000

NEW SECTION, Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Walla Walla Community College: Parent/Child Center Replacement (02-1-234)

Reappropriation:

Community and Technical College Capital Projects
Account--State \$222,907
Prior Biennia (Expenditures) \$168,323
Future Biennia (Projected Costs) \$0
TOTAL \$391,230

NEW SECTION, Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Wenatchee Valley College: Greenhouse Replacement (02-1-220)

Reappropriation:

Education Construction Account--State \$441,360
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$441,360

NEW SECTION, Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

2002. (1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$865,437

Education Construction Account--State \$10,209,178

Subtotal Reappropriation \$11,074,615

Prior Biennia (Expenditures) \$15,525,560

Future Biennia (Projected Costs) \$0

TOTAL \$26,600,175

NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College/University of Washington Bothell - State Route 522 Access (02-2-999)

The reappropriation in this section is subject to the following conditions and limitations: The legislature intends to appropriate funds for construction of this project in a future transportation budget.

Reappropriation:

State Building Construction Account--State \$2,390,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects

Account--State \$82,800

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$10,752,500

TOTAL \$10,835,300

NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Science Building Replacement (04-1-212)

Appropriation:

State Building Construction Account--State \$15,721,600

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$15,721,600

NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Appropriation:

State Building Construction Account--State \$2,481,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$14,357,000

TOTAL \$16,838,000

NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

Appropriation:

State Building Construction Account--State \$1,827,799

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,645,515

TOTAL \$18,473,314

NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates-Clover Park Equipment Improvements (04-2-950)

Appropriation:

Community and Technical College Capital Projects

Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: "D" Building Renovation (04-1-308)

Appropriation:

State Building Construction Account--State \$11,418,700

Community and Technical College Capital Projects

Account--State \$2,000,000

Subtotal Appropriation \$13,418,700

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,418,700

NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellevue Community College: Science and Technology (04-2-690)

The appropriation in this section is subject to the following conditions and limitations: The purpose of the appropriation is to conduct a predesign study of alternatives for a replacement building in compliance with adopted master and strategic plans and which additionally addresses projected enrollment demands, operating budget impacts, options for reduction of parking needs, and cost effective ways to meet new local environmental regulations.

Appropriation:

Community and Technical College Capital Projects
Account--State \$90,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$28,315,700
TOTAL \$28,405,700

NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Cascadia Community College: Center for Arts, Technology, Communications (04-2-693)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to conduct a predesign study of alternatives for a building to house new programs that integrate arts and languages with technology, media, and business programs.

(2) The predesign shall be consistent with the college's adopted strategic plan and colocated campus master plan and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

(3) The college shall coordinate planning efforts with the University of Washington, Bothell and address the timing of construction of the south campus access in the predesign.

(4) Any necessary modifications to the colocated campus master plan should result in an addendum to the campus master plan to be submitted for review by the office of financial management and the legislative fiscal committees.

Appropriation:

Community and Technical College Capital Projects
Account--State \$159,900
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$35,673,200
TOTAL \$35,833,100

NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College: Renovation - Applied Arts 5 (04-1-303)

Appropriation:

State Building Construction Account--State \$3,872,413
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,872,413

NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College: Stout Hall (04-1-203)

Appropriation:

State Building Construction Account--State \$4,049,889
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,049,889

NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College: East County Satellite (04-1-689)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential satellite campus.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$300,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$29,191,800
TOTAL \$29,491,800

NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Columbia Basin College: Renovation - "T" Building (04-1-307)

Appropriation:

State Building Construction Account--State \$6,058,500
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,058,500

NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)

Appropriation:

State Building Construction Account--State \$8,827,030
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$8,827,030

NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Everett Community College: Pilchuck/Glacier (04-1-205)

Appropriation:

State Building Construction Account--State \$1,311,700
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$14,633,300
TOTAL \$15,945,000

NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Everett Community College: Renovation - Monte Cristo Hall (04-1-305)

Appropriation:

State Building Construction Account--State \$7,352,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,352,000

NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 800 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$17,754,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,754,000

NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 799 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at the state board's discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$27,917,000 of the appropriation may be used for the following design studies and other eligible projects:

- (a) Pierce-Ft. Steilacoom Health Science center;
- (b) Highline childcare center (replaces portables);
- (c) Yakima classroom replacement (Anton/Glenn);
- (d) Olympic Science and Technology replacement;
- (e) South Seattle replacement portables;
- (f) Seattle Central-Broadway Edison (student services);

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$3,215,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$64,300,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$229,700,000
TOTAL \$294,000,000

NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,371,700
TOTAL \$17,635,000

NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM Everett Community
College: Undergraduate Education Center (04-2-692)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential undergraduate education center to meet the projected enrollment demands of academic transfer students.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects
Account--State \$126,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$29,601,000
TOTAL \$29,727,000

NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State \$356,193

Appropriation:

State Building Construction Account--State \$10,984,800
Prior Biennia (Expenditures) \$658,507
Future Biennia (Projected Costs) \$0
TOTAL \$11,999,500

NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Appropriation:

State Building Construction Account--State \$4,420,800
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,420,800

NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (Minor Improvements) (04-2-130)

Appropriation:

Community and Technical College Capital Projects
Account--State \$14,979,217
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$40,000,000
TOTAL \$54,979,217

NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
North Seattle Community College: Arts and Science Renovation (04-1-309)

Appropriation:

State Building Construction Account--State \$6,785,700
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,785,700

NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Olympic College: Science and Technology Building Replacement (04-1-202)

The appropriation in this section is subject to the following conditions and limitations: Additional support for this project is provided by the appropriation in section 800 of this act.

Appropriation:

State Building Construction Account--State \$10,998,000
Community and Technical College Capital Projects
Account--State \$3,000,000
Subtotal Appropriation \$13,998,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,998,000

NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Redmond Land Acquisition (04-2-403)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to purchase property for expansion, storm water retention and parking requirements.

(2) State funds must be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects

Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION. Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Community Arts/Allied Health (04-1-691)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential building to accommodate increased capacity in professional and technical programs.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects

Account--State \$150,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,797,400

TOTAL \$24,947,400

NEW SECTION. Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College-Ft. Steilacoom: Science and Technology (04-1-694)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects

Account--State \$190,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$29,060,400

TOTAL \$29,250,400

NEW SECTION. Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: NWCET Expansion (04-2-402)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to build an additional 4,000 square feet of open lab space to accommodate new and expanding information technology and media programs.

(2) State funds will be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects

Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION. Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Childcare Center (04-2-401)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to construct a 10,000 square foot childcare center as identified in the college's master plan.

(2) State funds must be matched with nonstate resources in the amount of \$2,250,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects

Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION. Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Community Resource Center (04-2-406)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to construct a 4,800 square foot facility housing instructional space for the college as well as other space used in a collaborative manner by the school districts and economic development council as a community resource center.

(2) State funds will be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects

Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College: Portable Replacement (04-1-215)

Appropriation:

State Building Construction Account--State \$419,300

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$2,630,300

TOTAL \$3,049,600

NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs "A" (04-1-010)

Appropriation:

State Building Construction Account--State \$7,265,677

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,000,000

TOTAL \$27,265,677

NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the design and construction of, and equipment for, an information technology program. The space for the program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C-100 category.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,976,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,976,200

NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs "A" (04-1-090)

Appropriation:

State Building Construction Account--State \$5,305,624

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,000,000

TOTAL \$25,305,624

NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Science Building Replacement (04-1-209)

The appropriation in this section is subject to the following conditions and limitations:

(1) The college shall complete a predesign for a science building that will address a range of alternatives, meet the needs of projected enrollment in the sciences, and be sited in a location that maximizes future development of the campus.

(2) The appropriation shall be used to complete predesign, amend master plan documents, and complete infrastructure planning so that the proposed project is consistent with the college's strategic plan and facilities master plan.

Appropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$300,000

NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Instructional Technology Center (04-2-681)

Reappropriation:

State Building Construction Account--State \$713,759

Appropriation:

State Building Construction Account--State \$17,236,600

Prior Biennia (Expenditures) \$910,641

Future Biennia (Projected Costs) \$0

TOTAL \$18,861,000

NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Seattle Community College: Renovation - Pastry Vocational Program (04-1-314)

Appropriation:

Community and Technical College Capital Projects

Account--State \$2,613,100

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,613,100

NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the design and construction of, and equipment for, an extensive renovation of an instructional building and its systems.

(2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C-100 category.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,988,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,988,000

NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Replacement - Portable Buildings (04-1-206)

Appropriation:

State Building Construction Account--State \$2,622,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,622,000

NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Walla Walla Community College: Health Science Facility (04-1-211)

Appropriation:

Community and Technical College Capital Projects

Account--State \$7,261,400

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,261,400

NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Puget Sound Community College: Science Complex (04-2-695)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to conduct a predesign study of alternatives for additional natural science laboratory and classroom space in compliance with adopted master and strategic plans.

(2) The predesign shall additionally address projected enrollment demands, operating budget impacts, options for reduction of parking needs and cost-effective ways to meet local environmental regulations.

Appropriation:

Community and Technical College Capital Projects

Account--State \$93,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$26,040,326

TOTAL \$26,133,526

NEW SECTION. Sec. 825. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Yakima Valley Community College: Renovation - Sundquist Annex (04-1-302)

Appropriation:

State Building Construction Account--State \$3,852,700

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,852,700

NEW SECTION. Sec. 826. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

PART 6
MISCELLANEOUS

NEW SECTION. Sec. 901. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$18,827,417 during the 2003-2005 fiscal period; \$111,194,423 during the 2005-2007 fiscal period; \$155,435,444 during the 2007-2009 fiscal period; \$155,435,444 during the 2009-2011 fiscal period; and \$155,435,444 during the 2011-2013 period.

NEW SECTION. Sec. 902. Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

NEW SECTION. Sec. 903. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign and other documents, and approved an allotment for the project that includes specific authorization to enter into a contract to expend or encumber funds. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 904. Appropriations in this act for design and construction of facilities on higher education campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

NEW SECTION. Sec. 905. To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management. Minor works appropriations shall not be used for studies unless expressly authorized elsewhere in this act. The office of financial management shall forward copies of these project lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

NEW SECTION. Sec. 906. (1) The legislature expects projects to be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(4) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 2005: (a) A listing of reappropriations in the governor's 2005-2007 capital budget recommendation that will be reappropriated more than once and have ten percent or more of the original appropriation unexpended; and (b) an explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 907. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds

of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.

(f) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.

(g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately twenty-five acres of land for a permanent Hawks Prairie campus.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

NEW SECTION. Sec. 908. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2003-2005 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art.

NEW SECTION. Sec. 909. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2005-07 biennium and the following four biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

NEW SECTION. Sec. 910. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2003, from the 2001-2003 biennial appropriations for each project.

NEW SECTION. Sec. 911. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 912. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 913. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 914. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 915. (1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 916. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account to the state taxable building construction account is necessary.

NEW SECTION. Sec. 917. The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

Sec. 918. RCW 43.135.045 and 2002 c 33 s 2 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter. However, during the 2001-2003 biennium, the legislature may transfer moneys from the emergency reserve fund to the general fund only with approval of a majority of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2003, and ending June 30, 2005, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

Sec. 919. RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the

national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2003, and ending June 30, 2005, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

Sec. 920. RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. During the fiscal year ending June 30, 2004, a portion of these funds may be appropriated to the department of natural resources to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, for the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses, and for other activities identified in this section. The funds under this subsection shall be expended in accordance with the following limitations, except that during the fiscal year ending June 30, 2004, funds appropriated to the committee from motor vehicle fuel tax revenues for the activities in (d)(ii) and (iii) of this subsection shall be reduced by the amounts appropriated to the department of natural resources and the state parks and recreation commission as provided in this subsection:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 921. RCW 43.88.032 and 1997 c 96 s 5 are each amended to read as follows:

(1) Normal maintenance costs, except for funds appropriated for facility preservation of state institutions of higher education, shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the budget document.

NEW SECTION. Sec. 922. The University of Washington shall develop a ten year program for the eventual relocation of the residents of the floating homes located at 1409 NE Boat street. After meeting and negotiating with the affected residents, the University of Washington shall develop a report to the legislature. The report, giving the various options for achieving relocation, shall be submitted no later than January 15, 2004, to the senate ways and means committee and the house of representatives capital budget committee. Relocation may include the purchase and rental back of existing homes through reverse declining purchase agreements, the physical relocation of the floating homes to other locations, the creation of a buy-back fund, the relocation of residents in concert with the purchase of the existing residences, or other creative real estate transactions that achieve the relocation of the existing residents or floating homes.

NEW SECTION. Sec. 923. (1) The joint legislative audit and review committee shall conduct a performance audit of state capital planning, design, and construction processes. In conducting this study, the committee shall select a sample of major capital projects from the 1995-97 through the 2003-05 biennia in higher education, corrections, social and health services, and other state agencies. Capital projects selected for this sample shall accommodate regional differences within the state. The committee shall consider the following topics in conducting this performance audit:

(a) Agency development, evaluation, and justification of the cost drivers and cost elements associated with each of the major phases of a capital project: General or master planning, predesign, design, construction, and postconstruction review;

(b) Evaluation of the management and fiscal controls surrounding agency capital project decision making and implementation processes, such as policy goals, planning procedures, budget limits, cost and performance standards, criteria for selecting project priorities, written instructions, review processes, as well as management, oversight, reporting, and accountability systems;

(c) Processes and standards for cost-effective and efficient design and construction contracting, management, oversight, and review;

(d) Assignment of agency staff and administrative costs to major capital construction projects and the relationship of such agency costs to project delivery;

(e) Extent of the practice of including equipment as part of the basic capital project costs, and how equipment costs are estimated and evaluated for inclusion in projects; and

(f) Comparison of costs to public and private sector benchmarks, when available and where appropriate, in establishing cost parameters for state capital construction projects.

(2) To the extent resources permit, the audit shall include a review of public works projects utilizing the general contractor/construction manager procedure. This may include: An inventory of the state agencies and local jurisdictions that have used the general contractor/construction manager procedure, including the number, size, type, and cost of public works projects built or being built using the procedure; an examination of the ways the general contractor/construction manager procedure may affect public benefits and costs associated with public works projects; and, if feasible, based on a sample of public works projects built after June 9, 1994, an analysis of the costs and benefits of using the general contractor/construction manager procedure as opposed to other public works contracting procedures.

(3) State agencies, including state public higher education institutions, shall provide any requested information concerning the planning, selection, design, contracting, implementation, management, costs, performance, and outcomes of projects to the joint legislative audit and review committee in a timely manner, including relevant proprietary information that may be associated with individual firms. However, any proprietary information provided to the committee for this performance audit shall be deemed confidential and shall not be subject to public disclosure.

(4) In conducting this performance audit, the committee shall work closely with the appropriate legislative fiscal committees and shall consult with the office of financial management, the department of general administration, the department of corrections, the department of social and health services, the higher education coordinating board, the state board for community and technical colleges, individual higher education institutions, and other agencies as appropriate. The committee may contract for consulting services in conducting this performance audit. In its final report, the committee shall make recommendations as appropriate. The committee shall provide a progress report to the appropriate legislative committees by January 9, 2004, and a final report by January 8, 2005.

NEW SECTION. Sec. 924. The joint legislative audit and review committee, in collaboration with the legislative evaluation and accountability program, shall accomplish the following higher education comparable framework tasks and projects during the 2003-05 biennium:

(1) Fill in comparable framework gaps related to infrastructure.

(a) Develop inventory and condition protocols/standards;

(b) Develop infrastructure cost factors;

(c) Facilitate institution data collection and reporting;

(d) Field-verify data on a sample basis;

(e) Develop translation protocols;

(f) Translate data and populate comparable framework.

(2) Explore the feasibility of including dates of renewal and replacement of major building systems in the comparable framework.

(a) Develop protocols/standards;

(b) Facilitate institution data collection and reporting;

(c) Field-verify data on a sample basis;

(d) Develop translation protocols;

(e) Translate data and populate comparable framework.

(3) Explore how the comparable framework could be expanded to facility modernization.

(a) Analyze the feasibility of and approaches to quantifying modernization backlogs across institutions;

(b) Describe current modernization rating processes used by individual institutions including how they fit into master plans, program delivery choices, and other manifestations related to the development of requests for capital support from the state;

(c) Explore models used in other government sectors;

(d) Assess benefits and costs of potential approaches.

(4) Explore how to integrate the comparable framework with governmental accounting standards for accountability related to the efficiency and effectiveness of managing public assets.

(5) Revise and update the comparable framework data base.

(a) Modify and/or develop, as needed, tables, queries, and reports;

(b) Develop reporting capabilities to share data with other legislative agencies, the office of financial management, the higher education coordinating board, the state board for community and technical colleges, and state institutions of higher education.

In executing these tasks, the joint legislative audit and review committee shall seek technical advice and input from stakeholder groups including but not limited to the office of financial management, the higher education coordinating board, the state board for community and technical colleges, and the council of presidents.

As a general condition upon appropriations provided to higher education institutions in part five of this act, higher education institutions, the higher education coordinating board, the office of financial management, and the state board for community and technical colleges shall provide any requested information to the joint legislative audit and review committee in a timely manner to enable its completion of the above tasks and projects so assigned.

NEW SECTION. Sec. 925. (1) In concert with a commitment to increase higher education funding levels significantly above historic levels in this biennium and the following two biennia for primarily access-related projects, the legislature is directing a substantial share of state capital resources to reduce the backlog in facility preservation, focusing on the worst and most critical facilities first. The first commitment is dependent on the latter. To that end and through this act, the legislature begins to address findings and recommendations from the higher education preservation study by the joint legislative audit and review committee, report 03-1, by taking the following actions:

(a) The 2003 legislature affirms that proactive and ongoing facility maintenance, properly supported, can prevent and mitigate preservation backlogs and maximize the useful life of physical assets supported by, used by, and beneficial to state taxpayers. As a step toward that end, the legislature appropriates in this act a portion of the facilities operating and maintenance costs for building maintenance traditionally appropriated in the omnibus operating budget. This is done in "preventative facility maintenance and building system repairs" sections for each four-year institution and the community and technical college system.

(b) The 2003 legislature affirms the importance of reducing the significant higher education preservation backlog, of instilling a greater sense of stewardship regarding these important state assets, and of preventing the current backlog from reoccurring. The legislature recognizes that the preservation backlog took many years to develop and will take several years to address. The legislature intends that each higher education institution and the community and technical college system stabilize and improve the average facility condition index as compared to levels reported by the higher education preservation study in January 2003.

(c) The 2003 legislature affirms the importance of continuing to address these preservation issues, including developing a comparable framework. Section 924 of this act (JLARC work) is intended to build a foundation for capital budget policy and funding deliberations in the 2005-07 biennium, and beyond.

(2) The emphasis on higher education facility preservation described in subsections (1)(a) and (b) of this section provide extra resources for projects that traditionally fall into minor works categories for "preservation" and "health/safety/code requirements" but not to the exclusion of providing state capital funds for minor works "program" and "infrastructure preservation" projects, separately appropriated. The legislature intends to review infrastructure needs for college and university campuses comprehensively, with the assistance of the joint legislative audit and review committee, the office of financial management, and stakeholder institutions and boards during the interim leading up to the 2005-07 biennium. Until comprehensive, comparable data is collected to inform deliberations, higher education institutions may find it necessary to use local, nonappropriated resources to augment 2003-05 biennial funds given the legislature's intent and focus in this act on the deferred renewal needs of aging college facilities. Nonappropriated resources should be used to help meet preservation needs in the spirit of recommendation 3 from the joint legislative audit and review committee's report 03-1.

(3) For projects that address significant preservation needs through major renovations or replacement facilities and that also enhance access by maintaining or improving the usefulness of existing space for important programs, the Gardner-Evans initiative may be appropriate to help fund these projects.

(4) For the purposes of this section and sections that specifically refer to this section by number, the following definitions apply unless the context clearly requires otherwise:

(a) "Auxiliary programs" in the context of higher education means those that are secondary to the missions of state institutions and, being enterprise in character, draw supporting revenue from user fees and charges. Examples include housing and dining; food services; vehicular parking; infirmaries; hospitals; recreation and student-activity centers; campus stores retailing textbooks, supplies, clothing, and objects bearing institutional logos or emblems; and media reproduction centers, among others.

(b) "Average facility condition index" means the index developed in the joint legislative audit and review committee's report number 03-1.

(c) "Comparable framework" means methods and systems to collect, crosswalk, calibrate, verify on a sample basis, and assemble facilities information produced and maintained by institutions of higher education and other state agencies into a data framework that can be used to understand and budget for state and mixed facilities.

(d) "Educational and general programs" in the context of higher education means those that support the primary missions of state institutions: Student instruction, faculty research, and educational public service.

(e) "Facility rating" is a score that reflects an individual building's ability to support its current use as measured against one out of five condition classes as follows:

(i) "One" or "superior" means a building with major systems that are in extremely good condition and functioning well;

(ii) "Two" or "adequate" means a building with major systems in good condition, functioning adequately, and within their expected life cycles;

(iii) "Three" or "fair" means a building with some older major systems that, though still functional, are approaching the end of their expected life cycles;

(iv) "Four" or "limited functionality" means a building with some major systems that are in poor condition, exceed expected life cycles, and require immediate attention to prevent or mitigate impacts on function;

(v) "Five" or "marginal functionality" means a building with some major systems that are failing and significantly restrict continued use of the building.

(f) "Gardner-Evans initiative" means the bonds authorized in chapter . . . (Substitute Senate Bill No. 5908), Laws of 2003.

(g) "Major building system" refers to foundations, building structure, roofs, interior construction and finishes, heating, ventilation, and air conditioning systems, electrical systems, plumbing, and other components necessary for safe and normal plant operation.

(h) "Mixed facilities" in the context of higher education means a state-owned building structure where education and general and auxiliary programs are jointly housed, and includes infrastructure necessary for safe and normal operations by its occupants.

(i) "Preservation" means routine and preventive inspection, mechanical adjustments, and minor work to replace or repair systems, surfaces, or materials undertaken to maintain a building and its existing, internal infrastructure for current use by current occupants.

(j) "State facilities" in the context of higher education means a state-owned building structure exclusively housing educational and general programs, and includes infrastructure necessary for safe and normal operation by its occupants.

(k) "Stewardship" means the collective action undertaken with appropriated and nonappropriated funds by institutional authorities to keep facilities in safe and functional condition for occupants, without deterioration for lack of attention or resources, that optimize the useful life of installed building systems and material construction, given advancing age.

Sec. 926. RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Proprietary information deemed confidential for the purposes of section 923 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 927. Sections 918 through 921, 926, and 929 of this act expire June 30, 2005.

NEW SECTION. Sec. 928. A new section is added to chapter 43.63A RCW to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of community, trade, and economic development shall establish a competitive process to prioritize applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection (4) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department of community, trade, and economic development shall evaluate and rank applications in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section using objective criteria developed by the department in conjunction with the airport impact mitigation advisory board. At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of the department of community, trade, and economic development shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

(3) The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.

(4) The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal Way, and the unincorporated portion of west King county.

(5) The department of community, trade, and economic development shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

Sec. 929. RCW 79A.05.630 and 2000 c 11 s 50 are each amended to read as follows:

(1) Lands within the Seashore Conservation Area shall not be sold, leased, or otherwise disposed of, except as ~~((herein))~~ provided in this section. The commission may, under authority granted in RCW 79A.05.175 and 79A.05.180, exchange state park lands in the Seashore Conservation Area for lands of equal value to be managed by the commission consistent with this chapter. Only state park lands lying east of the Seashore Conservation Line, as it is located at the time of exchange, may be so exchanged. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas(~~(- PROVIDED, That))~~). However, oil drilling rigs and equipment will not be placed on the Seashore Conservation Area or state-owned accreted lands.

(2) Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the commission to be reasonable, and not generally harmful or destructive to the character of the land(~~(- PROVIDED, That))~~). However, the commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Seashore Conservation Area if found by the commission to be reasonable and not generally harmful or destructive to the character of the land(~~(- PROVIDED FURTHER, That))~~). The net income from such leases shall be deposited in the state parks renewal and stewardship account.

(3) For the 2003-05 fiscal biennium, at the request of the city of Long Beach, the state parks and recreation commission shall convey to the city of Long Beach all commission-owned lands lying between 5th street southwest and 4th street northwest, and lying between 8th street northwest and 14th street northwest, all lying between the 1889 ordinary high tide line (also known as the western boundary of upland ownership) and the line of ordinary high tide of the Pacific ocean, and all lying within sections 8 and 17, township 10 north, range 11, west, W.M., Pacific county, Washington. The city of Long Beach must maintain these lands for city park purposes, including open space, parks, interpretive centers, or museums. The title, and any other documents necessary for the transfer of these lands, will include covenants ensuring that the city of Long Beach will maintain all conveyed land as a city park and that if the city of Long Beach breaches these covenants, ownership of all park lands conveyed under this subsection reverts to the state parks and recreation commission.

NEW SECTION. Sec. 930. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 931. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 919 of this act which takes effect June 30, 2003.

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045, 46.09.170, 43.88.032, and 79A.05.630; amending 2001 2nd sp.s. c 8 ss 209 and 817 (uncodified); amending 2003 c 360 (ESHB 1163) ss 306, 307, and 309 (uncodified); reenacting and amending RCW 43.135.045 and 42.17.310; adding a new section to chapter 43.63A RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Zarelli, Honeyford, Poulsen: Representatives Dunshee, Hunt, Alexander

MOTION

Senator Zarelli moved that the Report of the Conference Committee on Substitute Senate Bill No. 5401 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Horn: "Senator Zarelli, is the appropriation provided for in section 509 made to the Port of Everett for a rail barge facility intended to be a grant or a loan?"

Senator Zarelli: "Senator Horn, the appropriation is intended to be a grant."

Senator Horn: "Is it expected that the Port will charge a lease rate to cover the capital costs of the facility?"

Senator Zarelli: "Senator Horn, because this is a grant and the capital costs of the facility will be paid for by the state, it is not expected that the Port will charge a lease rate that includes a payback of the capital grant to either the state or to allow the Port to benefit twice from this grant."

The President declared the question before the Senate to be the motion by Senator Zarelli to adopt the Report of the Conference Committee on Substitute Senate Bill No. 5401.

The motion by Senator Zarelli carried and the Report of the Conference Committee on Substitute Senate Bill No. 5401 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate No. 5401, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401, as recommended by the Conference Committee, and the bill passed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Deccio and West - 2.

SUBSTITUTE SENATE BILL NO. 5401, as recommended by the Conference Committee, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 2242, deferred after the rules were suspended and the bill was placed on second reading.

SECOND READING

HOUSE BILL NO. 2242, by Representative Dunshee

Concerning the definition of general state revenues.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, House Bill No. 2242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2242, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2242, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Mulliken, Parlette and Stevens - 3.

Excused: Senators Deccio and West - 2.

HOUSE BILL NO. 2242, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5908, by Senate Committee on Ways and Means (originally sponsored by Senators Zarelli, Rossi, Carlson, Kohl-Welles, Fairley, B. Sheldon, Keiser, McAuliffe, West and Winsley)

Enacting the building Washington's future act.

MOTION

On motion of Senator Zarelli, the rules were suspended and Substitute Senate Bill No. 5908 was returned to second reading and read the second time.

MOTION

Senator Zarelli moved that the following striking amendment by Senators Zarelli and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. SHORT TITLE. This act shall be known as the building Washington's future act.

NEW SECTION. Sec. 2. INTENT. The state's institutions of higher education are a vital component of the future economic prosperity of our state. In order to ensure that Washington continues to be able to provide a highly qualified work force that can attract businesses and support the economic vitality of the state, it is the intent of this bond act to provide new money for capital projects to help fulfill higher education needs across the state.

This new source of funding for the critical capital needs of the state's institutions of higher education furthers the mission of higher education and is intended to enhance the abilities of those institutions, over the next six years, to fulfill their critical roles in maintaining and stimulating the state's economy.

It is the intent of the legislature that this new source of funding not displace funding levels for the capital and operating budgets of the institutions of higher education. It is instead intended that the new funding will allow the institutions, over the next three biennia, to use the current level of capital funding to provide for many of those urgent preservation, replacement, and maintenance needs that have been deferred. This approach is designed to maintain or improve the current infrastructure of our institutions of higher education, and simultaneously to provide new instruction and research capacity to serve the increasing number of traditional college-aged students and those adults returning to college to update skills or retrain so that they can meet the demands of Washington's changing work force. This new source of funding may also be used for major preservation projects that renovate, replace, or modernize facilities to enhance capacity/access by maintaining or improving the usefulness of existing space for important instruction and research programs.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the state issued under this chapter.

(2) "Institutions of higher education" means the University of Washington and Washington State University, Western Washington University at Bellingham, Central Washington University at Ellensburg, Eastern Washington University at Cheney, The Evergreen State College, and the community colleges and technical colleges as defined by RCW 28B.50.030.

(3) "Washington's future bonds" means all or any portion of the general obligation bonds authorized in section 4 of this act.

NEW SECTION. Sec. 4. WASHINGTON'S FUTURE BONDS AUTHORIZED. (1) For the purpose of providing needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvement of state buildings and facilities for the institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seven hundred seventy-two million five hundred thousand dollars, or so much thereof as may be required, to finance all or a part of the cost of these projects and all costs incidental thereto. The bonds issued under the authority of this section shall be known as Washington's future bonds.

(2) Bonds authorized in this section shall be sold in the manner, at the time or times, in amounts, and at such prices as the state finance committee shall determine.

(3) No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 5. **BOND ISSUANCE--INTENT.** It is the intent of the legislature that the proceeds of new bonds authorized in this chapter will be appropriated in phases over three biennia, beginning with the 2003-2005 biennium, to provide additional funding for capital projects and facilities of the institutions of higher education above historical levels of funding.

This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after three biennia, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued.

NEW SECTION. Sec. 6. **TERMS AND COVENANTS.** (1) The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds provided for in this chapter, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

(2) Bonds issued under this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

NEW SECTION. Sec. 7. **PROCEEDS.** (1) The proceeds from the sale of the bonds authorized in section 4 of this act shall be deposited in the Gardner-Evans higher education construction account created in section 13 of this act.

(2) The proceeds shall be used exclusively for the purposes in section 4 of this act and for the payment of the expenses incurred in connection with the sale and issuance of the bonds.

NEW SECTION. Sec. 8. The legislature intends to use the proceeds from the sale of bonds issued under this chapter for the following projects during the 2005-07 and 2007-09 biennia:

(1) For the University of Washington:

- (a) Life sciences I building;
- (b) Bothell branch campus phase 2B;

(2) For Washington State University:

- (a) Spokane Riverpoint campus - academic center building;
- (b) Pullman campus - Holland Library renovation;
- (c) Pullman campus - biotechnology/life sciences 1;
- (d) TriCities campus - bioproducts and sciences building; and
- (e) Intercollegiate College of Nursing, Spokane - nursing building at Riverpoint;

(3) For Eastern Washington University: Hargreaves Hall;

(4) For Central Washington University: Hogue technology;

(5) For The Evergreen State College:

- (a) Daniel J. Evans building;
- (b) Communications building and theater expansion;

(6) For Western Washington University:

- (a) Academic instructional center;
- (b) Parks Hall;

(c) Performing Arts Center renovation;

(7) For the community and technical college system:

- (a) Green River Community College science building;
- (b) Walla Walla Community College basic skills/computer lab;
- (c) Pierce College Puyallup, communication arts and allied health; or

(8) For other projects that maintain or increase access to institutions of higher education.

NEW SECTION. Sec. 9. **PAYMENT PROCEDURES.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in this chapter.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in this chapter.

(3) On each date on which any interest or principal and interest payment is due on bonds issued under this chapter, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 10. BONDS--LEGAL INVESTMENT FOR PUBLIC FUNDS.

The bonds authorized by this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 11. ADDITIONAL METHODS OF PAYING DEBT SERVICE AUTHORIZED. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized under this chapter, and section 9 of this act shall not be deemed to provide an exclusive method for payment.

NEW SECTION. Sec. 12. CHAPTER SUPPLEMENTAL. This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and is supplemental and additional to powers conferred by other laws. The issuance of bonds under this chapter shall not be deemed to be the only method to fund projects under this chapter.

NEW SECTION. Sec. 13. CREATION OF THE GARDNER-EVANS HIGHER EDUCATION CONSTRUCTION ACCOUNT. The Gardner-Evans higher education construction account is created in the state treasury. Proceeds from the bonds issued under section 4 of this act shall be deposited in the account. The account shall be used for purposes of section 4 of this act. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 14. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act constitute a new chapter in Title 28B RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Zarelli and Poulsen to Substitute Senate Bill No. 5908, on suspension of the rules. The motion by Senator Zarelli carried and the striking amendment was adopted.

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

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "and adding a new chapter to Title 28B RCW."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 5908, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5908, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5908, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Mulliken and Stevens - 2.

Excused: Senators Deccio, McCaslin and West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5908, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

June 5, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1013 and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288 and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1013 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan)

Requiring a performance audit of the utilities and transportation commission.

HOLD.

ESHB 1288 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Alexander) (by request of Office of Financial Management)

Issuing general obligation bonds.

MOTION

On motion of Senator Sheahan, Substitute House Bill No. 1013 was held at the desk.

MOTION

On motion of Senator Sheahan, the rules were suspended and Engrossed Substitute House Bill No. 1288 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Alexander (by request of Office of Financial Management))

Issuing general obligation bonds.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 1288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1288, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1288, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, McCaslin and West - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288, under suspension of the rules, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:51 p.m., on motion of Senator Sheahan, the Senate adjourned until 9:00 a.m., Friday, June 6, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FIRST SPECIAL SESSION, JUNE 5, 2003

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

TWENTY-SIXTH DAY, FIRST SPECIAL SESSION

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MORNING SESSION
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Senate Chamber, Olympia, Friday, June 6, 2003

The Senate was called to order at 9:00 a.m. by President Owen. No roll call was taken.

MOTION

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

BILLS FROM COMMITTEE ON RULES

The Committee on Rules was relieved of the following bills and the bills were placed on the calendar: (Rules Meeting)

SB 5982 f Liquor control board

2SSB 5364 f Community revitalization fin

ESSB 5659 a f Local government funding

MESSAGES FROM THE HOUSE

June 5, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5463, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6088, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5401.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5463.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6088.

INTRODUCTION AND FIRST READING

SB 6093 by Senators Kohl-Welles, Sheahan, Hale, Brown, T. Sheldon, Spanel, Rossi, Zarelli, Benton, B. Sheldon and Shin

AN ACT Relating to funding and expenditures for official legislative association conferences; amending RCW 42.52.150; and adding a new section to chapter 42.52 RCW.

SB 6094 by Senators Carlson and Jacobsen

AN ACT Relating to school district levy base calculations; amending RCW 84.52.0531 and 84.52.0531; and providing effective dates.

SB 6095 by Senator Johnson

AN ACT Relating to school district levies; and amending RCW 84.52.0531 and 28A.500.030.

MOTION

On motion of Senator Sheahan, Senate Bill No. 6093, Senate Bill No. 6094 and Senate Bill No. 6095 were held at

MOTION

At 9:03 a.m., on motion of Senator Sheahan, the Senate adjourned until 9:00 a.m., Monday, June 9, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FIRST SPECIAL SESSION, JUNE 6, 2003

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TWENTY-NINTH DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Monday, June 9, 2003
The Senate was called to order at 9:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MESSAGE FROM STATE AGENCY

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

June 3, 2003

The Honorable Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

Enclosed is the department's Report to the Legislature entitled "Number of Truancy, Children in Need of Services, and At-Risk Youth Petitions." It is mandated under RCW 13.40.540.

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Kathleen McBride at (360) 902-8092 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Number of Truancy, Children in Need of Services, and At-Risk Petitions" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

June 5, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 6, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2266, and passed the bill, as amended by the Senate.

CYNTHIA ZEHNDER, Chief Clerk

June 6, 2003

MR. PRESIDENT:

The Speaker has signed:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288,
HOUSE BILL NO. 2242,
ENGROSSED HOUSE BILL NO. 2269,
HOUSE BILL NO. 2285, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

June 6, 2003

MR. PRESIDENT:

The Speaker has signed:

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5401,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5404,
ENGROSSED SENATE BILL NO. 5463,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,
SENATE BILL NO. 6088, and the same are herewith transmitted.**

CYNTHIA ZEHNDER Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288,
HOUSE BILL NO. 2242,
ENGROSSED HOUSE BILL NO. 2269,
HOUSE BILL NO. 2285.**

INTRODUCTION AND FIRST READING

SB 6096 by Senator Roach

AN ACT Relating to performance audits conducted by the state auditor; creating a new section; and making an appropriation.

Referred to Committee on Government Operations and Elections.

SB 6097 by Senator Honeyford

AN ACT Relating to revising the unemployment compensation system through creating forty rate classes for determining employer contribution rates; amending RCW 50.01.010, 50.04.030, 50.20.010, 50.20.050, 50.04.293, 50.20.060, 50.20.065, 50.20.240, 50.20.120, 50.29.025, 50.04.355, 50.29.026, 50.29.062, 50.29.070, 50.12.220, 50.16.010, 50.16.015, 50.24.014, 50.20.190, 50.04.206, 50.20.080, 50.20.140, 50.20.043, 50.20.160, 50.32.040, 50.20.100, and 28B.50.030; reenacting and amending RCW 50.29.020; adding a new section to chapter 50.04 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 50.29 RCW; creating new sections; repealing RCW 50.20.015, 50.20.045, 50.20.125, and 50.29.045; providing expiration dates; and declaring an emergency.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1989 by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller (by request of Governor Locke)

Changing the learning assistance program. Revised for 1st Substitute: Learning assistance program

HOLD.

2ESHB 2195 by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)

Learning assistance program

HOLD.

MOTION

On motion of Senator Fraser, Senate Bill No. 6097, Second Engrossed Substitute House Bill No. 1989 and Second Engrossed House Bill No. 2195 were held at the desk.

MOTION

At 9:08 a.m., on motion of Senator Fraser, the Senate was declared to be at ease.

The Senate was called to order at 7:20 p.m. by President Owen.

MOTION

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

MESSAGES FROM THE HOUSE

June 6, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6059, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 9, 2003

MR. PRESIDENT:

The House has passed:

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5908,
SENATE BILL NO. 6087,
SENATE BILL NO. 6092, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6059.

SIGNED BY THE PRESIDENT

The President signed:
**ENGROSSED SUBSTITUTE SENATE BILL NO. 5908,
SENATE BILL NO. 6087,
SENATE BILL NO. 6092.**

MOTION

At 7:21 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Tuesday, June 10, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate
JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FIRST SPECIAL SESSION, JUNE 9, 2003

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TWENTY-FIFTH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Thursday, June 5, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio and West. On motion of Senator Schmidt, Senator West was excused.

The Sergeant at Arms Color Guard, consisting of Juliette Schindler and Brad Hendrickson, presented the Colors. Senator Don Carlson offered the prayer.

MOTION

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

RULES COMMITTEE

The Committee on Rules was relieved of Substitute Senate Bill No. 5028 and the bill was placed on the third reading calendar.

INTRODUCTION AND FIRST READING

SB 6091 by Senator Esser

AN ACT Relating to assuring that the rights of way of state highways accommodate the deployment of personal wireless service facilities; amending RCW 47.52.001; and adding a new section to chapter 47.04 RCW.
SB 6092 by Senators Zarelli, Rossi, Johnson, McAuliffe and Roach

AN ACT Relating to including a classified employee on the Washington professional educator standards board; and amending RCW 28A.410.200.

MOTION

On motion of Senator Sheahan, Senate Bill No. 6091 and Senate Bill No. 6092 were held at the desk.

MOTION

At 10:07 a.m., on motion of Senator the Senate was declared to be at ease.

The Senate was called to order at 11:22 a.m. by President Owen.

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

MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

THIRD READING

SENATE BILL NO. 5463, by Senators Roach, Kastama, Stevens, McCaslin, Oke, Horn, Fairley, Kohl-Welles, Schmidt, Winsley and Shin (by request of Secretary of State Reed)

Authorizing a pilot project for military and overseas voters to vote over the Internet.

MOTION

On motion of Senator Roach, the rules were suspended, Senate Bill No. 5463 was returned to second reading and read the second time.

MOTION

Senator Roach moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Notwithstanding any provisions of Title 29 RCW, between the effective date of this act and December 31, 2004, the counties of Thurston, Pierce, Kitsap, Spokane, Snohomish, Island, and Cowlitz may participate in the pilot project Secure Electronic Registration and Voting Experiment (SERVE) authorized in the National Defense Authorization Act (P.L. 107-107). Participation of the counties must be approved by the secretary of state and implementation must be in compliance with standards and regulations established by the federal voting assistance program of the United States Department of Defense. Between the effective date of this act and December 31, 2004, participating counties must use the SERVE pilot project for all elections for which the SERVE voting system is available for use.

The SERVE pilot project must allow registered overseas voters, as defined in RCW 29.01.117, and registered service voters, as defined in RCW 29.01.155, to cast their votes electronically, including over the Internet and the World Wide Web. Except for the provisions of RCW 29.36.290 regarding the method for transmitting absentee voting materials and of RCW 29.36.310 regarding the method for processing absentee ballots, votes must be cast and counted in conformity with Title 29 RCW. The SERVE voting system is exempt from the requirements of RCW 29.33.300(6) and 29.33.320(6). Election officials must rely upon the procedures established by the United States Department of Defense for the security, secrecy, and validation of votes cast electronically, but the secretary of state is responsible for verifying the accuracy, secrecy, independence, and security of cast ballots. Votes transmitted over an electronic medium, such as the Internet or the World Wide Web, to the election authority under Title 29 RCW are subject to recount and election contest requirements, but not on the grounds that the vote is invalid or suspect because it was cast electronically. The tabulation of SERVE pilot project votes is subject to the tabulation and observer requirements of RCW 29.54.025. The secretary of state must make certain and confirm that a dependable and accurate ballot tracking procedure is in place for purposes of a statutory recount, as defined in chapter 29.64 RCW.

The secretary of state and participating counties must make every effort, including media press releases, web site information, and standard mail, to inform registered overseas and service voters of the SERVE pilot project. While county election officials and the secretary of state must inform qualified voters of the SERVE pilot project, communication with participating voters must be similar in nature to communication with voters not participating in the SERVE pilot project. The e-mail addresses of all participating voters must be made available for political purposes, as required by RCW 29.04.095 through 29.04.120.

The secretary of state must collect and publish data on the number of overseas and service voters who requested to participate in the pilot project, the number of overseas and service voters who participated in the pilot project, the number of ballots received electronically, the number of ballots rejected, and the reasons ballots were rejected. The information must be collected from the participating counties and from designated participating voters. By January 31, 2005, the secretary of state must compile and present a report on the results of the pilot project to the state government committee of the house of representatives and the government operations and elections committee of the senate. In addition to the data collected from participating counties and voters, the secretary of state must provide a complete description of the funding and costs of the SERVE pilot project, including the cost per vote and detailed information on state and county staffing expenditures.

The secretary of state must terminate the SERVE pilot project within a participating county if, anytime between the effective date of this act and December 31, 2004, the participating county fails to use the SERVE pilot project in any election for which the SERVE voting system is available for use.

This act expires January 31, 2005."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Roach to Senate Bill No. 5463.

The motion by Senator Roach carried and the striking amendment was adopted.

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

On line 2 of the title, after "Internet;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

MOTION

On motion of Senator Roach, the rules were suspended, Engrossed Senate Bill No. 5463, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5463, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5463, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Brown, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudau, Winsley and Zarelli - 45.

Voting nay: Senator Brandland - 1.

Absent: Senators Carlson and Deccio - 2.

Excused: Senator West - 1.

ENGROSSED SENATE BILL NO. 5463, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the President reverted the Senate to the sixth order of business.

MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2192, by House Committee on Finance (originally sponsored by Representatives Cody and Clements)

Taxing parimutuel machines.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Substitute House Bill No. 2192 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2192.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2192 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheldon, T., Shin, Spanel, Stevens, Swecker and Zarelli - 38.

Voting nay: Senators Brown, Eide, McAuliffe, McCaslin, Regala, Sheahan, Sheldon, B., Thibaudeau and Winsley - 9.

Excused: Senators Deccio and West - 2.

SUBSTITUTE HOUSE BILL NO. 2192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257, by House Committee on Appropriations (originally sponsored by Representatives Sommers, Fromhold and Moeller)

Concerning the treatment of income and resources for institutionalized persons receiving medical assistance.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed Substitute House Bill No. 2257 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Eide, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2257.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2257 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Carlson, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Keiser, Kline, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Reardon, Roach, Rossi, Schmidt, Sheahan, Shin, Spanel, Stevens, Swecker and Zarelli - 30.

Voting nay: Senators Brandland, Brown, Doumit, Franklin, Fraser, Jacobsen, Kastama, Kohl-Welles, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Thibaudeau and Winsley - 16.

Excused: Senators Deccio, Fairley and West - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 5028, by Senate Committee on Natural Resources, Energy and Water (originally sponsored by Senators Morton and Hale)

Clarifying the state's authority to regulate water pollution.

MOTION

On motion of Senator Morton, the rules were suspended., Substitute Senate Bill No 5028 was returned to second reading and read the second time.

MOTION

Senator Morton moved that the following striking amendment by Senators Morton and Honeyford be adopted: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.48 RCW to read as follows:

(1) The legislature finds that the courts have rendered decisions in Elkhorn (*Public Utility District No. 1 v. Washington Department of Ecology*, 511 U.S. 700, 114 S. Ct. 1900, 128 L.Ed. 2d 716 (1994)) and Sullivan Creek (*Public Utility District No. 1 of Pend Oreille County v. Washington Department of Ecology*, 146 Wn.2d 778, 51 P.3d 744 (2002)) related to water quality certifications issued under section 401 of the clean water act, 33 U.S.C. 1251 et seq. Enactment of this legislation does not expand or contract the legal holdings of these decisions and does not affect in any way the application of these holdings to any future case or fact pattern related to water quality certifications issued for federally licensed hydropower facilities under section 401 of the clean water act, 33 U.S.C. 1251 et seq.

(2) When a water quality standard cannot be reasonably met through the issuance of permits or regulatory orders issued under the authority of this chapter, the department may use voluntary, incentive-based methods including funding of water conservation projects, lease and purchase of water rights, development of new storage projects, or habitat restoration projects in an attempt to meet water quality standards.

(3) The department may not abrogate, supersede, impair, or condition the ability of a water right holder to fully divert or withdraw water under a water right permit, certificate, statutory exemption, or claim granted or recognized under chapter 90.03, 90.14, or 90.44 RCW through the authority granted to the department in this chapter. However, nothing in this act shall be construed to affect the department's authority related to the issuance of certifications under section 401 of the federal clean water act, 33 U.S.C. 1251 et seq., with respect to the application of federally authorized water quality standards, for federal energy regulatory commission licensed hydropower projects as provided under this chapter and chapter 90.74 RCW. With respect to federal energy regulatory commission licensed hydropower projects, the department may only require a person to mitigate or remedy a water quality violation or problem to the extent there is substantial evidence such person has caused such violation or problem.

Sec. 2. RCW 90.03.400 and 2003 c 53 s 418 are each amended to read as follows:

(1)(a) The unauthorized use of water to which another person is entitled or the willful or negligent waste of water to the detriment of another, is a misdemeanor.

(b) For instances of the waste of water under this subsection, the department may alternatively follow the sequence of enforcement actions as provided in RCW 90.03.605.

(2) The possession or use of water without legal right shall be prima facie evidence of the guilt of the person using it.

(3) It is also a misdemeanor to use, store, or divert any water until after the issuance of permit to appropriate such water.

Sec. 3. RCW 90.03.600 and 1995 c 403 s 635 are each amended to read as follows:

In determining the amount of a penalty to be levied, the department shall consider the seriousness of the violation, whether the violation is repeated or continuous after notice of the violation is given, and whether any damage has occurred to the health or property of other persons. Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, ~~((the power is granted to))~~ the department of ecology ~~((of up to))~~ may levy civil penalties ~~((of up to))~~ ranging from one hundred dollars to five thousand dollars per day for violation of any of the provisions of this chapter and chapters 43.83B, 90.22, and 90.44 RCW, and rules, permits, and similar documents and regulatory orders of the department of ecology adopted or issued pursuant to such chapters. The procedures of RCW 90.48.144 shall be applicable to all phases of the levying of a penalty as well as review and appeal of the same."

MOTION

Senator Fraser moved the following amendment to the striking amendment by Senators Morton and Honeyford be adopted:

On page 1, beginning on line 3 strike all of Section 1.

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Fraser on page 1, line 3, to the striking amendment by Senators Morton and Honeyford to Substitute Senate Bill No. 5028.

The motion by Senator Fraser failed and the amendment to the striking amendment was not adopted on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Morton and Honeyford to Substitute Senate Bill No. 5028.

POINT OF INQUIRY

Senator Betti Sheldon: "Senator Morton, is there anything in this measure that precludes the Department of Ecology from fully utilizing the authority granted to the agency under the water codes to regulate water rights?"

Senator Morton: "Thank you, Senator Sheldon. No, the bill does not impact the ability of the Department of Ecology to enforce the water codes or the water quality statutes. This bill simply ensures a distinct line exists between the two bodies of law. All authority granted, including the ability to condemn water rights for higher purposes as authorized by RCW 90.03.040, remains available to the Department of Ecology."

Further debate ensued.

The motion by Senator Morton carried and the striking amendment, under suspension of the rules, was adopted.

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

On page 1, line 1 of the title, after "pollution;" strike the remainder of the title and insert "amending RCW 90.03.400 and 90.03.600; and adding a new section to chapter 90.48 RCW."

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute Senate Bill No. 5028, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5028, under suspension of the rules.

Debate ensued.

Senators Sheahan, Hale and Brandland demanded the previous question.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5028, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Deccio, Doumit, Eide, Esser, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker and Zarelli - 26.

Voting nay: Senators Brown, Carlson, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Shin, Spanel, Thibaudeau and Winsley - 22.

Excused: Senator West - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5028, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute Senate Bill No. 5028 was ordered to be immediately transmitted to the House of Representatives.

MOTION

At 12:25 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 2:03 pm. by President Owen.

MOTION

At 2:03 p.m., on motion of Senator Hale, the Senate was declared to be at ease.

The Senate was called to order at 4:08 p.m. by President Owen.

MOTION

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

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6088, which was held on the Introduction and First Reading Calendar on June 4, 2003, was placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 6088, by Senators Deccio, Thibaudeau, Winsley, Swecker and Franklin

Making prescription drugs more affordable to certain groups.

The bill was read the second time.

MOTION

Senator Finkbeiner moved that the following amendments by Senators Finkbeiner and Parlette be considered simultaneously and be adopted:

Beginning on page 4, line 16, strike all of sections 5 and 6.

On page 7, line 24, after "potential;" strike "~~(and)~~" and insert "and".

On page 7, beginning with "; and" on line 26, strike all material through "section" on line 28".

On page 7, line 29, after "Agencies" strike "~~(may)~~ shall" and insert "may".

On page 7, beginning on line 29, after "exceptions" strike " , consistent with section 5 of this act. "

On page 7, line 31, strike "any list developed as part of".

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Winsley demanded a roll call and the demand was sustained.

Further debate ensued.

POINT OF ORDER

Senator Sheahan: "A point of order, Mr. President. I think there is a rule that you can only speak twice on a particular bill or amendment."

REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, the rule does say that a person in debate may speak more than once with leave of the Senate. Traditionally, during debate on amendments, unless you invoke a rule that limits debate, we have always allowed a member to speak more than once."

Senator Sheahan: "Mr. President, I withdraw my objection."

Further debate ensued.

POINT OF ORDER

Senator Sheahan: "A point of order, Mr. President. I would ask for a ruling on whether the good lady from the Third District has impugned another member with a statement that the arguments are disingenuous--"

Senator Brown: "Disingenuous statements, I can clarify, Mr. President."

Senator Sheahan: "I would just--I know it is a very important and heartfelt issue, but I think we need to be careful of our rhetoric and I am a little concerned with the use of the term 'disingenuous.'"

REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, the President doesn't really believe it would be appropriate for a ruling in that particular case, other than direct, as he has in the past, the Senator to be careful about the remarks and be sure that they are not pointed at any individual. Thank you, Senator."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senators Finkbeiner and Parlette on page 4, line 16, page 7, lines 24, 26, 28, 29(2), and 31, to Senate Bill No. 6088, under suspension of the rules.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Zarelli - 21.

Voting nay: Senators Brown, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Shin, Spanel, Swecker, Thibaudeau and Winsley - 27.

Excused: Senator West - 1.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6088 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Keiser: "Senator Deccio, does the term 'state purchased health care programs' as used in Senate Bill No. 6088 cover services purchased through health carriers or school districts who do not purchase coverage through the Health Care Authority?"

Senator Deccio: "No, the term does not cover any of these."

Senator Keiser: "In Implementing Senate Bill No. 6088, will drug companies be required to provide the same supplemental rebates negotiated with Medicaid to other state purchased health care programs?"

Senator Deccio: "No, they will not."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6088.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6088 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker Thibaudeau, Winsley and Zarelli - 43.

Voting nay: Senators Esser, Finkbeiner, Mulliken, Parlette and Stevens - 5.

Excused: Senator West - 1.

SENATE BILL NO. 6088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator Thibaudeau: "A point of personal privilege, Mr President. I just need to thank the fantastic staff that we have that developed this bill. They were rationale, reasonable, objective, thoughtful--what else?"

President Owen: "Courteous--?"

Senator Thibaudeau: "Curious, helpful--anybody else--brilliant is good. At any rate, I think the whole body would like to thank them, even those who don't necessarily agree with what was voted on today. Nonetheless, they really did a fantastic job and I thank them for that."

MOTION

On motion of Senator Sheahan, Senate Bill No. 6088 was ordered to be immediately transmitted to the House of Representatives.

MOTION

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

MESSAGES FROM THE HOUSE

MR. PRESIDENT: June 5, 2003
The House has passed ENGROSSED HOUSE BILL NO. 2269, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MR. PRESIDENT: June 5, 2003
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5341, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MR. PRESIDENT: June 5, 2003
The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6058, and the same is herewith transmitted.
CYNTHIA ZEHNDER, Chief Clerk

MR. PRESIDENT: June 5, 2002
The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 2192,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2002

MR. PRESIDENT:

The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 1693,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
ENGROSSED HOUSE BILL NO. 2254,
HOUSE CONCURRENT RESOLUTION NO. 4408, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 2192,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2257.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 1693,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2151,
ENGROSSED HOUSE BILL NO. 2254,
HOUSE CONCURRENT RESOLUTION NO. 4408.
MOTION

At 4:59 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 7:12 p.m. by President Owen.

MESSAGES FROM THE HOUSE

June 5, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2285, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2002

MR. PRESIDENT:

The House grants the request of the Senate for a conference on SUBSTITUTE SENATE BILL NO. 5401. The Speaker has appointed the following members as conferees: Representatives Dunshee, Hunt and Alexander.

June 5, 2003

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5404 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SUBSTITUTE SENATE BILL No. 5404.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2E2SHB 1336 by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway (by request of Governor Locke)

Concerning Watershed planning.

2E2SHB 1338 by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Grant, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway (by request of Governor Locke)

Providing additional certainty for municipal water rights..

EHB 2269 by Representative Gombosky

Relating to increasing revenue.

HB 2285 by Representatives Sommers and Sehlin

Authorizing DSHS to establish cost-sharing requirements for recipients of medical programs.

MOTIONS

On motion of Senator Sheahan, Second Engrossed Second Substitute House Bill No. 1336, Second Engrossed Second Substitute House Bill No. 1338 were held at the desk.

On motion of Senator Sheahan, the rules were suspended, Engrossed House Bill No. 2269 and House Bill No. 2285 were advanced to second reading and placed on the second reading calendar.

MOTIONS

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6091 and Senate Bill No. 6092, which were held on the desk earlier today, were advanced to second reading and placed on the second reading calendar.

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6084, Senate Bill No. 6085 and Senate Bill No. 6086, which were held at the desk on June 3, and Senate Bill No. 6087, which was held on the desk June 4, were advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE BILL NO. 6087, by Senator Rossi

Transferring funds to the site closure account.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Senate Bill No. 6087, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be roll call on the final passage of Senate Bill No. 6087, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6087, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 35; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Keiser, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker and Zarelli - 35.

Voting nay: Senators Brown, Franklin, Fraser, Jacobsen, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B., Spanel, Thibaudeau and Winsley - 13.

Excused: Senator West - 1.

SENATE BILL NO. 6087, under suspension of the rules, having received the constitutional majority, was declared passed. The title of the bill will stand as the title of the act.

PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. I have waited and waited and waited for you to allow this--to take our jackets off. President Cherberg used to allow me to take my jacket off if I asked his permission, but I just got dirty looks from him when I wanted to take it off. Is there anything else we can take off, Mr. President?"

REPLY BY THE PRESIDENT

President Owen: "I would strongly urge you to not take anything else off."

PARLIAMENTARY INQUIRY

Senator Benton: "A point of parliamentary inquiry and/or constitutional inquiry, Mr. President. It has come to my attention that the Governor of the state of Washington has recently vetoed a single sentence out of a multi-sentence section in House Bill 1059. My question to you is it constitutional for the Governor to veto a single sentence out a multi-sentence section and, if so--or if not, is it appropriate for the Senate to take up the veto override action to correct and replace that sentence. If so, how would we pursue that at this time?"

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, in ruling upon your parliamentary inquiry, the President has historically not ruled

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MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

MOTION

On motion of Senator Hewitt, Senators Deccio and Winsley were excused.

SECOND READING

HOUSE BILL NO. 2285, by Representatives Sommers and Sehlin

Authorizing DSHS to establish cost-sharing requirements for recipients of medical programs.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, House Bill No. 2285 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2285, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2285, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Esser, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McCaslin, Morton, Mulliken, Oke, Parlette, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Shin, Stevens, Swecker and Zarelli - 31.

Voting nay: Senators Brown, Eide, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B. and Spanel - 14.

Excused: Senators Deccio, Thibaudeau, West and Winsley - 4.

HOUSE BILL NO. 2285, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2269, by Representative Gombosky

Relating to increasing revenue.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, Engrossed House Bill No. 2269 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2269, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2269, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Senators Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker and Zarelli - 34.

Voting nay: Senators Benton, Brandland, Brown, Franklin, Fraser, Kastama, Morton, Mulliken, Poulsen, Reardon and Stevens - 11.

Excused: Senators Deccio, Thibaudeau, West and Winsley - 4.

ENGROSSED HOUSE BILL NO. 2269, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Schmidt, Senator Honeyford was excused.

SECOND READING

HOUSE BILL NO. 2266, by Representatives Hunt and Romero

Revising the state leave sharing program.

The bill was read the second time.

MOTION

On motion of Senator Schmidt, the following amendments, under suspension of the rules, were considered simultaneously and were adopted:

Beginning on page 2, line 31, strike all material through "51.32 RCW." on page 3, line 11, and insert the following:
"(~~a~~)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature (~~and which has~~); or
(ii) The employee has been called to service in the uniformed services;
(b) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the employee to:
(i) Go on leave without pay status; or
(ii) Terminate state employment;
(~~(b)~~)(c) The employee's absence and the use of shared leave are justified;
(~~(c)~~)(d) The employee has depleted or will shortly deplete his or her:
(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection; or
(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection;
(~~(d)~~)(e) The employee has abided by agency rules regarding:
(i) Sick leave use if he or she qualifies under (a)(i) of this subsection; or
(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and
(~~(e)~~)(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection."

On page 5, after line 25, insert the following:
"NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."
There begin no objection, the following title amendment was adopted:
On page 1, line 1 of the title, after "sharing;" strike the remainder of the title and insert "amending RCW 41.04.655, 41.04.660, and 41.04.665; and declaring an emergency."

MOTION

On motion of Senator Schmidt, the rules were suspended, House Bill No. 2266, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be roll call on the final passage of House Bill No. 2266, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2266, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Zarelli - 44.

Excused: Senators Deccio, Honeyford, Thibaudeau, West and Winsley - 5.

HOUSE BILL NO. 2266, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, House Bill No. 2266 was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

SENATE BILL NO. 6092, by Senators Zarelli, Rossi, Johnson, McAuliffe and Roach

Including a classified employee on the Washington professional educator standards board.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Senate Bill No. 6092, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6092, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6092, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker and Zarelli - 45.

Excused: Senators Deccio, Thibaudeau, West and Winsley - 4.

SENATE BILL NO. 6092, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 7:57 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 9:37 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6084, by Senators Esser, Reardon, Rossi, Prentice, Horn, Fairley and Finkbeiner

Concerning utility relocation costs.

The bill was read the second time.

MOTION

Senator Esser moved that the following amendments by Senators Esser and Reardon, under suspension of the rules, be considered simultaneously and be adopted:

On page 1, line 12, strike "July 1, 2008" and insert "December 31, 2009"

On page 1, after line 18, insert the following:

"(3) A utility may at its option agree to assume the relocation costs in subsection (2) of this section."

Re-number the remaining subsections consecutively.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senators Esser and Reardon, under suspension of the rules, on page 1, lines 12 and 18 to Senate Bill No. 6084.

The motion by Senator Esser carried and the amendments were adopted, under suspension of the rules.

MOTION

Senator Eide moved that the following amendment, under suspension of the rules, be adopted:

On page 2, after line 13, insert the following:

"(5) The relocation provisions in subsection (2) of this section apply to high-capacity transportation systems as defined in chapter 81.104 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 2, line 13, under suspension of the rules, to Senate Bill No. 6084.

The motion by Senator Eide failed and the amendment was not adopted.

MOTION

Senator Eide moved that the following amendment, under suspension of the rules, be adopted:

On page 2, after line 13, insert the following:

"(5) The relocation provisions in subsection (2) of this section apply to city transportation authorities as defined in chapter 35.95A RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 2, line 13, under suspension of the rules, to Senate Bill No. 6084.

The motion by Senator Eide failed and the amendment was not adopted.

MOTION

Senator Eide moved that the following amendment, under suspension of the rules, be adopted:

On page 2, after line 13, insert the following:

"(5) If an authority pays for the removal or relocation of a utility's facilities as required in subsection (2) of this section, the utility must provide a credit to the accounts of customers that are located within the authority's district. The credit must equal the prorated cost of removing or relocating the facilities."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Eide on page 2, line 13, under suspension of the rules, to Senate Bill No. 6084.

The motion by Senator Eide failed and the amendment was not adopted.

MOTION

On motion of Senator Esser, the rules were suspended, Engrossed Senate Bill No. 6084, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6084, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6084, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 29; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Carlson, Esser, Fairley, Finkbeiner, Hale, Hargrove, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 29.

Voting nay: Senators Brown, Doumit, Eide, Franklin, Fraser, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Rasmussen, Regala, Sheldon, B., Shin, Spanel and Thibaudeau - 18.

Excused: Senators Deccio and West - 2.

ENGROSSED SENATE BILL NO. 6084, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Senate Bill No. 6084 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM HOUSE

June 5, 2003

MR. PRESIDENT:

The House has adopted the Report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5401 and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

CYTHINA ZEHNDER

REPORT OF CONFERENCE COMMITTEE

SSB 5401 June 5, 2003

MR. SPEAKER:

MR. PRESIDENT:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5401, Making appropriations and authorizing expenditures for capital improvements, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2005, out of the several funds specified in this act.

PART 1 GENERAL GOVERNMENT

NEW SECTION. Sec. 101. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Capital Budget Studies (04-1-950)

The appropriations in this section are provided solely for capital studies, projects, and tasks pursuant to sections 923 and 924 of this act.

Reappropriation:

State Building Construction Account--State \$164,000

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$664,000

NEW SECTION. Sec. 102. FOR THE OFFICE OF THE SECRETARY OF STATE

Deferred Maintenance Reduction Backlog Projects: Regional Archive (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for the changes to the central Washington regional archives HVAC system to upgrade control systems.

Appropriation:

State Building Construction Account--State \$100,000

Prior Biennia (Expenditures) \$100,000

Future Biennia (Projected Costs) \$400,000

TOTAL \$600,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF THE STATE AUDITOR

Moving and Equipment Costs (04-2-001)

Appropriation:

Thurston County Capital Facilities Account--State \$100,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

NEW SECTION. Sec. 104. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

Rural Washington Loan Fund (88-2-002)

Reappropriation:

State Building Construction Account--State \$558,000

Rural Washington Loan Account--Federal \$4,739,295

Subtotal Reappropriation \$5,297,295

Prior Biennia (Expenditures) \$2,353,072

Future Biennia (Projected Costs) \$0

TOTAL \$7,650,367

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

Rural Washington Loan Fund (RWLF) (04-4-009)

Appropriation:

General Fund--Federal \$1,900,000

Rural Washington Loan Account--Federal \$1,581,000

Subtotal Appropriation \$3,481,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,132,000

TOTAL \$27,613,000

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

Building for the Arts (00-2-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation shall support the projects listed in section 109, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,963,092

Prior Biennia (Expenditures) \$1,886,908

Future Biennia (Projected Costs) \$0

TOTAL \$3,850,000

NEW SECTION. Sec. 107. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

Building for the Arts (04-4-007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is subject to the provisions of RCW 43.63A.750. The following projects are eligible for funding:

Projects	Location	Recommendation
Artspace (Tashiro Kaplan)	Seattle	\$300,000

<i>Broadway center</i>	<i>Tacoma</i>	<i>\$400,000</i>
<i>Children's museum</i>	<i>Everett</i>	<i>\$200,000</i>
<i>Columbia city gallery</i>	<i>Seattle</i>	<i>\$110,000</i>
<i>Cornish College</i>	<i>Seattle</i>	<i>\$700,000</i>
<i>Friends of Gladish</i>	<i>Pullman</i>	<i>\$37,000</i>
<i>Historic cooper school</i>	<i>Seattle</i>	<i>\$32,000</i>
<i>Lincoln theatre</i>	<i>Mt. Vernon</i>	<i>\$110,000</i>
<i>Olympic theatre arts</i>	<i>Sequim</i>	<i>\$265,000</i>
<i>Orcas sculpture park</i>	<i>Eastsound</i>	<i>\$15,000</i>
<i>Pacific Northwest ballet</i>	<i>Bellevue</i>	<i>\$268,000</i>
<i>Pratt fine arts center</i>	<i>Seattle</i>	<i>\$700,000</i>
<i>Richland players theatre</i>	<i>Richland</i>	<i>\$51,000</i>
<i>S'Klallam longhouse</i>	<i>Kingston</i>	<i>\$200,000</i>
<i>Seattle art museum</i>	<i>Seattle</i>	<i>\$700,000</i>
<i>Squaxin Island museum</i>	<i>Shelton</i>	<i>\$100,000</i>
<i>Vashon allied arts</i>	<i>Vashon</i>	<i>\$80,000</i>
<i>Velocity dance center</i>	<i>Seattle</i>	<i>\$35,000</i>
<i>Western Washington center for the arts</i>	<i>Port Orchard</i>	<i>\$165,000</i>
<i>World kite museum</i>	<i>Long Beach</i>	<i>\$32,000</i>
TOTAL		\$4,500,000

Appropriation:

State Building Construction Account--State \$4,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,000,000

TOTAL \$20,500,000

NEW SECTION. Sec. 108. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 123, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Public Facility Construction Loan Revolving

Account--State \$4,871,748
Prior Biennia (Expenditures) \$1,769,252
Future Biennia (Projected Costs) \$0
TOTAL \$6,641,000

NEW SECTION. Sec. 109. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization (CERB) (02-4-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be used solely to provide loans to eligible local governments and grants to the extent permissible by law. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

Reappropriation:

Public Facility Construction Loan Revolving
Account--State \$4,431,000
Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,931,000

NEW SECTION. Sec. 110. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Economic Revitalization Board (CERB) (04-4-008)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for loans to local governments.

Appropriation:

Public Facility Construction Loan Revolving
Account--State \$11,491,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$36,718,769
TOTAL \$48,209,769

NEW SECTION. Sec. 111. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

County Public Facility Construction (00-2-010)

Reappropriation:

Distressed County Facilities Construction Loan
Account--State \$538,989
Prior Biennia (Expenditures) \$3,461,011
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Cancer Research Facility Grant (01-S-005)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided as grants for equipment and facilities improvements for a prostate cancer research project at the University of Washington medical center and must be matched by an equal amount from nonstate sources.

(2) The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$2,000,000

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 113. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (01-H-001)

Reappropriation:

Public Works Assistance Account--State \$93,593,068
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$93,593,068

NEW SECTION. Sec. 114. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (02-4-013)

Reappropriation:

Public Works Assistance Account--State \$184,479,943
Prior Biennia (Expenditures) \$103,893,068
Future Biennia (Projected Costs) \$0
TOTAL \$288,372,911

NEW SECTION. Sec. 115. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (04-4-001)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with chapter 43.155 RCW.

Appropriation:

Public Works Assistance Account--State \$261,200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$1,319,499,999
TOTAL \$1,580,699,999

NEW SECTION. Sec. 116. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Fort Vancouver National Historic Reserve (01-S-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,987,248
Prior Biennia (Expenditures) \$12,752
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 117. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Chewelah Peak Environmental Learning Center (01-S-003)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$22,221

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$1,977,779
Future Biennia (Projected Costs) \$0
TOTAL \$3,500,000

NEW SECTION. Sec. 118. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Fox Theater Project (01-S-006)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$688,006

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$1,311,994
Future Biennia (Projected Costs) \$0
TOTAL \$3,500,000

NEW SECTION. Sec. 119. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Des Moines Beach Park - Structure Relocation (01-S-010)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$246,875
Prior Biennia (Expenditures) \$3,125
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 120. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Upper Kittitas County - Emergency Management Service Facility (01-S-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided as a matching grant for enhanced emergency services related to highway travel and incidental local needs. The funds shall be retained in allotment reserve until the office of financial management approves a plan submitted by the recipient organization for the generation of matching funds and the provision for emergency services needs on Interstate 90. The office of financial management shall identify the recipient entity or organization that is best suited to provide enhanced emergency services for the Cle Elum/I-90 region.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$908,500
Prior Biennia (Expenditures) \$11,500
Future Biennia (Projected Costs) \$0
TOTAL \$920,000

NEW SECTION. Sec. 121. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

West Central Community Center (01-S-016)

The appropriations in this section are subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$25,431

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$74,569

Future Biennia (Projected Costs) \$0

TOTAL \$100,000

NEW SECTION. Sec. 122. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Milton Skate Park (01-H-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$115,537

Prior Biennia (Expenditures) \$1,463

Future Biennia (Projected Costs) \$0

TOTAL \$117,000

NEW SECTION. Sec. 123. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Pierce County Fairgrounds (01-H-017)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$95,125

Prior Biennia (Expenditures) \$54,875

Future Biennia (Projected Costs) \$0

TOTAL \$150,000

NEW SECTION. Sec. 124. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Coastal Erosion Grants (01-S-019)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the following conditions and limitations:

(a) Funds are provided for coastal erosion grants in southwest Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

(b) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

(2) The appropriation in this section is provided for coastal erosion grants in southeast Washington in partnership with other state and federal funds. Grays Harbor county is the lead agency in the administration of the grants.

Reappropriation:

State Building Construction Account--State \$583,155

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$666,845

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 125. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

City of Grandview Infrastructure Development (02-S-006)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided for allocation by the department to the city of Grandview for infrastructure development, including but not limited to streets, water, sewer, and other utilities associated with the siting of a warehouse distribution center.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 126. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects: Job Creation and Infrastructure Projects (02-S-005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 202, chapter 238, Laws of 2002 as amended by section 901, chapter 10, Laws of 2003.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$7,213,000

Prior Biennia (Expenditures) \$10,000,000

Future Biennia (Projected Costs) \$0
TOTAL \$17,213,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of RCW 43.63A.125. The reappropriation shall support the projects in section 111, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,814,000
Prior Biennia (Expenditures) \$2,911,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,725,000

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Community Services Facilities Program (04-4-006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is subject to the provisions of RCW 43.63A.125. The following projects are eligible for funding:

<i>Projects</i>	<i>Location</i>	<i>Recommendation</i>
<i>Assistance league</i>	<i>Everett</i>	<i>\$400,000</i>
<i>Benton affordable housing</i>	<i>Richland</i>	<i>\$25,000</i>
<i>Boys and girls clubs/Pierce county</i>	<i>Tacoma</i>	<i>\$187,500</i>
<i>Boys and girls clubs/Thurston county</i>	<i>Olympia</i>	<i>\$102,175</i>
<i>Catholic community services</i>	<i>Seattle</i>	<i>\$400,000</i>
<i>Children's therapy center</i>	<i>Kent</i>	<i>\$250,000</i>
<i>Eritrean association</i>	<i>Seattle</i>	<i>\$346,000</i>
<i>First AME child/family center</i>	<i>Seattle</i>	<i>\$194,000</i>
<i>Girl scouts/Pacific peaks</i>	<i>DuPont</i>	<i>\$400,000</i>
<i>Hopelink</i>	<i>Carnation</i>	<i>\$201,521</i>
<i>Horizons</i>	<i>Sunnyside</i>	<i>\$175,000</i>
<i>Kent youth/family services</i>	<i>Kent</i>	<i>\$400,000</i>
<i>LIHI</i>	<i>Seattle</i>	<i>\$131,084</i>
<i>Lopez children's center</i>	<i>Lopez</i>	<i>\$220,000</i>
<i>Neighborhood House</i>	<i>Seattle</i>	<i>\$60,000</i>
<i>Opportunity council</i>	<i>Bellingham</i>	<i>\$400,000</i>
<i>Senior services/Seattle King county</i>	<i>Seattle</i>	<i>\$400,000</i>

S'Klallam development fund	Kingston	\$69,000
Southeast Washington center for the deaf	Pasco	\$27,000
St. Anne's childcare center	Spokane	\$400,000
St. James family center	Cathlamet	\$18,000
Valley boys and girls club	Clarkston	\$400,000
Yelm community center	Yelm	\$400,000
YMCA/Snohomish county	Marysville	\$275,000
Youth Orion center	Seattle	\$50,000
		\$5,931,280

TOTAL

Appropriation:

State Building Construction Account--State \$5,931,280

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,000,000

TOTAL \$21,931,280

NEW SECTION. Sec. 129. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Program (02-4-008)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funding from the state public works trust fund program shall be matched with new federal sources to improve the quality of drinking water in the state, and shall be used solely for projects that achieve the goals of the federal safe drinking water act.

(2) The department shall report to the appropriate committees of the legislature by January 1, 2004, on the progress of the program, including administrative and technical assistance procedures, the application process, and funding priorities.

Reappropriation:

Drinking Water Assistance Account--State \$7,700,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,700,000

NEW SECTION. Sec. 130. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water Assistance Account (04-4-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) Expenditures of the appropriation shall comply with RCW 70.119A.170.

(2)(a) The state building construction account appropriation is provided solely to provide assistance to counties, cities, and special purpose districts to identify, acquire, and rehabilitate public water systems that have water quality problems or have been allowed to deteriorate to a point where public health is an issue. Eligibility is confined to applicants that already own at least one group A public water system and that demonstrate a track record of sound drinking water utility management. Funds may be used for: Planning, design, and other preconstruction activities; system acquisition; and capital construction costs.

(b) The state building construction account appropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this appropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this appropriation.

Appropriation:

Drinking Water Assistance Account--State \$8,500,000
State Building Construction Account--State \$4,000,000
Subtotal Appropriation \$12,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$32,400,000
TOTAL \$44,900,000

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Drinking Water SRF - Authorization to Use Loan Repayments (04-4-010)

The appropriation in this section is subject to the following conditions and limitations: Expenditures of the appropriation shall comply with RCW 70.119A.170.

Appropriation:

Drinking Water Assistance Account--State \$11,200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$11,200,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Farmworker Housing Assistance (02-4-011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers.

(2) It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342.

(3) The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses.

(4) The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need.

(5) Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

Reappropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$7,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$8,000,000

NEW SECTION. Sec. 133. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (02-4-010)

The appropriation in this section is subject to the following conditions and limitations:

(1) Meeting the conditions and limitations under section 117, chapter 8, Laws of 2001 2nd sp. sess. when combined with the prior biennial expenditures.

(2) The reappropriation in this section shall not be included in the annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Reappropriation:

State Taxable Building Construction Account--State \$22,000,000
Prior Biennia (Expenditures) \$35,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$57,500,000

NEW SECTION. Sec. 134. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (04-4-003)

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$9,000,000 of the appropriation is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the appropriation is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the appropriation is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) \$8,000,000 of the appropriation is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. It is the intent of the legislature that operation of the facilities built under this section be in compliance with 8 U.S.C. Sec. 1342. The department shall minimize the amount of these funds that are utilized for staff and administrative purposes or other operational expenses. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects.

(6) \$5,000,000 of the appropriation is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

Appropriation:

State Taxable Building Construction Account--State \$80,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$200,000,000

TOTAL \$280,000,000

NEW SECTION. Sec. 135. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Lewis and Clark Confluence Project (04-2-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Seattle Heart Alliance (at Swedish Hospital) (04-4-960)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

McCaw Opera House (04-4-954)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Greenbank Farm (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 139. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Japanese American Memorial (04-4-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 140. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Wing Luke Asian Art Museum (04-4-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 141. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Bremerton Waterfront Project (04-4-953)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

PBS Digital Upgrade (04-4-958)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section shall meet the requirements of section 151(1) of this act.
- (2) \$350,000 is provided to public television station KYVE for the costs to convert to digital transmission capability and the upgrading and replacement of equipment, studio facilities, and contents.
- (3) The remaining appropriation is available for public television stations based outside central Puget Sound metropolitan areas.

Appropriation:

State Building Construction Account--State \$700,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$700,000

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Pine Lake Park Phase II (04-4-956)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$600,000

NEW SECTION. Sec. 144. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Bellevue Open Space Enhancement (04-4-955)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

NEW SECTION. Sec. 145. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

William Factory Business Incubator (04-4-957)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section shall meet the requirements of section 151(1) of this act.

Appropriation:

State Building Construction Account--State \$560,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$560,000

NEW SECTION. Sec. 146. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

City of Woodland Infrastructure Development (04-4-959)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section shall meet the requirements of section 151(1) of this act.
- (2) The appropriation is provided for allocation by the department to the city of Woodland for infrastructure development, including drainage improvements and a dike access road.

Appropriation:

State Building Construction Account--State \$300,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$300,000

NEW SECTION. Sec. 147. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Yakima Ballfields (04-2-952)

The appropriation in this section is subject to the following conditions and limitations: \$120,000 of the appropriation is provided solely to Yakima Valley Community College for the purchase of Noel field from the city of Yakima, and \$230,000 is provided solely to the city of Yakima to replace and relocate ballfields. It is the intention of the legislature that no funds be distributed to the city of Yakima until the transfer of the Noel field property is complete.

Appropriation:

State Building Construction Account--State \$350,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$350,000

NEW SECTION. Sec. 148. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Seventh Street Theatre (90-2-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act. All funds appropriated in this section must be matched by nonstate sources.

(2) The appropriation in this section shall meet the requirements of section 151(1) of this act.

Reappropriation:

State Building Construction Account--State \$51,110

Appropriation:

State Building Construction Account--State \$100,000
Prior Biennia (Expenditures) \$78,890
Future Biennia (Projected Costs) \$0
TOTAL \$230,000

NEW SECTION. Sec. 149. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing for Homeless Families with Children (02-4-012)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children. The department shall minimize the amount of funds that are utilized for staff and administrative purposes or other operational expenses.

Reappropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$1,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,000,000

NEW SECTION. Sec. 150. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Highline School District Aircraft Noise Mitigation (03-H-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is subject to the conditions and limitations in section 205, chapter 205, Laws of 2002.

(2)(a) The appropriation in this section is subject to the Highline school district, the port of Seattle, and the federal aviation administration each matching this appropriation.

(b) This appropriation does not commit the state to make future appropriations for this program.

Reappropriation:

State Building Construction Account--State \$600,000
Education Construction Account--State \$4,400,000
Subtotal Reappropriation \$5,000,000

Appropriation:

State Building Construction Account--State \$10,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$10,000,000

NEW SECTION. Sec. 151. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other standard requirements for community projects administered by the department.

(2) The appropriation is provided for the following list of projects:

Local Community Project List	Location	Amount
Art Crate field	Bethel	\$500,000
Asia Pacific cultural center	Tacoma	\$100,000
Asotin aquatic center	Clarkston	\$500,000
Auburn YMCA	Auburn	\$250,000

<i>Burke museum</i>	<i>Seattle</i>	<i>\$500,000</i>
<i>Capital arts theater and sculpture garden</i>	<i>Olympia</i>	<i>\$250,000</i>
<i>Capitol theater</i>	<i>Yakima</i>	<i>\$500,000</i>
<i>Chinese reconciliation project</i>	<i>Tacoma</i>	<i>\$300,000</i>
<i>Clark lake park</i>	<i>Kent</i>	<i>\$400,000</i>
<i>Colman school</i>	<i>Seattle</i>	<i>\$300,000</i>
<i>Crossroads community center</i>	<i>Bellevue</i>	<i>\$500,000</i>
<i>Eastside heritage center</i>	<i>Bellevue</i>	<i>\$200,000</i>
<i>Eatonville city projects</i>	<i>Eatonville</i>	<i>\$150,000</i>
<i>Edgewood sewer</i>	<i>Edgewood</i>	<i>\$100,000</i>
<i>Edmonds center for the arts</i>	<i>Edmonds</i>	<i>\$500,000</i>
<i>Farmers market and maritime park</i>	<i>Bellingham</i>	<i>\$500,000</i>
<i>Firstenburg community center</i>	<i>Vancouver</i>	<i>\$500,000</i>
<i>Former capitol historical marker</i>	<i>Olympia</i>	<i>\$2,000</i>
<i>Friends of the falls/Great Gorge park</i>	<i>Spokane</i>	<i>\$250,000</i>
<i>Frontier park</i>	<i>Pierce county</i>	<i>\$165,000</i>
<i>GAR cemetery</i>	<i>Seattle</i>	<i>\$5,000</i>
<i>Graham fire district emergency services center</i>	<i>Graham</i>	<i>\$150,000</i>
<i>Grandmother's hill</i>	<i>Tukwila</i>	<i>\$300,000</i>
<i>Highline historical society</i>	<i>Highline</i>	<i>\$300,000</i>
<i>Historical cabins project</i>	<i>Federal Way</i>	<i>\$106,000</i>
<i>Hugs foundation</i>	<i>Raymond</i>	<i>\$21,500</i>
<i>Museum of flight - WWI and WWII</i>	<i>Seattle</i>	<i>\$500,000</i>
<i>Naval museum</i>	<i>Bremerton</i>	<i>\$500,000</i>
<i>New Phoebe house</i>	<i>Tacoma</i>	<i>\$25,000</i>

<i>Northwest orthopaedic institute</i>	<i>Tacoma</i>	<i>\$200,000</i>
<i>Paramount theater</i>	<i>Seattle</i>	<i>\$250,000</i>
<i>Rainier historical museum/Community center</i>	<i>Rainier</i>	<i>\$20,000</i>
<i>Ritzville public development authority</i>	<i>Ritzville</i>	<i>\$50,000</i>
<i>Seahurst ELC</i>	<i>Burien</i>	<i>\$100,000</i>
<i>South Hill community park</i>	<i>Pierce county</i>	<i>\$250,000</i>
<i>South Wenatchee family services center</i>	<i>Wenatchee</i>	<i>\$400,000</i>
<i>Stonerose interpretive center</i>	<i>Republic</i>	<i>\$8,000</i>
<i>Sweetwater creek restoration</i>	<i>Hood Canal</i>	<i>\$500,000</i>
<i>Tacoma seawall</i>	<i>Tacoma</i>	<i>\$250,000</i>
<i>Thyme patch park</i>	<i>Seattle</i>	<i>\$5,000</i>
<i>ToscoSports complex</i>	<i>Ferndale</i>	<i>\$500,000</i>
<i>Ustalady beach acquisition</i>	<i>Island county</i>	<i>\$135,000</i>
<i>Veterans memorial museum</i>	<i>Chehalis</i>	<i>\$255,000</i>
<i>West Hylebos state park</i>	<i>Federal Way</i>	<i>\$250,000</i>
<i>White Center apprenticeship</i>	<i>White Center</i>	<i>\$250,000</i>
<i>Woodway wildlife reserve</i>	<i>Woodway</i>	<i>\$300,000</i>
<i>Youth development center</i>	<i>Federal Way</i>	<i>\$100,000</i>

\$12,197,500

TOTAL

Appropriation:

State Building Construction Account--State \$12,197,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$12,197,500

NEW SECTION. Sec. 152. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC

DEVELOPMENT

State Games (04-4-850)

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 153. FOR THE PUBLIC DISCLOSURE COMMISSION
Infrastructure Security/Disaster Recovery Systems

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to develop a colocation facility to house infrastructure security/disaster recovery systems that will provide redundant fault tolerant capabilities in the event of natural or man-made disasters. The public disclosure commission shall consult with the department of information services in acquiring a location to house redundant servers and network infrastructure. The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

State Building Construction Account--State \$270,172
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$270,172

NEW SECTION. Sec. 154. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Merrill Hall Fire Repairs - Horticulture Building (01-H-020)

The reappropriation in this section is subject to the following conditions and limitations:

(1) In addition to the funds provided in this section, the University of Washington may utilize appropriated funds for minor works to address emergent needs for Merrill hall.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 155. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Budget System Improvements (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the following conditions and limitations in section 147, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$141,000
Prior Biennia (Expenditures) \$59,000
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 156. FOR THE OFFICE OF FINANCIAL MANAGEMENT
Capital Monitoring (04-2-028)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of financial management shall review each agency request for project funding for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget with particular emphasis on major projects to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The office of financial management shall pay particular attention to: (a) Whether the construction phase of the project is consistent with the predesign and design when applicable; (b) that the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; (c) that standard measurements such as cost per square foot are reasonable; and (d) that any equipment related to the project is an appropriate capital expenditure. The office of financial management may seek assistance from the department of general administration.

(2) The office of financial management shall consult with state agencies, higher education institutions, and the legislature and recommend criteria for funding equipment in the capital budget. This recommendation shall be made to the legislative fiscal committees by September 1, 2003.

(3) \$150,000 of this appropriation shall be used to conduct a study of the realignment of military forces and alternative uses of the land and facilities currently used by the Washington State military department readiness centers and armories for the Washington army national guard.

Appropriation:

State Building Construction Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

NEW SECTION. Sec. 157. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
East Plaza Repairs (96-1-002)

Reappropriation:

State Vehicle Parking Account--State \$18,000,000
Prior Biennia (Expenditures) \$23,567,200
Future Biennia (Projected Costs) \$12,425,000
TOTAL \$53,992,200

NEW SECTION. Sec. 158. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Office Building Two Rehabilitation (98-1-007)

Reappropriation:

Thurston County Capital Facilities Account--State \$3,771,000
Prior Biennia (Expenditures) \$11,629,000

Future Biennia (Projected Costs) \$0
TOTAL \$15,400,000

NEW SECTION. Sec. 159. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Transportation Building Preservation (98-1-008)

Reappropriation:

Thurston County Capital Facilities Account--State \$1,001,000
Prior Biennia (Expenditures) \$1,964,065
Future Biennia (Projected Costs) \$19,090,000
TOTAL \$22,055,065

NEW SECTION. Sec. 160. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Heritage Park/Capitol Lake (00-1-007)

Reappropriation:

State Building Construction Account--State \$405,000
Prior Biennia (Expenditures) \$1,567,700
Future Biennia (Projected Costs) \$0
TOTAL \$1,972,700

NEW SECTION. Sec. 161. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Heritage Park (01-H-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) This appropriation shall be used to complete the northeast sector of Heritage park, the area east of Capitol lake and north of the Burlington Northern-Santa Fe railroad tracks, and the hillside located north of the temple of justice.

(2) The department shall give priority to developing the park so that underground utilities are installed, topsoil laid, and grass planted in the northeast sector. No funds are to be used to demolish the existing restroom/storage facility or to build a new facility.

Reappropriation:

Capitol Building Construction Account--State \$976,000

Appropriation:

Thurston County Capital Facilities Account--State \$500,000
Prior Biennia (Expenditures) \$14,559,774
Future Biennia (Projected Costs) \$0
TOTAL \$16,035,774

NEW SECTION. Sec. 162. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building: Rehabilitation and Capital Addition (01-1-008)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is subject to the conditions and limitations of section 109, chapter 238, Laws of 2002 and section 904, chapter 10, Laws of 2003.

Reappropriation:

Capital Historic District Construction
Account--State \$68,450,000
State Building Construction Account--State \$6,000,000
Subtotal Reappropriation \$74,450,000

Appropriation:

Thurston County Capital Facilities Account--State \$2,300,000
Prior Biennia (Expenditures) \$26,031,000
Future Biennia (Projected Costs) \$0
TOTAL \$102,781,000

NEW SECTION. Sec. 163. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus: Infrastructure Preservation (02-1-003)

Reappropriation:

State Building Construction Account--State \$901,000

Prior Biennia (Expenditures) \$849,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,750,000

NEW SECTION. Sec. 164. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
North Cascades Gateway Center Minor Works (02-1-004)

Reappropriation:

State Building Construction Account--State \$362,000
Prior Biennia (Expenditures) \$488,000
Future Biennia (Projected Costs) \$0
TOTAL \$850,000

NEW SECTION. Sec. 165. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Thurston County Facilities: Preservation (02-1-002)

Reappropriation:

Capitol Building Construction Account--State \$518,000
State Building Construction Account--State \$1,466,000
Subtotal Reappropriation \$1,984,000
Prior Biennia (Expenditures) \$14,559,774
Future Biennia (Projected Costs) \$0
TOTAL \$16,543,774

**NEW SECTION. Sec. 166. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Job Creation and Infrastructure Projects (03-1-001)**

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$210,000
Prior Biennia (Expenditures) \$540,000
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

**NEW SECTION. Sec. 167. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor Works - Infrastructure Preservation: Capitol Campus (04-1-003)**

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall not be used for studies.

Appropriation:

Thurston County Capital Facilities Account--State \$2,100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,100,000

**NEW SECTION. Sec. 168. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Emergency Repairs (04-1-001)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

Thurston County Capital Facilities Account--State \$1,300,000
State Building Construction Account--State \$300,000
Subtotal Appropriation \$1,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,600,000

**NEW SECTION. Sec. 169. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Engineering and Architectural Services (04-2-014)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation in this section shall be used to provide project management services to state agencies as required by RCW 43.19.450 that are essential and mandated activities defined as core services and are included in the engineering and architectural services' responsibilities and task list for general public works projects of normal complexity. The general public works projects included are all those financed by the state capital budget for the biennium ending June 30, 2005, with individual total project values up to \$20 million.

(2) The department may negotiate agreements with agencies for additional fees to manage projects financed by financial contracts, other alternative financing, projects with a total value greater than \$20 million, or for the nonstate funded portion of projects with mixed funding sources.

(3) The department shall review each community and technical college request and the requests of other client agencies for funding any project over \$2.5 million for inclusion in the 2004 supplemental capital budget and the 2005-07 capital budget to ensure that the amount requested by the agency is appropriate for predesign, design, and construction, depending on the phase of the project being requested. The department shall pay particular attention: (a) That the budgeted amount requested is at an appropriate level for the various components that make up the cost of the project such as project management; and (b) that standard measurements such as cost per square foot are reasonable. The department shall also assist the office of financial management with review of other agency projects as requested.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$140,000
State Building Construction Account--State \$6,009,000
Thurston County Capital Facilities Account--State \$3,437,000
Subtotal Appropriation \$9,586,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$9,586,000

**NEW SECTION. Sec. 170. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Historic Buildings - Exteriors Preservation (04-1-012)**

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for the sole purpose of capital projects on the capitol campus that correct immediate restoration deficiencies. It does not include survey, planning, or interior work.

Appropriation:

State Building Construction Account--State \$1,475,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$11,600,000
TOTAL \$13,075,000

**NEW SECTION. Sec. 171. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
State Capitol Master Plan Update (04-2-002)**

The appropriation in this section is subject to the following conditions and limitations: The department shall update the state capital master plan. The department and the insurance commissioner shall revise their agreement for the department to study constructing a new building on the capitol campus to house the insurance commissioner and others and incorporate that study into the state master plan update. The \$100,000 the insurance commissioner is providing for that study shall be used for the state capital master plan update under this section.

Appropriation:

Thurston County Capital Facilities Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 172. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor Works - Facility Preservation: Statewide (04-1-004)

The appropriations in this section are subject to the following conditions and limitations:

(1) The purpose of this appropriation is to address minor works projects under one million dollars total project cost, regardless of whether the project is completed in one biennia.

(2) The appropriation shall not be used for studies, surveys, or carpet replacement.

Appropriation:

State Vehicle Parking Account--State \$220,000
Thurston County Capital Facilities Account--State \$2,055,000
General Administration Service Account--State \$3,270,000
Subtotal Appropriation \$5,545,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,545,000

NEW SECTION. Sec. 173. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Security (04-2-950)

Appropriation:

Thurston County Capital Facilities Account--State \$1,179,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,179,000

NEW SECTION. Sec. 174. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building Space Use Changes (04-1-951)

Appropriation:

State Building Construction Account--State \$1,570,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,570,000

NEW SECTION. Sec. 175. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Cherberg Building: Predesign (04-2-951)

Appropriation:

Thurston County Capital Facilities Account--State \$600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$600,000

NEW SECTION. Sec. 176. FOR THE MILITARY DEPARTMENT
Bremerton Readiness Center (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 183, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

General Fund--Federal \$5,100,000
State Building Construction Account--State \$5,800,000
Subtotal Reappropriation \$10,900,000
Prior Biennia (Expenditures) \$923,000
Future Biennia (Projected Costs) \$0
TOTAL \$11,823,000

NEW SECTION. Sec. 177. FOR THE MILITARY DEPARTMENT
Combined Support Maintenance Shop (02-2-011)

Reappropriation:

General Fund--Federal \$1,000,000
Prior Biennia (Expenditures) \$1,281,000
Future Biennia (Projected Costs) \$26,544,000
TOTAL \$28,825,000

NEW SECTION. Sec. 178. FOR THE MILITARY DEPARTMENT
Minor Works to Support Federal Construction Projects (02-1-001)

Reappropriation:

General Fund--Federal \$5,300,000
State Building Construction Account--State \$1,700,000
Subtotal Reappropriation \$7,000,000
Prior Biennia (Expenditures) \$5,525,000

Future Biennia (Projected Costs) \$0
TOTAL \$12,525,000

NEW SECTION. Sec. 179. FOR THE MILITARY DEPARTMENT
Energy Management Control Systems (04-2-006)

Appropriation:

State Building Construction Account--State \$365,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$365,000

NEW SECTION. Sec. 180. FOR THE MILITARY DEPARTMENT
Preservation Projects - Statewide (02-1-006)

Reappropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$235,000
Future Biennia (Projected Costs) \$0
TOTAL \$485,000

NEW SECTION. Sec. 181. FOR THE MILITARY DEPARTMENT
Minor Works - Preservation (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The purpose of this appropriation is to correct deficiencies to state-owned facilities and does not include parking lot repairs or paving.

Appropriation:

State Building Construction Account--State \$1,113,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,113,000

NEW SECTION. Sec. 182. FOR THE MILITARY DEPARTMENT
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall support the projects as listed in section 207, chapter 238, Laws of 2002 2nd sp.

sess.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$1,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 183. FOR THE MILITARY DEPARTMENT
Communication Security - Emergency Management Division-Building No. 20 (04-1-002)

Appropriation:

General Fund--Federal \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 184. FOR THE MILITARY DEPARTMENT
Minor Works to Support Federal Construction Projects (04-1-003)

Appropriation:

General Fund--Federal \$11,150,000
State Building Construction Account--State \$2,798,000
Subtotal Appropriation \$13,948,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,948,000

NEW SECTION. Sec. 185. FOR THE MILITARY DEPARTMENT
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

NEW SECTION. Sec. 186. FOR THE MILITARY DEPARTMENT
Spokane Readiness Center (04-2-003)

The appropriations in this section are subject to the following conditions and limitations: In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management. These reports must contain local, state, and federal funding reconciliation and balance sheets for this project and must detail any federal intentions on future readiness center projects.

Appropriation:

General Fund--Federal \$8,800,000
State Building Construction Account--State \$4,768,000
Subtotal Appropriation \$13,568,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,568,000

NEW SECTION. Sec. 187. FOR THE MILITARY DEPARTMENT
Orting School District Safety Bridge Study (04-4-951)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for the department to conduct a study of the feasibility of constructing a bridge to allow safe evacuation of the Orting school district to high ground in the event of natural disasters related to Mt. Rainier. The study shall include the estimated cost of bridge construction and under what circumstances the bridge is expected to allow safe evacuation. The department shall report to the Orting school board, the office of financial management, and the legislature by January 1, 2004.

Appropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 188. FOR THE STATE CONVENTION AND TRADE CENTER
Washington State Convention and Trade Center Omnibus Minor Works (04-1-002)

Appropriation:

State Convention and Trade Center Account--State \$2,045,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,045,000

PART 2
HUMAN SERVICES

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center - Site: Infrastructure Improvements (96-2-229)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,100,000

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$925,000
Prior Biennia (Expenditures) \$2,769,607
Future Biennia (Projected Costs) \$0
TOTAL \$4,794,607

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Green Hill School Redevelopment: 416 Bed Institution (96-2-230)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$300,000
Prior Biennia (Expenditures) \$50,177,721
Future Biennia (Projected Costs) \$0
TOTAL \$50,477,721

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center - Vocational Education: Construction (98-2-211)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department realizes project savings, funds reappropriated in this section may be transferred to infrastructure savings or used for a facilities condition assessment and preservation survey.

Reappropriation:

State Building Construction Account--State \$150,000
Prior Biennia (Expenditures) \$3,236,667
Future Biennia (Projected Costs) \$0
TOTAL \$3,386,667

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Legal Offender Unit (98-2-052)

The appropriations in this section are subject to the following conditions and limitations: The purpose of the appropriations is to complete construction, renovate wards, and demolish North Hall.

Reappropriation:

State Building Construction Account--State \$2,590,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$47,701,751
Future Biennia (Projected Costs) \$0

TOTAL \$51,294,341

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Rainier School - Laundry: Equipment (00-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$345,000
Prior Biennia (Expenditures) \$105,000
Future Biennia (Projected Costs) \$0
TOTAL \$450,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Child Study and Treatment Center - Cottages: Modifications, Phase 3 (00-1-015)

Reappropriation:

State Building Construction Account--State \$100,000

Appropriation:

State Building Construction Account--State \$1,800,000
Prior Biennia (Expenditures) \$2,024,776
Future Biennia (Projected Costs) \$0
TOTAL \$3,924,776

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Campus Renovation, Phase 5 (00-2-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$9,600,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,100,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Echo Glen Children's Center - Eleven Cottages: Renovation (00-1-041)

Reappropriation:

State Building Construction Account--State \$250,000

Appropriation:

State Building Construction Account--State \$5,490,000
Prior Biennia (Expenditures) \$525,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,265,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - Secure Facility: Construction, Phase 3 (00-2-001)

The appropriations in this section are subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to minor works--health, safety, and code requirements (04-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State \$24,000,000

Appropriation:

State Building Construction Account--State \$11,158,212
Prior Biennia (Expenditures) \$23,665,000
Future Biennia (Projected Costs) \$0
TOTAL \$58,823,212

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital - Activity Therapy Building: Renovation (02-1-060)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$70,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$70,000

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center - Less Restrictive Alternative: New Building (02-2-075)

The reappropriation in this section is subject to the following conditions and limitations: To the extent that the department projects savings and efficiencies through design or scope changes, funds appropriated in this section may be transferred to minor works--health, safety, and code requirements (04-1-111) for expenditure for minor works projects.

Reappropriation:

State Building Construction Account--State \$75,000
Prior Biennia (Expenditures) \$3,132,000

Future Biennia (Projected Costs) \$0
TOTAL \$3,207,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Special Commitment Center - Regional SCTF: New 12 Bed Facility (04-2-502)

Appropriation:

State Building Construction Account--State \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Child Care Facilities for Students and State Employees (01-S-003)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided to recapitalize child care facilities grant programs and provide for administration of the program. These funds may be used by state agencies and higher education institutions to provide child care facilities for employees and students. Grants to state agencies will be provided and administered per chapter 41.04 RCW. Grants for higher education child care facilities will be transferred into accounts administered through chapter 28B.135 RCW.

(2) The department may expend up to \$95,000 in the 2003-2005 biennium for administration and contract management.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,500,000
Prior Biennia (Expenditures) \$500,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Infrastructure Project: Savings (02-1-053)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall be spent solely on projects or project elements in conformance with section 915 of this act.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$340,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$340,000

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide: Omnibus Preservation Projects (02-1-069)

The reappropriations in this section are subject to the following conditions and limitations:

(1) No expenditures from the reappropriation should be made for developmental disabilities facilities subject to closure.

(2) \$340,000 of the state building construction account--state reappropriation is to be expended on the Oakridge group home for miscellaneous repairs and is contingent upon the office of financial management transferring that amount from infrastructure project: Savings (02-1-053) to this appropriation by June 30, 2003.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$1,450,000
State Building Construction Account--State \$2,385,000
Subtotal Reappropriation \$3,835,000
Prior Biennia (Expenditures) \$2,005,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,840,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide: Omnibus Programmatic Projects (02-2-070)

The reappropriations in this section are subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$385,000
State Building Construction Account--State \$425,000
Subtotal Reappropriation \$810,000
Prior Biennia (Expenditures) \$190,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital - Power Plant: Revisions/Smokestack Removal (03-1-012)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$80,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,080,000

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES:
Capital Project Management (04-1-110)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Juvenile Rehabilitation - Acute Mental Health Unit: New Facility (04-2-203)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to complete a predesign and siting study on existing state owned property that addresses the need for a functional program, operating efficiencies, and the optimum size of the program based on forecasted population.

(2) This study shall be integrated with juvenile rehabilitation administration master planning efforts.

Appropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$7,502,000
TOTAL \$7,702,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Rainier School: Wastewater Treatment (Buckley) (04-1-950)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Maple Lane School - Steam Plant and Tunnels: Upgrade (04-1-207)

Appropriation:

State Building Construction Account--State \$2,650,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,650,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Program: Mental Health (04-2-365)

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Health, Safety, and Code Requirements (04-1-111)

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Facility Preservation (04-1-112)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Infrastructure Preservation (04-1-113)

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 226. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide - Emergency Repairs (04-1-116)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

NEW SECTION. Sec. 227. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide - Hazards Abatement and Demolition (04-1-119)

The appropriation in this section is subject to the following conditions and limitations:

(1) No more than \$50,000 of this appropriation shall be used for hazardous materials surveys.

(2) The remainder of the appropriation shall be used to demolish abandoned structures at facilities other than those managed by the division of developmental disabilities as approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 228. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Statewide: Facilities Condition Assessment and Preservation Plan (04-1-120)

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$100,000

NEW SECTION. Sec. 229. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
RHC Consolidation (04-1-958)

The appropriations in this section are subject to the following conditions and limitations:

(1) By September 15, 2003, the department shall submit a project request report planning document to the office of financial management and legislative fiscal committees and appropriate policy committees. The report shall outline and identify the projects, scope, schedule, and preliminary cost estimates for capital projects related to residential habilitation center consolidation within this appropriation for the 2003-05 biennium. Future project costs shall also be addressed that enable the department to complete consolidation during the 2005-07 biennium. Priority shall be given to infrastructure repairs and cottage renovations. The budget for 2003-05 is set at \$6,000,000 and shall not include demolition of structures.

(2) Up to \$50,000 of this appropriation may be used to expedite the completion of the planning document and to ensure accurate cost estimates by hiring consultants.

Appropriation:

State Building Construction Account--State \$2,000,000
Charitable, Educational, Penal and Reformatory
Institutions Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

NEW SECTION. Sec. 230. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

Sec. 231. 2001 2nd sp.s. c 8 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Legal Offender Unit (98-2-002)

The reappropriation in this section is subject to the conditions and limitations of section 906 of this act.

Reappropriation:

State Building Construction Account--State ((\$2,365,463))

\$250,000

Prior Biennia (Expenditures) \$15,330,537
Future Biennia (Projected Costs) \$0
TOTAL ((\$17,696,000))

\$15,580,537

NEW SECTION. Sec. 232. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Juvenile Rehabilitation Administration Master Planning Updates (04-1-957)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the juvenile rehabilitation administration to contract for master planning services.

(2) The department shall contract for planning services to include, but not necessarily be limited to, an update to presently existing plans, and shall consider system-wide facility capacity and infrastructure condition and capacity; security needs; specialized populations, including acute mental health needs; and efficiencies, based on current population growth. The study shall investigate the possibility of lesser or greater growth than currently forecasted.

(3) The study scope is subject to review and approval by the office of financial management and the legislative fiscal capital and appropriate policy committees. The office of financial management shall coordinate the review of the study scope.

(4) The juvenile rehabilitation administration shall report to the office of financial management and the legislature with initial information about the process and demographic data to be used in planning by December 1, 2003. The final study is due to the office of financial management and fiscal capital and policy committees no later than September 1, 2004.

Appropriation:

State Building Construction Account--State \$200,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$200,000

NEW SECTION. Sec. 233. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (02-4-004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Reappropriation:

Drinking Water Assistance Account--Federal \$5,000,000

Prior Biennia (Expenditures) \$19,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$24,000,000

NEW SECTION. Sec. 234. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (04-4-003)

The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for an interagency agreement with the department of community, trade, and economic development to make, in cooperation with the public works board, loans to local governments and public water systems for projects and activities to protect and improve the state's drinking water facilities and resources.

Appropriation:

Drinking Water Assistance Account--Federal \$28,122,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$28,122,000

NEW SECTION. Sec. 235. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Biosafety Level 3 Facility (02-2-001)

Reappropriation:

State Building Construction Account--State \$2,231,485

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,231,485

NEW SECTION. Sec. 236. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: C Wing Remodel (02-2-002)

Reappropriation:

State Building Construction Account--State \$295,900

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$295,900

NEW SECTION. Sec. 237. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: Chiller Plant Upgrade (02-1-004)

Reappropriation:

State Building Construction Account--State \$2,355,142

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,355,142

NEW SECTION. Sec. 238. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory: E Wing Remodel (02-2-003)

Reappropriation:

State Building Construction Account--State \$295,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$295,000

NEW SECTION. Sec. 239. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil Veterans' Home: Minor Works Mechanical/Electrical/HVAC (02-1-001)

Reappropriation:

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$520,000*

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$520,000

NEW SECTION, Sec. 240. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Retsil: 240 Bed Nursing Facility (02-2-008)

Reappropriation:

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$500,000*

Appropriation:

General Fund--Federal \$30,730,700

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$250,000*

State Building Construction Account--State \$12,000,000

Subtotal Appropriation \$42,980,700

Prior Biennia (Expenditures) \$2,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$45,980,700

NEW SECTION, Sec. 241. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Historic District Management Plan (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for the completion of an historic district management plan that will address a federal requirement related to demolition of historically significant buildings and other structures as identified by the state historical preservation office at Retsil veterans home.

Appropriation:

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$40,000*

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$40,000

NEW SECTION, Sec. 242. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Emergency Repairs (04-1-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

*Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$300,000*

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$300,000

NEW SECTION, Sec. 243. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Infrastructure Savings (04-1-851)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION, Sec. 244. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Facility Preservation: Orting (04-1-004)

Appropriation:

State Building Construction Account--State \$750,000

Prior Biennia (Expenditures) \$140,000

Future Biennia (Projected Costs) \$0

TOTAL \$890,000

NEW SECTION, Sec. 245. FOR THE DEPARTMENT OF CORRECTIONS

Correctional Industries Space (98-2-005)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$4,368,519

Prior Biennia (Expenditures) \$3,431,481
Future Biennia (Projected Costs) \$0
TOTAL \$7,800,000

NEW SECTION, Sec. 246. FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expansion (98-2-011)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,054,117
Prior Biennia (Expenditures) \$1,607,834
Future Biennia (Projected Costs) \$0
TOTAL \$2,661,951

NEW SECTION, Sec. 247. FOR THE DEPARTMENT OF CORRECTIONS

Stafford Creek Corrections Center: Construction (98-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,436,433
Prior Biennia (Expenditures) \$191,151,952
Future Biennia (Projected Costs) \$0
TOTAL \$197,588,385

NEW SECTION, Sec. 248. FOR THE DEPARTMENT OF CORRECTIONS

Local Criminal Justice Facilities (99-2-003)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation from the state building construction account--state appropriation is provided solely for grants to local jurisdictions for jail capacity expansion projects. Grants provided in this section shall be limited to up to \$500,000 per jurisdiction.

(2) \$500,000 of the state building construction account--state reappropriation increase in this section is provided solely for grants to local jurisdictions for the construction of jail beds.

(3) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

General Fund--Federal \$3,019,674
State Building Construction Account--State \$2,668,195
Subtotal Reappropriation \$5,687,869

Prior Biennia (Expenditures) \$1,097,603
Future Biennia (Projected Costs) \$0
TOTAL \$6,785,472

NEW SECTION, Sec. 249. FOR THE DEPARTMENT OF CORRECTIONS

Violent Offender/Truth in Sentencing Grant Administration (99-2-004)

Reappropriation:

General Fund--Federal \$672,287
Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$94,194
Subtotal Reappropriation \$766,481

Prior Biennia (Expenditures) \$271,521
Future Biennia (Projected Costs) \$0
TOTAL \$1,038,002

NEW SECTION, Sec. 250. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: 100 Bed Management and Segregation Unit (00-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature to explore the concept of an anaerobic digester to treat dairy waste in Snohomish county, with the Monroe honor farm being one possible site for such a project.

(2) The department shall not sell, lease, or otherwise dispose of the Monroe honor farm site prior to December 1, 2004.

Reappropriation:

General Fund--Federal \$10,964,679
State Building Construction Account--State \$8,575,906
Subtotal Reappropriation \$19,540,585

Appropriation:

State Building Construction Account--State \$18,674,031
Prior Biennia (Expenditures) \$1,223,416
Future Biennia (Projected Costs) \$0
TOTAL \$39,438,032

NEW SECTION, Sec. 251. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Intensive Management Unit Improvements (00-1-025)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$4,100,964
Future Biennia (Projected Costs) \$0
TOTAL \$4,600,964

NEW SECTION. Sec. 252. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Regional Training Center (02-2-016)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,812,140
Prior Biennia (Expenditures) \$162,860
Future Biennia (Projected Costs) \$0
TOTAL \$2,975,000

NEW SECTION. Sec. 253. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works: Omnibus Preservation (02-1-015)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,124,489
Prior Biennia (Expenditures) \$494,758
Future Biennia (Projected Costs) \$0
TOTAL \$3,619,247

NEW SECTION. Sec. 254. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works: Program (02-2-030)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,291,000
Prior Biennia (Expenditures) \$234,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,525,000

NEW SECTION. Sec. 255. FOR THE DEPARTMENT OF CORRECTIONS

Olympic Corrections Center: Replace Telecomm System (02-1-041)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$406,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,406,000

NEW SECTION. Sec. 256. FOR THE DEPARTMENT OF CORRECTIONS

Pine Lodge: Replace Telecommunication System (02-1-009)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$774,944
Prior Biennia (Expenditures) \$364,056
Future Biennia (Projected Costs) \$0
TOTAL \$1,139,000

NEW SECTION. Sec. 257. FOR THE DEPARTMENT OF CORRECTIONS

Statewide Intensive Management Unit Repairs (02-1-040)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,544,656
Prior Biennia (Expenditures) \$67,344
Future Biennia (Projected Costs) \$0
TOTAL \$1,612,000

NEW SECTION. Sec. 258. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Building Water Pipe Replacement Phase 2 (02-1-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$2,281,299
Prior Biennia (Expenditures) \$412,701
Future Biennia (Projected Costs) \$0
TOTAL \$2,694,000

NEW SECTION. Sec. 259. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Domestic Water System Improvements (02-1-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,300,000
Prior Biennia (Expenditures) \$231,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,531,000

NEW SECTION. Sec. 260. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Replace Steam/Condensate Piping (02-1-006)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,170,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,170,000

NEW SECTION. Sec. 261. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Electrical Supply System (02-1-024)

Reappropriation:

State Building Construction Account--State \$3,729,706

Appropriation:

State Building Construction Account--State \$4,242,715
Prior Biennia (Expenditures) \$331,294
Future Biennia (Projected Costs) \$4,016,473
TOTAL \$12,320,188

NEW SECTION. Sec. 262. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Sanitary/Domestic Water Lines (02-1-026)

Reappropriation:

State Building Construction Account--State \$870,000

Appropriation:

State Building Construction Account--State \$1,312,167
Prior Biennia (Expenditures) \$200,000
Future Biennia (Projected Costs) \$1,187,520
TOTAL \$3,569,687

NEW SECTION. Sec. 263. FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center: Expand Minimum Security Facility by 210 Beds (03-2-002)

Reappropriation:

State Building Construction Account--State \$2,804,073
Prior Biennia (Expenditures) \$589,927
Future Biennia (Projected Costs) \$0
TOTAL \$3,394,000

NEW SECTION. Sec. 264. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Water Tank Replacement (03-1-022)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,394,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,394,000

NEW SECTION. Sec. 265. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Replace Submarine Electric Power Cable (04-1-006)

Appropriation:

State Building Construction Account--State \$4,902,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$980,000
TOTAL \$5,882,000

NEW SECTION. Sec. 266. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Facility Preservation (04-1-001)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 267. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code (04-1-021)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 268. FOR THE DEPARTMENT OF CORRECTIONS
Minor Works - Infrastructure Preservation (04-1-003)

Appropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 269. FOR THE DEPARTMENT OF CORRECTIONS
Emergency Repairs (04-1-036)

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

Charitable, Educational, Penal, and Reformatory
Institutions Account--State \$1,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,600,000

NEW SECTION. Sec. 270. FOR THE DEPARTMENT OF CORRECTIONS
Washington State Penitentiary: Convert BAR Units from Medium to Close Custody (04-2-004)

Appropriation:

State Building Construction Account--State \$17,809,202
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,809,202

NEW SECTION. Sec. 271. FOR THE DEPARTMENT OF CORRECTIONS
Washington State Penitentiary: North Close Security Compound (04-2-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to construct essential close custody security beds and directly related structures.

Appropriation:

State Building Construction Account--State \$133,940,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$5,800,000
TOTAL \$139,740,000

NEW SECTION. Sec. 272. FOR THE DEPARTMENT OF CORRECTIONS
Infrastructure Savings (04-1-850)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

NEW SECTION. Sec. 273. FOR THE DEPARTMENT OF CORRECTIONS
Master Planning (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for the department to contract for master planning services.

(2) The department shall incorporate the integration of operating and capital in the scope of work and master planning effort to include a minimum six-year planning horizon.

(3) The master plan shall include an analysis of forecasted offender population growth, gender, custody level, population and medical needs, infrastructure needs, and a system-wide view of facility needs. Alternatives should be generated that include the management of excess capacity.

(4) The plan shall consider strategies to integrate capital and operating planning and improve efficiencies in both areas.

(5) The scope of planning work shall be subject to review and approval by the office of financial management and the legislative fiscal capital committees. The office of financial management shall coordinate the review process. No later than October 1, 2003, and prior to pursuing a request for proposal, the department shall report to the office of financial management and the legislative fiscal capital committees on a proposed scope of work and draft timeline work plan. No later than January 15, 2004, the department shall report to the office of financial management and the legislative fiscal capital committees on the selection of a consultant, and revised scope of work and timeline work plan.

(6) The department shall not deduct any portion of this amount for administrative costs related to new staffing.

Appropriation:

State Building Construction Account--State \$500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

**NEW SECTION. Sec. 274. FOR THE DEPARTMENT OF CORRECTIONS
Washington Corrections Center: Regional Infrastructure (04-2-008)**

Appropriation:

State Building Construction Account--State \$4,650,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$10,518,000
TOTAL \$15,168,000

**NEW SECTION. Sec. 275. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION
School Mapping and Security (04-4-950)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington association of sheriffs and police chiefs to conduct a school mapping and security project. The association and the criminal justice training commission shall coordinate this effort with the school safety advisory committee.

Appropriation:

State Building Construction Account--State \$4,800,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,800,000

**PART 3
NATURAL RESOURCES**

**NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF ECOLOGY
Referendum 38 Water Supply Facilities (74-2-006)**

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contracts on or before June 30, 2003. Reappropriated funds not associated with contracted projects lapse June 30, 2003.

(2) The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(3) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2003, listing all projects funded from this section.

(4) \$614,000 of the reappropriation from the state drought preparedness account is provided solely to purchase or lease water pursuant to section 308 of this act.

Reappropriation:

State Drought Preparedness--State \$614,000
State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$3,716,000
Subtotal Reappropriation \$4,330,000
Prior Biennia (Expenditures) \$13,268,071
Future Biennia (Projected Costs) \$0
TOTAL \$17,598,071

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY
Referendum 38 Water Supply Facilities (02-4-006)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the reappropriation is provided solely to study the development of the Lake Wenatchee water storage project.

(2) The department shall submit a report to the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee by December 1, 2003, listing all projects funded from this section.

Reappropriation:

State and Local Improvements Revolving
Account (Water Supply Facilities)--State \$5,394,000
Prior Biennia (Expenditures) \$606,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF ECOLOGY
Local Toxics Grants to Locals for Cleanup and Prevention (88-2-008)**

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for projects under contract on or before June 30, 2003. Reappropriated funds not associated with contracted projects lapse June 30, 2003. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(2) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2003, listing all projects funded from this section.

Reappropriation:

Local Toxics Control Account--State \$49,791,440
Prior Biennia (Expenditures) \$84,039,482
Future Biennia (Projected Costs) \$0
TOTAL \$133,830,922

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF ECOLOGY
Local Toxics Grants to Locals for Cleanup and Prevention (04-4-008)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$8,000,000 of the appropriation is provided solely for a grant to the port of Ridgefield to continue clean-up actions on port-owned property.

(2) \$1,800,000, or as much thereof as may be necessary, of the appropriation is provided solely for a grant to Klickitat county for removal and disposal or recycling of vehicle tires. The grant shall include conditions that require Klickitat county to contract for the vehicle tire removal following a competitive bidding process. No funds from the grant may be expended for any remediation activities other than vehicle tire removal, disposal, and recycling.

Appropriation:

Local Toxics Control Account--State \$45,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$45,000,000

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Revolving Account (90-2-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal \$27,357,355
Prior Biennia (Expenditures) \$73,083,222
Future Biennia (Projected Costs) \$0
TOTAL \$100,440,577

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF ECOLOGY
Low-Level Nuclear Waste Disposal Trench Closure (97-2-012)

Reappropriation:

Site Closure Account--State \$5,255,168
Prior Biennia (Expenditures) \$1,028,898
Future Biennia (Projected Costs) \$0
TOTAL \$6,284,066

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF ECOLOGY
Low-level Nuclear Waste Disposal Trench Site Investigation (04-4-010)

Appropriation:

Site Closure Account--State \$1,141,415
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,141,415

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF ECOLOGY
Water Rights Purchase/Lease (99-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for the purchase or lease of water rights under the trust water rights program under chapters 90.42 and 90.38 RCW, for the purpose of improving stream and river flows in fish critical basins.

Reappropriation:

General Fund--Federal \$1,343,000
Prior Biennia (Expenditures) \$2,145,551
Future Biennia (Projected Costs) \$0
TOTAL \$3,488,551

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF ECOLOGY
Water Rights Purchase/Lease (04-1-005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for the purchase or lease of water rights. It is also provided for the purpose of improving stream and river flows in fish critical basins under the trust water rights program under chapters 90.42 and 90.38 RCW.

Appropriation:

General Fund--Federal \$1,500,000
State Drought Preparedness--State \$1,500,000
Subtotal Appropriation \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF ECOLOGY
Water Irrigation Efficiencies (01-H-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation and reappropriation are provided solely to provide grants to conservation districts to assist the agricultural community to implement water conservation measures and irrigation efficiencies in the 16 critical basins. A conservation district receiving funds shall manage each grant to ensure that a portion of the water saved by the water conservation measure or irrigation efficiency will be placed as a purchase or a lease in the trust water rights program to enhance instream flows. The proportion of saved water placed in the trust water rights program must be equal to the percentage of the public investment in the conservation measure or irrigation efficiency. The percentage of

the public investment may not exceed 85 percent of the total cost of the conservation measure or irrigation efficiency. In awarding grants, a conservation district shall give first priority to family farms.

(2) By February 1, 2003, the state conservation commission shall submit a progress report to the appropriate standing committees of the legislature on: (a) The amount of public funds expended from this section; and (b) the location and amount of water placed in the trust water rights program pursuant to this section.

Reappropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$2,650,000
Water Quality Account--State \$3,117,000
Subtotal Reappropriation \$5,767,000

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$3,233,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,000,000

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF ECOLOGY

Water Measuring Devices (01-H-009)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for water measuring devices and gauges. The department shall prioritize the distribution of water measuring devices and gauges to locations participating in the department of fish and wildlife's fish screens and cooperative compliance programs.

Reappropriation:

State Building Construction Account--State \$2,700,000
Prior Biennia (Expenditures) \$700,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,400,000

NEW SECTION. Sec. 312. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Fund (02-4-007)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations of section 315, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Water Quality Account--State \$20,210,510
Prior Biennia (Expenditures) \$115,983,563
Future Biennia (Projected Costs) \$0
TOTAL \$136,194,073

NEW SECTION. Sec. 313. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (04-4-007)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$7,547,044 of the water quality account appropriation is provided for the extended grant payment to Metro/King county.

(2) Up to \$10,000,000 of the state building construction account--state appropriation is provided for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for water quality facility grants for communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality regulations; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(4) \$1,500,000 of the state building construction--state appropriation is provided solely for water conveyance facilities to implement the 1996 memorandum of agreement regarding utilization of Skagit river basin water resources for in-stream and out-of-stream purposes.

(5) \$4,000,000 of the state building construction account--state appropriation is provided solely for a grant to the city of Duvall for construction of a sewage treatment plant.

(6) \$1,000,000 of the state building construction account--state appropriation is provided solely for the Klickitat wastewater treatment project.

(7) The remaining appropriation in this section is provided for statewide water quality implementation and planning grants and loans. The department shall give priority consideration to projects located in basins with critical or depressed salmonid stocks.

(8) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$30,452,000
Water Quality Account--State \$15,948,000
Subtotal Appropriation \$46,400,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$200,000,000
TOTAL \$246,400,000

NEW SECTION. Sec. 314. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--State \$149,099,023

Water Pollution Control Revolving Account--Federal \$39,474,405
Subtotal Reappropriation \$188,573,428

Prior Biennia (Expenditures) \$166,029,368
Future Biennia (Projected Costs) \$0
TOTAL \$354,602,796

NEW SECTION. Sec. 315. FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Program (04-4-002)

Appropriation:

Water Pollution Control Revolving Account--State \$66,663,333
Water Pollution Control Revolving
Account--Federal \$44,466,666
Subtotal Appropriation \$111,129,999

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$462,000,000
TOTAL \$573,129,999

NEW SECTION. Sec. 316. FOR THE DEPARTMENT OF ECOLOGY
Water Supply Facilities Program (04-4-006)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) \$1,000,000 of the state building construction account appropriation and \$3,000,000 of the state and local improvements revolving account appropriation are provided solely for expenditure under a contract between the department of ecology and the United States bureau of reclamation for the development of plans, engineering, and financing reports and other preconstruction activities associated with the development of water storage projects in the Yakima river basin, consistent with the Yakima river basin water enhancement project, P.L. 103-434. The initial water storage feasibility study shall be for the Black Rock reservoir project. The department shall seek federal funds to augment the funding provided by this appropriation.

(b) Up to \$2,240,000 of the state building construction account--state appropriation is provided solely for phase 1 of restoration of anadromous fish habitat in Manastash creek.

(c) The remainder of the state building construction account appropriation is provided solely for grants for the development of plans, engineering and financing reports, acquiring land and facilities, and other preconstruction activities associated with the development of water storage and groundwater storage and recovery projects. Proposed projects must be consistent with the recommendations of the water storage task force and the governor's water strategy. Priority for the use of these funds must be given to: Projects that have been identified for early action through watershed plans, comprehensive irrigation district management plans, or similar plans; to projects that are part of an approved habitat conservation plan or other intergovernmental agreement; or to joint projects with federal entities such as the bureau of reclamation. The department shall develop and administer this grants program in conjunction with the departments of agriculture and fish and wildlife. Decisions regarding which projects are funded must be by unanimous agreement of all three departments. The department shall seek local and federal funds to augment the funding provided by this appropriation.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(3) By December 1, 2003, the department shall submit a report to the office of financial management and standing capital budget committees of the house of representatives and the senate listing all projects funded under this section.

Appropriation:

State Building Construction Account--State \$6,650,000
State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$7,000,000
Subtotal Appropriation \$13,650,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,650,000

NEW SECTION. Sec. 317. FOR THE DEPARTMENT OF ECOLOGY
Padilla Bay Expansion (02-2-006)

Reappropriation:

General Fund--Federal \$1,472,891
State Building Construction Account--State \$693,353
Subtotal Reappropriation \$2,166,244

Appropriation:

General Fund--Federal \$2,417,196
State Building Construction Account--State \$568,804
Subtotal Appropriation \$2,986,000

Prior Biennia (Expenditures) \$527,756
Future Biennia (Projected Costs) \$0
TOTAL \$5,680,000

NEW SECTION. Sec. 318. FOR THE DEPARTMENT OF ECOLOGY
Twin Lake Aquifer Recharge Project (04-2-951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to recover the department of ecology's cost in evaluating and issuing decisions on water right applications and restoration of the Twin Lakes in the Methow valley.

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

NEW SECTION. Sec. 319. FOR THE DEPARTMENT OF ECOLOGY
Columbia Basin Ground Water Management (04-2-952)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of ecology to make grants to implement the Columbia basin ground water management area plan.

Appropriation:

Water Quality Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 320. FOR THE STATE PARKS AND RECREATION COMMISSION
Lewis and Clark Trail Bicentennial (00-1-010)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided solely to renovate facilities and enhance exhibits at Lewis and Clark trail interpretive centers located at Sacajawea state park and Fort Canby state park.

Reappropriation:

State Building Construction Account--State \$700,000

Appropriation:

State Building Construction Account--State \$3,337,000
Prior Biennia (Expenditures) \$600,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,837,000

NEW SECTION. Sec. 321. FOR THE STATE PARKS AND RECREATION COMMISSION
Facility Improvement (01-S-005)

The reappropriation in this section is subject to the following conditions and limitations: \$200,000 is provided solely for funding of the twin tunnels bridge on the Iron Goat trail.

Reappropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$2,750,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,500,000

NEW SECTION. Sec. 322. FOR THE STATE PARKS AND RECREATION COMMISSION
Beacon Rock Pierce Trust (02-3-018)

Reappropriation:

Parks Renewal and Stewardship Account--State \$200,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 323. FOR THE STATE PARKS AND RECREATION COMMISSION
Beacon Rock Pierce Trust (04-2-018)

Appropriation:

Parks Renewal and Stewardship Account--State \$50,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

NEW SECTION. Sec. 324. FOR THE STATE PARKS AND RECREATION COMMISSION
Coastal Facility Relocation (00-1-005)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$800,000
Prior Biennia (Expenditures) \$1,200,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 325. FOR THE STATE PARKS AND RECREATION COMMISSION
Coastal Facility Relocation (02-1-017)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations in section 324, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Parks Renewal and Stewardship Account--State \$3,500,000
Prior Biennia (Expenditures) \$584,500
Future Biennia (Projected Costs) \$0
TOTAL \$4,084,500

NEW SECTION. Sec. 326. FOR THE STATE PARKS AND RECREATION COMMISSION

Facilities Preservation: Statewide (98-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section expires December 31, 2003.

Reappropriation:

State Building Construction Account--State \$900,000
Prior Biennia (Expenditures) \$8,784,535
Future Biennia (Projected Costs) \$0
TOTAL \$9,684,532

NEW SECTION. Sec. 327. FOR THE STATE PARKS AND RECREATION COMMISSION

Statewide Facility Preservation and Deferred Maintenance (99-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section expires December 31, 2003.

Reappropriation:

State Building Construction Account--State \$125,000
Prior Biennia (Expenditures) \$3,875,000
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION. Sec. 328. FOR THE STATE PARKS AND RECREATION COMMISSION

Facility Preservation (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

(2) The legislature does not intend to reappropriate any amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,000,000
Prior Biennia (Expenditures) \$4,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,000,000

NEW SECTION. Sec. 329. FOR THE STATE PARKS AND RECREATION COMMISSION

Minor Works - Facility Preservation (04-1-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to continue minor works projects that reduce the deferred maintenance backlog.

Appropriation:

State Building Construction Account--State \$1,837,500
Parks Renewal and Stewardship Account--State \$5,900,000
Subtotal Appropriation \$7,737,500
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,737,500

NEW SECTION. Sec. 330. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for park preservation and for development of the multipurpose dining and meeting facility.

Reappropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$4,569,365
Future Biennia (Projected Costs) \$0
TOTAL \$6,069,365

NEW SECTION. Sec. 331. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden (04-1-004)

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 332. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach State Park Development (99-2-001)

Reappropriation:

Parks Renewal and Stewardship Account--State \$310,000
Prior Biennia (Expenditures) \$690,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 333. FOR THE STATE PARKS AND RECREATION COMMISSION

Major Park Renovation - Cama Beach (02-1-022)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is provided to complete electrical power, water, and sewer utilities, and for other park development and renovation.

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

Parks Renewal and Stewardship Account--State \$200,000

Prior Biennia (Expenditures) \$1,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,200,000

NEW SECTION. Sec. 334. FOR THE STATE PARKS AND RECREATION COMMISSION

Natural/Historic Stewardship (02-1-006)

Reappropriation:

State Building Construction Account--State \$600,000

Prior Biennia (Expenditures) \$400,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 335. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Structure and Land Use Program (00-1-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$6,200,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,500,000

NEW SECTION. Sec. 336. FOR THE STATE PARKS AND RECREATION COMMISSION

Historic Stewardship (04-1-010)

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$8,000,000

TOTAL \$9,000,000

NEW SECTION. Sec. 337. FOR THE STATE PARKS AND RECREATION COMMISSION

Park Housing (02-2-008)

Reappropriation:

State Building Construction Account--State \$300,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$200,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 338. FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition Account (02-2-016)

Reappropriation:

Parkland Acquisition Account--State \$1,951,417

Prior Biennia (Expenditures) \$48,583

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 339. FOR THE STATE PARKS AND RECREATION COMMISSION

Parkland Acquisition (04-2-013)

Appropriation:

Parkland Acquisition Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$8,000,000

TOTAL \$9,000,000

NEW SECTION. Sec. 340. FOR THE STATE PARKS AND RECREATION COMMISSION

Iron Horse Trail (04-2-016)

The appropriation in this section is subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

(2) The commission shall submit a study of potential user fees that could support maintenance, operation, and capital renewal costs of the agency's three cross-state trails. This study must be submitted to the office of financial management by June 30, 2004.

Appropriation:

State Building Construction Account--State \$262,500

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$262,500

NEW SECTION. Sec. 341. FOR THE STATE PARKS AND RECREATION COMMISSION

Recreation Development-Grayland Beach (02-2-007)

Reappropriation:

State Building Construction Account--State \$450,000

Prior Biennia (Expenditures) \$50,000

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

**NEW SECTION. Sec. 342. FOR THE STATE PARKS AND RECREATION COMMISSION
Statewide Boat Pumpout - Federal Clean Vessel Act (02-2-020)**

Reappropriation:

General Fund--Federal \$797,528
Prior Biennia (Expenditures) \$202,472
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

**NEW SECTION. Sec. 343. FOR THE STATE PARKS AND RECREATION COMMISSION
Statewide Boat Pumpout - Federal Clean Vessel Act (04-4-014)**

Appropriation:

General Fund--Federal \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$4,000,000
TOTAL \$5,000,000

**NEW SECTION. Sec. 344. FOR THE STATE PARKS AND RECREATION COMMISSION
Job Creation and Infrastructure (03-1-001)**

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.
- (2) The reappropriation shall support the projects as listed in section 211, chapter 238, Laws of 2002.

Reappropriation:

State Building Construction Account--State \$4,000,000
Prior Biennia (Expenditures) \$5,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$9,500,000

**NEW SECTION. Sec. 345. FOR THE STATE PARKS AND RECREATION COMMISSION
Deception Pass State Park Renovation (04-1-019)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for design and permits for park and marine crew area relocation.

Appropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

**NEW SECTION. Sec. 346. FOR THE STATE PARKS AND RECREATION COMMISSION
Emergency Repairs (04-1-012)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets or protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

Appropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$3,200,000
TOTAL \$3,700,000

**NEW SECTION. Sec. 347. FOR THE STATE PARKS AND RECREATION COMMISSION
Facility Assessment (04-2-011)**

The appropriation in this section is subject to the following conditions and limitations: The commission shall submit to the legislature, no later than October 15, 2003, a report regarding the current condition and prospective content of the state parks system for the system's centennial in 2013. The report and its proposals must include the following elements: Lands, facilities, and programs within the current state parks system, park renovation needs, development of new public-use facilities on existing state park lands, the rearranging of park assets for better public use, and how these investments relate to the recreation needs of the state's growing population. The report also is to include a financing strategy including but not limited to private/public resources potentially available for the centennial.

Appropriation:

Parks Renewal and Stewardship Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

**NEW SECTION. Sec. 348. FOR THE STATE PARKS AND RECREATION COMMISSION
Recreation Development (04-2-002)**

The appropriation in this section is subject to the following conditions and limitations:

(1) \$100,000 of the appropriation shall be used to retain a consultant to conduct a predesign study for a headquarters building located in Thurston county. The predesign shall compare a new leased facility against options to build and evaluate appropriate funding strategies.

(2) \$900,000 of the appropriation shall be used to install fee collection stations at selected parks statewide.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the commission shall file quarterly project progress reports with the office of financial management.

Appropriation:

State Building Construction Account--State \$2,900,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$8,000,000
TOTAL \$10,900,000

**NEW SECTION. Sec. 349. FOR THE STATE PARKS AND RECREATION COMMISSION
Fort Canby Improvements (04-2-850)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Realvest upland area.

Appropriation:

State Building Construction Account--State \$750,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$750,000

**NEW SECTION. Sec. 350. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Boating Facilities Projects (98-2-001)**

Reappropriation:

Recreation Resources Account--State \$9,929,319
Prior Biennia (Expenditures) \$9,553,140
Future Biennia (Projected Costs) \$0
TOTAL \$19,482,459

**NEW SECTION. Sec. 351. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms Range Program (98-2-004)**

Reappropriation:

Firearms Range Account--State \$147,078
Prior Biennia (Expenditures) \$426,591
Future Biennia (Projected Costs) \$0
TOTAL \$573,669

**NEW SECTION. Sec. 352. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Wildlife and Recreation Program (WWRP) (98-2-003)**

The reappropriations in this section are subject to the following conditions and limitations:

(1) Reappropriated funds that are not obligated to a specific project may be used to fund projects from the list of alternate projects in biennia succeeding the biennium in which the funds were originally appropriated.

(2) The reappropriations in this section expire December 31, 2003.

Reappropriation:

Outdoor Recreation Account--State \$16,226,384
Habitat Conservation Account--State \$14,098,656
Subtotal Reappropriation \$30,325,040
Prior Biennia (Expenditures) \$64,740,260
Future Biennia (Projected Costs) \$0
TOTAL \$84,649,025

**NEW SECTION. Sec. 353. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Wildlife and Recreation Program (WWRP) (02-4-003)**

The reappropriations in this section are for the wildlife and recreation program under chapter 43.99A RCW and RCW 43.99A.040 are subject to the following conditions and limitations:

(1) The reappropriation is provided for the approved list of projects included in LEAP capital document No. 2001-24, as developed on June 7, 2001, and LEAP capital document No. 2002-21, as developed on March 12, 2002.

(2) The department of natural resources shall manage lands acquired through project No. 00-1427 "North Bay NAP" as a natural resources conservation area under chapter 79.71 RCW.

(3) It is the intent of the legislature that no reappropriations shall be made in the 2005-07 biennium.

Reappropriation:

Outdoor Recreation Account--State \$15,089,319
Habitat Conservation Account--State \$19,200,926
Subtotal Reappropriation \$34,290,245
Prior Biennia (Expenditures) \$10,709,755
Future Biennia (Projected Costs) \$0
TOTAL \$45,000,000

**NEW SECTION. Sec. 354. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Washington Wildlife and Recreation Program (WWRP) (04-4-002)**

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is provided for the approved list of projects in LEAP capital document No. 2003-45, as developed on June 4, 2003. In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(2) It is the intent of the legislature that any moneys remaining unexpended shall be reappropriated in the 2005-07 biennium, but no reappropriations shall be made in subsequent biennia.

(3) The department of natural resources shall manage lands acquired through project No. 02-1090, "Bone river and Niawiakum river natural area preserves," as natural resources conservation areas under chapter 79.71 RCW.

Appropriation:

Outdoor Recreation Account--State \$22,500,000
Habitat Conservation Account--State \$22,500,000
Subtotal Appropriation \$45,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$120,000,000

TOTAL \$165,000,000

**NEW SECTION. Sec. 355. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms and Archery Range Program (FARR) (02-0-001)**

Reappropriation:

Firearms Range Account--State \$388,462
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$388,462

**NEW SECTION. Sec. 356. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Firearms and Archery Range Recreation Program (FARR) (04-4-006)**

Appropriation:

Firearms Range Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

**NEW SECTION. Sec. 357. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Hatchery Management Program (02-4-009)**

Reappropriation:

General Fund--Federal \$9,663,822
Prior Biennia (Expenditures) \$1,404,650
Future Biennia (Projected Costs) \$0
TOTAL \$11,068,472

**NEW SECTION. Sec. 358. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Hatchery Management Program (04-4-010)**

Appropriation:

General Fund--Federal \$10,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$40,000,000
TOTAL \$50,000,000

**NEW SECTION. Sec. 359. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Land and Water Conservation (LWCF) (02-4-005)**

The reappropriation in this section is subject to the following conditions and limitations: \$1,500,000 of the recreation resources account--federal is reappropriated for projects chosen by the interagency committee for outdoor recreation.

Reappropriation:

Recreation Resources Account--Federal \$7,143,443
Prior Biennia (Expenditures) \$225,228
Future Biennia (Projected Costs) \$0
TOTAL \$7,500,000

**NEW SECTION. Sec. 360. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Land and Water Conservation Fund (LWCF) (04-4-007)**

Appropriation:

General Fund--Federal \$5,735,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,735,000

**NEW SECTION. Sec. 361. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
National Recreation Trails (NRTP) (98-2-006)**

Reappropriation:

Recreation Resources Account--Federal \$261,247
Prior Biennia (Expenditures) \$1,760,568
Future Biennia (Projected Costs) \$0
TOTAL \$2,067,614

**NEW SECTION. Sec. 362. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
National Recreation Trails Program (NRTP) (02-4-006)**

Reappropriation:

Recreation Resources Account--Federal \$1,617,419
Prior Biennia (Expenditures) \$420,230
Future Biennia (Projected Costs) \$0
TOTAL \$2,132,936

**NEW SECTION. Sec. 363. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
National Recreation Trails Program (NRTP) (04-4-008)**

Appropriation:

General Fund--Federal \$2,260,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,260,000

**NEW SECTION. Sec. 364. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway Off-Road Vehicle Program (NOVA) (98-2-002)**

Reappropriation:

Nonhighway and Off-Road Vehicle Activities
Program Account--State \$3,982,180
Prior Biennia (Expenditures) \$7,064,917
Future Biennia (Projected Costs) \$0
TOTAL \$11,095,923

NEW SECTION. Sec. 365. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway Off-Road Vehicle (NOVA) (02-4-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(i) is subject to the following conditions and limitations: A portion of the reappropriation may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off-road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(ii) is subject to the following conditions and limitations: The portion of the reappropriation that applies to grants for capital facilities may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the reappropriation that applies to grants for management, maintenance, and operation of existing off-road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The reappropriation for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(iii) is subject to the following conditions and limitations: Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Reappropriation:

Nonhighway Off-Road Vehicle Activities Program
Account--State \$4,479,456
Prior Biennia (Expenditures) \$1,040,141
Future Biennia (Projected Costs) \$0
TOTAL \$5,527,551

NEW SECTION. Sec. 366. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Nonhighway and Off-Road Vehicle Activities Program (NOVA) (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$450,000 of the appropriation is provided solely to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, on lands managed by the department of natural resources for the fiscal year ending June 30, 2004.

(2) \$325,000 of the appropriation is provided solely to the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses within state parks.

Appropriation:

Nonhighway and Off-Road Vehicle Activities Program
Account--State \$6,226,310
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,226,310

NEW SECTION. Sec. 367. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery (00-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The agency shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

General Fund--Federal \$35,263,219
Salmon Recovery Account--State \$11,076,017
Subtotal Reappropriation \$46,339,236
Prior Biennia (Expenditures) \$53,566,576
Future Biennia (Projected Costs) \$0
TOTAL \$101,569,389

NEW SECTION. Sec. 368. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Salmon Recovery (02-4-007)

The reappropriations in this section are subject to the following conditions and limitations:

(1) Activities funded through grants provided in this section shall be consistent with the salmon recovery funding board's goals, mission, and responsibilities.

(2) Jobs for the environment projects submitted by lead entities are eligible to receive funding, including wages for jobs for the environment participants.

Reappropriation:

General Fund--Federal \$45,519,996
State Building Construction Account--State \$20,748,251
Subtotal Reappropriation \$66,268,247
Prior Biennia (Expenditures) \$10,577,920
Future Biennia (Projected Costs) \$0
TOTAL \$74,993,000

NEW SECTION. Sec. 369. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Salmon Recovery Fund Board Programs (SRFB) (04-4-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$23,187,500 of the appropriation is provided for grants for restoration projects.

(2) The remainder of the appropriation is provided solely for grants for other salmon recovery efforts. These grants shall include a grant to any regional recovery board established in the Revised Code of Washington and may include grants for additional restoration projects.

(3) By December 1, 2003, the salmon recovery funding board shall provide a report to the house of representatives capital budget committee and the senate ways and means committee that enumerates board expenditures for salmon recovery projects and activities. The report shall include a list of each project that has been approved for funding by the board, and each project that was submitted on a lead entity habitat project schedule and not funded by the board. Each list shall include the project, project description, project sponsor, status of the project including expenditures to date and completion date, and matching funds that were available for the project. The report shall also include a list and description of all other activities funded by the board including consulting contracts, lead entity and regional recovery board contracts, a description of each of these activities, and the timeline for their completion.

Appropriation:

General Fund--Federal \$34,375,000

State Building Construction Account--State \$12,000,000

Subtotal Appropriation \$46,375,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$46,375,000

NEW SECTION. Sec. 370. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (02-4-001)

Reappropriation:

Recreation Resources Account--State \$6,389,602

Prior Biennia (Expenditures) \$345,510

Future Biennia (Projected Costs) \$0

TOTAL \$6,934,013

NEW SECTION. Sec. 371. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Program (BFP) (04-4-003)

Appropriation:

Recreation Resources Account--State \$7,506,959

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,506,959

NEW SECTION. Sec. 372. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant (BIG) (02-4-010)

Reappropriation:

Recreation Resources Account--Federal \$1,926,155

Prior Biennia (Expenditures) \$39,350

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 373. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Infrastructure Grant Program (BIG) (04-4-009)

Appropriation:

General Fund--Federal \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 374. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Family Forest Fish Blockages Program (04-4-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is provided solely for the salmon recovery funding board in consultation with the small forest landowner office of the department of natural resources and the department of fish and wildlife to provide grants to correct fish passage blockages on nonindustrial forest lands. Selection of projects must be coordinated with the other salmon recovery grant programs provided in section 369 of this act.

(2) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the committee shall file quarterly project progress reports with the office of financial management.

(3) The committee may not expend more than \$100,000 of the appropriation for administrative or staff costs.

Appropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 375. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Aquatic Lands Enhancement Grants (00-2-014)

The reappropriation in this section is subject to the following conditions and limitations: The department shall report to the legislature by December 1, 2003, on the reason for funds in this section not being expended.

Reappropriation:

Aquatic Lands Enhancement Account--State \$1,485,269
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,485,269

NEW SECTION, Sec. 376. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Aquatic Lands Enhancement Grants (02-4-018)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for a list of projects in LEAP capital document No. 2001-44, as developed on June 7, 2001.

Reappropriation:

Aquatic Lands Enhancement Account--State \$3,630,075
Prior Biennia (Expenditures) \$1,934,925
Future Biennia (Projected Costs) \$0
TOTAL \$5,565,000

NEW SECTION, Sec. 377. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
Aquatic Lands Enhancement Grants (04-4-018)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-32, as developed on June 4, 2003.

(2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2005-2007 capital budget. The list shall result from a competitive grants program developed by the committee based upon, at a minimum: (a) A uniform criteria for selecting projects and awarding grants for up to fifty percent of the total project cost; (b) local community support for the project; and (c) environmental benefits to be derived from projects. This process must be coordinated with the salmon recovery funding board selection process. The list of projects must be submitted to the office of financial management by September 15, 2004.

Appropriation:

Aquatic Lands Enhancement Account--State \$5,356,400
Prior Biennia (Expenditures) \$12,622,319
Future Biennia (Projected Costs) \$22,000,000
TOTAL \$39,978,719

NEW SECTION, Sec. 378. FOR THE STATE CONSERVATION COMMISSION
Skykomish Flood Mitigation Project (01-H-013)

Reappropriation:

State Building Construction Account--State \$300,000

Appropriation:

State Building Construction Account--State \$181,000
Prior Biennia (Expenditures) \$318,000
Future Biennia (Projected Costs) \$0
TOTAL \$799,000

NEW SECTION, Sec. 379. FOR THE STATE CONSERVATION COMMISSION
Conservation Reserve Enhancement Program (00-2-004 and 04-4-004)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 00-2-004. The appropriation is for project number 04-4-004.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,000,000

NEW SECTION, Sec. 380. FOR THE STATE CONSERVATION COMMISSION
Dairy Nutrient Management Grants Program (02-4-002)

Reappropriation:

Water Quality Account--State \$350,000

Appropriation:

Water Quality Account--State \$1,600,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,950,000

NEW SECTION, Sec. 381. FOR THE STATE CONSERVATION COMMISSION
Puget Sound District Grants (02-4-003 and 04-4-005)

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 02-4-003. The appropriation is for project number 04-4-005.

Reappropriation:

Water Quality Account--State \$150,000

Appropriation:

Water Quality Account--State \$840,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,680,000

**NEW SECTION. Sec. 382. FOR THE STATE CONSERVATION COMMISSION
Water Quality Grants Program (02-4-001 and 04-4-002)**

The appropriations in this section are subject to the following conditions and limitations: The reappropriation in this section is for project number 02-4-001. The appropriation is for project number 04-4-002.

Reappropriation:

Water Quality Account--State \$750,000

Appropriation:

State Building Construction Account--State \$3,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,250,000

**NEW SECTION. Sec. 383. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish Screens (01-H-011)**

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for the inventory, design, construction, and installation of fish screens and fishways. To the extent practicable and cost effective, the department shall contract for the design, construction, and installation of fish screens and fishways. Funds provided by these appropriations may be used to match federal funds appropriated under HR 1444, the fisheries restoration and irrigation mitigation act of 2000.

Reappropriation:

State Building Construction Account--State \$1,000,000

General Fund--Federal \$500,000

Subtotal Reappropriation \$1,500,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

**NEW SECTION. Sec. 384. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Code Compliance and Protection (02-1-005)**

The reappropriations in this section are subject to the following conditions and limitations: This section reappropriates a portion of the appropriations made in section 389, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

General Fund--Federal \$506,700

State Building Construction Account--State \$350,000

Subtotal Reappropriation \$856,700

Prior Biennia (Expenditures) \$2,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,856,700

**NEW SECTION. Sec. 385. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Commercial and Recreational Customer Satisfaction Improvements (02-2-006)**

Reappropriation:

Warm Water Game Fish Account--State \$505,000

Wildlife Account--State \$500,000

Subtotal Reappropriation \$1,005,000

Prior Biennia (Expenditures) \$55,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,060,000

**NEW SECTION. Sec. 386. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Diverse Fish and Wildlife Population Health and Protection (02-2-004)**

Reappropriation:

State Building Construction Account--State \$190,000

Wildlife Account--State \$1,045,000

Subtotal Reappropriation \$1,235,000

Prior Biennia (Expenditures) \$6,015,000

Future Biennia (Projected Costs) \$0

TOTAL \$7,250,000

**NEW SECTION. Sec. 387. FOR THE DEPARTMENT OF FISH AND WILDLIFE
ESA Compliance on Agency Lands (02-2-002)**

Reappropriation:

State Building Construction Account--State \$650,000

Prior Biennia (Expenditures) \$350,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

**NEW SECTION. Sec. 388. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Facility and Infrastructure Standards and Renovations (02-1-009)**

The reappropriations in this section are subject to the following conditions and limitations: The department shall expend the reappropriated funds as detailed in section 390, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

Aquatic Lands Enhancement Account--State \$150,000

State Building Construction Account--State \$3,290,000

Wildlife Account--State \$250,000
Subtotal Reappropriation \$3,690,000
Prior Biennia (Expenditures) \$8,931,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,621,000

**NEW SECTION. Sec. 389. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Facility, Infrastructure, Lands, and Access Condition Improvement (04-1-003)**

The appropriations in this section are subject to the following conditions and limitations: \$301,000 of the state building construction account appropriation is provided solely for improvements at the Centralia game farm, to include: (1) \$175,000 for a brooder barn to replace numerous houses; (2) \$50,000 to replace flight pens; and (3) \$76,000 to replace to the roofs on several buildings.

Appropriation:

General Fund--Federal \$600,000
State Building Construction Account--State \$3,875,000
Subtotal Appropriation \$4,475,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,475,000

**NEW SECTION. Sec. 390. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish and Wildlife Opportunity Improvements (04-2-006)**

Appropriation:

Warm Water Game Fish Account--State \$550,000
Wildlife Account--State \$1,500,000
Subtotal Appropriation \$2,050,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,050,000

**NEW SECTION. Sec. 391. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Forest and Fish Road Upgrade and Abandonment on Agency Lands (02-1-003)**

Reappropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$300,000
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

**NEW SECTION. Sec. 392. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Partnership Improvements with Internal and External Customers (02-2-008)**

The reappropriations in this section are subject to the following conditions and limitations: Expenditures of the reappropriation in this section for fencing must comply with chapter 16.60 RCW.

Reappropriation:

Aquatic Lands Enhancement Account--State \$30,000
State Building Construction Account--State \$150,000
Game Special Wildlife Account--Federal \$400,000
Subtotal Reappropriation \$580,000
Prior Biennia (Expenditures) \$3,695,400
Future Biennia (Projected Costs) \$0
TOTAL \$4,275,400

**NEW SECTION. Sec. 393. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Culvert Replacement for Fish Passage (03-S-001)**

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to the department of fish and wildlife to replace culverts on state lands that impair fish passage. The department shall prioritize projects that affect fish species listed as threatened or endangered under the federal endangered species act.

Reappropriation:

State Building Construction Account--State \$420,000
Prior Biennia (Expenditures) \$80,000
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

**NEW SECTION. Sec. 394. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Job Creation and Infrastructure Projects (03-1-001)**

The reappropriation in this section is subject to the following conditions and limitations:
(1) The reappropriation shall support the projects as listed in section 212, chapter 238, Laws of 2002.
(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$970,000
Prior Biennia (Expenditures) \$2,070,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,040,000

**NEW SECTION. Sec. 395. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Watchable Fish and Wildlife Recreation Sites (02-2-007)**

Reappropriation:

Wildlife Account--State \$995,076
Prior Biennia (Expenditures) \$4,924
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 396. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Local and Regional Salmon Recovery Planning (03-H-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the conditions and limitations contained in section 133, chapter 238, Laws of 2002.

Reappropriation:

Water Quality Account--State \$700,000
Prior Biennia (Expenditures) \$300,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 397. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Fish and Wildlife Population and Habitat Protection (04-1-002)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the wildlife account--state appropriation is provided solely for upland wildlife habitat.

(2) \$500,000 of the wildlife account--state appropriation is provided solely to maintain existing mitigation

agreements in the Snake river region for upland habitat and additional agreements with landowners.

Appropriation:

General Fund--Federal \$2,830,000
General Fund--Private/Local \$3,500,000
State Building Construction Account--State \$2,400,000
Wildlife Account--State \$1,700,000
Subtotal Appropriation \$10,430,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$10,430,000

NEW SECTION. Sec. 398. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Hatchery Reform, Retrofits, and Condition Improvement (04-1-001)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$400,000 of the state building construction account--state appropriation is provided solely for Naselle hatchery.

(2) \$1,300,000 of the state building construction account--state appropriation is provided solely for the Tokul creek hatchery.

(3) The wildlife account--state appropriation is provided solely for design of capture and acclimation ponds at Grandy creek.

Appropriation:

General Fund--Federal \$4,500,000
General Fund--Private/Local \$1,500,000
Wildlife Account--State \$200,000
State Building Construction Account--State \$7,700,000
Subtotal Appropriation \$13,900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,900,000

NEW SECTION. Sec. 399. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Internal and External Partnership Improvements (04-1-007)

The appropriations in this section are subject to the following conditions and limitations: Expenditures of the appropriation in this section for fencing shall comply with chapter 16.60 RCW.

Appropriation:

General Fund--Federal \$4,000,000
General Fund--Private/Local \$2,000,000
Game Special Wildlife Account--State \$50,000
Game Special Wildlife Account--Federal \$400,000
Game Special Wildlife Account--Private/Local \$50,000
Subtotal Appropriation \$6,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,500,000

NEW SECTION. Sec. 400. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Washington Department of Fish and Wildlife Energy Savings (04-1-016)

Appropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Wind Power Mitigation (04-2-850)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to support the development and implementation of a wind power alternative mitigation pilot program, the purpose of which is to maximize the habitat value of mitigation funds and streamline the mitigation process for wind power projects. The program must combine the acquisition of strategically important habitat by the department with annual funding from wind developers for restoration, management, and monitoring of these critical habitat areas. The appropriation is for the department to undertake the acquisition component of the program.

Appropriation:

State Building Construction Account--State \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Youth Sport Fishing Program (04-2-017)

Appropriation:

Wildlife Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Region 1 Office - Spokane (04-2-009)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the construction of the eastern region headquarters office complex to be located at Mirabeau Point.

Appropriation:

State Building Construction Account--State \$3,900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,900,000

NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Deschutes Hatchery (04-2-011)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$350,000 of the state building construction account appropriation is provided solely for the department to contract for a predesign assessment of alternatives for the Deschutes hatchery and the report described in this section.

(2) By September 15, 2004, the department shall report to the legislature and the office of financial management the results of the predesign assessment. The report shall include, but is not limited to:

(a) A determination of facility requirements to comply with water quality standards, including meeting standards for water bodies on the 303(d) list of impaired waters;

(b) Identification of agencies and organizations contributing to the facility, including their role, funding commitments, and sources of funds for the construction and operation of the facility;

(c) Estimated cost of all facilities, proposed funding sources, and construction timeline; and

(d) Identification of fish hatchery facilities and programs to be replaced or modified as a result of construction of the Deschutes hatchery.

(3) The department shall provide a progress report to the legislature and the office of financial management by January 15, 2004.

(4) It is the intent of the legislature that funding for the design of the Deschutes hatchery be considered in the 2005-07 fiscal biennium.

Appropriation:

State Building Construction Account--State \$350,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$350,000

NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF NATURAL RESOURCES
Forest Legacy (00-2-020 and 02-2-015)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation provides \$184,309 for project number 00-2-020 and \$4,200,000 for project number 02-2-015.

Reappropriation:

General Fund--Federal \$4,384,309
Prior Biennia (Expenditures) \$2,885,691
Future Biennia (Projected Costs) \$0
TOTAL \$7,270,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works (02-2-001)

Reappropriation:

Forest Development Account--State \$256,230
Resources Management Cost Account--State \$482,466
State Building Construction Account--State \$455,575
Agricultural College Trust Management Account--State \$68,950
Subtotal Reappropriation \$1,263,221

Prior Biennia (Expenditures) \$6,006,779
Future Biennia (Projected Costs) \$0

TOTAL \$7,270,000

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF NATURAL RESOURCES
Marine Station Public Access (02-2-019)**

Reappropriation:

Aquatic Lands Enhancement Account--State \$65,000
Prior Biennia (Expenditures) \$110,000
Future Biennia (Projected Costs) \$0
TOTAL \$175,000

**NEW SECTION. Sec. 408. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works--Facility Preservation (04-1-002)**

Appropriation:

Forest Development Account--State \$224,900
Resources Management Cost Account--State \$389,700
State Building Construction Account--State \$150,000
Agricultural College Trust Management Account--State \$49,200
Subtotal Appropriation \$813,800
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$813,800

**NEW SECTION. Sec. 409. FOR THE DEPARTMENT OF NATURAL RESOURCES
Agricultural Asset Preservation (04-1-017)**

Appropriation:

Resource Management Cost Account--State \$100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$100,000

**NEW SECTION. Sec. 410. FOR THE DEPARTMENT OF NATURAL RESOURCES
Commercial Development/Local Improvement Districts (04-2-009)**

Appropriation:

Resource Management Cost Account--State \$100,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$100,000

**NEW SECTION. Sec. 411. FOR THE DEPARTMENT OF NATURAL RESOURCES
Communication Site Repairs (04-1-024)**

Appropriation:

Forest Development Account--State \$50,000
Resource Management Cost Account--State \$150,000
Subtotal Appropriation \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

**NEW SECTION. Sec. 412. FOR THE DEPARTMENT OF NATURAL RESOURCES
Community and Technical College Trust Land Acquisition (04-2-014)**

Appropriation:

Community and Technical College Forest Reserve
Account--State \$96,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$96,000

**NEW SECTION. Sec. 413. FOR THE DEPARTMENT OF NATURAL RESOURCES
Forest Legacy (04-2-015)**

Appropriation:

General Fund--Federal \$6,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

**NEW SECTION. Sec. 414. FOR THE DEPARTMENT OF NATURAL RESOURCES
Hazardous Waste Removal (04-1-006)**

Appropriation:

Forest Development Account--State \$25,000
Resource Management Cost Account--State \$25,000
Subtotal Appropriation \$50,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$50,000

**NEW SECTION. Sec. 415. FOR THE DEPARTMENT OF NATURAL RESOURCES
Land Bank (04-2-013)**

Appropriation:

Resource Management Cost Account--State \$5,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$5,000,000

NEW SECTION. Sec. 416. FOR THE DEPARTMENT OF NATURAL RESOURCES
Marine Station Public Access (04-2-019)

Appropriation:

Aquatic Lands Enhancement Account--State \$100,000
Prior Biennia (Expenditures) \$175,000
Future Biennia (Projected Costs) \$1,500,000
TOTAL \$1,775,000

NEW SECTION. Sec. 417. FOR THE DEPARTMENT OF NATURAL RESOURCES
Minor Works - Health, Safety, and Code (04-2-001)

Appropriation:

Forest Development Account--State \$133,400
Resource Management Cost Account--State \$232,000
Agricultural College Trust Management Account--State \$29,000
Subtotal Appropriation \$394,400

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$394,400

NEW SECTION. Sec. 418. FOR THE DEPARTMENT OF NATURAL RESOURCES
Mobile Radio System Upgrade (04-2-022)

The appropriations in this section are subject to the following conditions and limitations: The department shall study and evaluate options for a comprehensive user fee system that equally distributes the cost to operate, maintain, and capitalize the radio system to all users on the network. The study must include an evaluation of a user fee system based on access to the network and not on radio inventory. The department shall report the study's findings and recommendations to the office of financial management by September 15, 2003.

Appropriation:

Forest Development Account--State \$227,400
Resource Management Cost Account--State \$386,500
State Building Construction Account--State \$1,659,800
Subtotal Appropriation \$2,273,700

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,273,700

NEW SECTION. Sec. 419. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Area Facilities Preservation (04-1-016)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a study of funding source options that fully support the maintenance, operation, and capitalization of its natural area preserve facilities. This study must be submitted to the office of financial management by September 15, 2003.

Appropriation:

State Building Construction Account--State \$185,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$185,000

NEW SECTION. Sec. 420. FOR THE DEPARTMENT OF NATURAL RESOURCES
Natural Resource Real Property Replacement (04-2-012)

Appropriation:

Natural Resources Real Property Replacement
Account--State \$20,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$20,000,000

NEW SECTION. Sec. 421. FOR THE DEPARTMENT OF NATURAL RESOURCES
Trust Land Transfer Program (04-2-010)

The state building construction account appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status or enter into thirty-year timber harvest restrictive easements/leases for certain trust lands of state-wide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, or recreation purposes.

(2) Property transferred under this section shall be appraised and transferred at fair market value. The value of the timber transferred shall be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040. The value of the land transferred shall be deposited in the natural resources real property replacement account. These funds shall be expended by the department for the exclusive purpose of acquiring commercial real property of equal value to be managed as common school trust land.

(3) Property subject to easement/lease agreements under this section shall be appraised at fair market value both with and without the imposition of the easement/lease. The entire difference in appraised value shall be deposited

by the department to the common school construction fund in the same manner as lease revenues from other common school trust lands. No deduction shall be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of this appropriation. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section for a minimum period of thirty years. The department of natural resources, in consultation with the receiving state agencies, shall develop policy to address requests to replace transferred properties subject to the recorded property instrument that are no longer deemed appropriate for the purposes identified in subsection (1) of this section.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers and easements/leases such that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the appropriation in this section is deposited in the common school construction fund. To achieve the 80:20 ratio, the department may offset transfers of property with low timber-to-land ratios with easements/leases on other properties.

(9) On June 30, 2005, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction fund and the appropriation in this section shall be reduced by an equivalent amount.

(10) The appropriation in this section is provided for a list of projects in LEAP capital document No. 2003-17, as developed on June 4, 2003.

(11) The department of natural resources shall manage lands acquired as "Bone river natural area preserve" as a natural resources conservation area under chapter 79.71 RCW.

Appropriation:

State Building Construction Account--State \$55,000,000
Natural Resources Real Property Replacement
Account--State \$11,000,000
Subtotal Appropriation \$66,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$250,000,000
TOTAL \$316,000,000

NEW SECTION. Sec. 422. FOR THE DEPARTMENT OF NATURAL RESOURCES
Real Estate Repair, Maintenance, and Tenant Improvements (04-1-005)

Appropriation:

Resource Management Cost Account--State \$1,200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,200,000

NEW SECTION. Sec. 423. FOR THE DEPARTMENT OF NATURAL RESOURCES
Recreation Facilities Preservation (04-1-011)

The appropriation in this section is subject to the following conditions and limitations: The department shall submit a study of funding source options that will fully support the maintenance, operation, and capitalization of its recreational facilities to the office of financial management by September 15, 2003.

Appropriation:

State Building Construction Account--State \$225,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$225,000

NEW SECTION. Sec. 424. FOR THE DEPARTMENT OF NATURAL RESOURCES
Right of Way Acquisition (04-2-007)

Appropriation:

Forest Development Account--State \$100,000
Resource Management Cost Account--State \$400,000
Subtotal Appropriation \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 425. FOR THE DEPARTMENT OF NATURAL RESOURCES
Riparian Open Space Program (04-2-023)

The appropriations in this section are subject to the following conditions and limitations:

(1) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department shall file quarterly project progress reports with the office of financial management.

(2) The department may not expend more than \$100,000 of the appropriation for administrative or staff costs.

(3) The resource management cost account--state appropriation is solely for a riparian inventory system.

Appropriation:

State Building Construction Account--State \$1,000,000
Resource Management Cost Account--State \$1,500,000
Subtotal Appropriation \$2,500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,500,000

NEW SECTION. Sec. 426. FOR THE DEPARTMENT OF NATURAL RESOURCES
Small Timber Landowner Program (04-2-003)

Appropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 427. FOR THE DEPARTMENT OF NATURAL RESOURCES
Statewide Estuarine Restoration Projects (04-2-021)

Appropriation:

Aquatic Lands Enhancement Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

NEW SECTION. Sec. 428. FOR THE DEPARTMENT OF NATURAL RESOURCES
Wetland Grants (04-2-004)

Appropriation:

General Fund--Federal \$500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$500,000

NEW SECTION. Sec. 429. FOR THE DEPARTMENT OF NATURAL RESOURCES
Digitize Geology Library Collections (04-1-950)

Appropriation:

State Building Construction Account--State \$900,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$900,000

NEW SECTION. Sec. 430. FOR THE DEPARTMENT OF AGRICULTURE
Fair Improvements (04-4-850)

Appropriation:

State Building Construction Account--State \$200,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$200,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 501. FOR THE WASHINGTON STATE PATROL
Seattle Toxicology Lab (00-2-009)

Appropriation:

State Building Construction Account--State \$800,000
Prior Biennia (Expenditures) \$12,059,864
Future Biennia (Projected Costs) \$1,655,000
TOTAL \$14,514,864

NEW SECTION. Sec. 502. FOR THE WASHINGTON STATE PATROL
Minor Works - Facility Preservation: Fire Training Academy (04-1-001)

Appropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 503. FOR THE WASHINGTON STATE PATROL
Spokane Crime Laboratory Construction (02-2-013)

Appropriation:

State Building Construction Account--State \$11,365,000
Prior Biennia (Expenditures) \$635,000
Future Biennia (Projected Costs) \$0
TOTAL \$12,000,000

NEW SECTION. Sec. 504. FOR THE WASHINGTON STATE PATROL
Vancouver Crime Lab - Design/Construction (2002-2-010)

Appropriation:

State Building Construction Account--State \$10,000,000
Prior Biennia (Expenditures) \$365,000
Future Biennia (Projected Costs) \$3,135,000
TOTAL \$13,500,000

**NEW SECTION. Sec. 505. FOR THE DEPARTMENT OF TRANSPORTATION
Columbia River Dredging (03-H-001)**

The reappropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The amount in this section lapses unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Reappropriation:

State Building Construction Account--State \$17,700,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,700,000

**Sec. 506. 2003 c 360 (ESHB 1163) s 306 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P
Transportation 2003 Account (Nickel Account) \$2,000,000**

Motor Vehicle Account--State Appropriation \$178,909,000
Motor Vehicle Account--Federal Appropriation \$457,467,000
Motor Vehicle Account--Local Appropriation \$12,666,000
Multimodal Account--State Appropriation (~~(\$6,000,000)~~)

\$1,690,000

Multimodal Account--Federal Appropriation \$4,247,000
TOTAL APPROPRIATION (~~(\$661,289,000)~~)

\$656,979,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$178,909,000 of the motor vehicle account--state appropriation, \$457,467,000 of the motor vehicle account--federal appropriation, \$12,666,000 of the motor vehicle account--local appropriation, (~~(\$6,000,000)~~) \$1,690,000 of the multimodal transportation account--state appropriation, and \$4,247,000 of the multimodal transportation account--federal appropriation are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$2,850,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes.

(3) The motor vehicle account--state appropriation includes \$77,700,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) The entire transportation 2003 account (nickel account) appropriation is provided solely for the projects and activities as indicated in the Legislative 2003 Transportation Project List - New Law report transmitted to LEAP on April 27, 2003.

(5) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(6) Of the amounts appropriated in this section and section 305 of this act, no more than \$124,000 is provided for increased project costs due to the enactment of Substitute Senate Bill No. 5457.

~~((8))~~ (7) To manage some projects more efficiently, federal funds may be transferred from program Z to program P to replace those federal funds in a dollar-for-dollar match. However, funds may not be transferred between federal programs. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2004.

Sec. 507. 2003 c 360 (ESHB 1163) s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation (~~(\$11,688,000)~~)

\$14,688,000

Motor Vehicle Account--Federal Appropriation \$14,510,000
~~((Multimodal Transportation Account--State Appropriation \$3,000,000))~~
TOTAL APPROPRIATION \$29,198,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided in this section are provided solely to implement the activities and projects included in the Legislative 2003 Transportation Project List - Current Law report transmitted to LEAP on April 27, 2003.

(2) The motor vehicle account--state appropriation includes \$9,408,000 for state matching funds for federally selected competitive grant or congressional earmark projects other than the commercial vehicle information systems and network. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 508. 2003 c 360 (ESHB 1163) s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation \$770,000

Multimodal Transportation Account--State

Appropriation ((\$35,530,000))

\$34,530,000

Multimodal Transportation Account--Federal Appropriation \$9,499,000

Washington Fruit Express Account--State Appropriation \$500,000

TOTAL APPROPRIATION ((\$46,299,000))

\$45,299,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The multimodal transportation account--state appropriation includes \$30,000,000 in proceeds from the sale of bonds authorized by Senate Bill No. 6062. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) ((\$5,530,000)) \$4,530,000 of the multimodal transportation account--state appropriation, \$9,499,000 of the multimodal transportation account--federal appropriation, \$500,000 of the Washington fruit express account--state appropriation, and \$770,000 of the essential rail assistance account--state appropriation are provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - Current Law as transmitted to the LEAP on April 27, 2003.

(3) ((\$2,000,000)) \$1,230,000 of the multimodal transportation account--state appropriation and \$770,000 of the essential rail assistance account--state appropriation is to be placed in reserve status by the office of financial management to be held until the department identifies the location for a new transload facility at either Wenatchee or Quincy. The funds are to be released upon determination of a location and approval by the office of financial management.

(4) \$30,000,000 of the multimodal transportation account--state appropriation is provided solely for capital projects as listed in the Legislative 2003 Transportation Project List - New Law as transmitted to the LEAP on April 27, 2003.

(5) If federal block grant funding for freight or passenger rail is received, the department shall consult with the legislative transportation committee prior to spending the funds on additional projects.

(6) If the department issues a call for projects, applications must be received by the department by November 1, 2003, and November 1, 2004.

NEW SECTION. Sec. 509. FOR THE DEPARTMENT OF TRANSPORTATION

Port of Everett Satellite Rail Barge Facility (04-4-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for a rail barge facility to accommodate very large or oversized cargo to complement the port of Everett's existing deep-water marine terminals.

(2) The appropriation is contingent upon an office of financial management finding that:

(a) This project is a necessary expansion for the port to meet the needs of a tenant employing thousands of Washington residents to expand the tenant's operations and to provide very substantial economic benefits to the region; and

(b) The tenant has committed to performing the manufacturing or other programs that this project will serve in the Puget Sound region.

(3) The department shall report to the house of representatives and senate transportation committees, the house of representatives capital committee and the senate ways and means committee at least ten days prior to the transmittal of any funds authorized under this section.

Appropriation:

Multimodal Account--State \$15,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$15,500,000

**PART 5
EDUCATION**

NEW SECTION. Sec. 601. FOR THE STATE BOARD OF EDUCATION

Common School Construction Account Deposits

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,500,000 in fiscal year 2004 and \$13,500,000 in fiscal year 2005 of the education savings account appropriation shall be deposited in the common school construction account.

(2) \$67,415,000 of the education construction account appropriation shall be deposited in the common school construction account.

Appropriation:

Education Savings Account--State \$27,000,000

Education Construction Account--State \$67,415,000

Subtotal Appropriation \$94,415,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$94,415,000

NEW SECTION. Sec. 602. FOR THE STATE BOARD OF EDUCATION

School Construction Assistance Grants (02-4-001)

The reappropriations in this section are for project numbers 00-2-001, 00-2-002, and 02-04-001.

Reappropriation:

State Building Construction Account--State \$36,946

Common School Construction Account--State \$246,000,000
Subtotal Reappropriation \$246,036,946
Prior Biennia (Expenditures) \$645,475,724
Future Biennia (Projected Costs) \$0
TOTAL \$891,512,670

NEW SECTION. Sec. 603. FOR THE STATE BOARD OF EDUCATION
State Bonds for Common School Construction (04-4-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit in the common school construction account.

Appropriation:

State Building and Construction Account--State \$118,050,000
NEW SECTION. Sec. 604. FOR THE STATE BOARD OF EDUCATION
Resource Efficiency Pilot Project (04-4-851)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,350,000 of this appropriation is provided solely for costs directly associated with the design and construction of five public K-12 schools that meet or exceed comprehensive design standards for high performance and sustainable school building standards.

(2) Up to \$150,000 of this appropriation shall be used to:

(a) Develop a technical manual to facilitate the use of high performance and sustainable school building standards by K-12 schools;

(b) Develop incentives for school districts participating in this program to construct buildings that achieve a significant life-cycle savings over current practices;

(c) Integrate the technical manual with other applicable K-12 construction manuals, rules, and policies;

(d) Report to the appropriate standing committees of the legislature on the potential for sustainable building practices to reduce expenditures for school construction.

The board may contract with one or more entities to fulfill the requirements of subsection (2) of this section and may require match funding of up to one hundred percent for participating nongovernmental entities.

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 605. LEGISLATIVE INTENT. The legislature reaffirms that provision of facilities for public schools is a partnership between local school districts and the state, and recognizes the importance of safe and well-functioning school facilities in the education of students. The legislature expands on the small step taken in 2001 that increased funding for kindergarten space by increasing the state assistance provided through the school construction grant program for all grade levels in the 2003-05 biennium. In this act, the legislature uses bonds to offset shortfalls in traditional school funding resources and to fund an increase in the formula for providing school construction grants to local districts. The legislature intends to permanently fund the increase in area cost allowance authorized in section 606(3) of this act, and intends to continue to review ways to enhance state assistance for school construction in the future.

NEW SECTION. Sec. 606. FOR THE STATE BOARD OF EDUCATION
School Construction Assistance Grants (04-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) For state assistance grants for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(2) \$2,000,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2005, shall lapse.

(3) \$32,868,105 of this appropriation is provided solely to increase the area cost allowance by \$15.00 per square foot for grades K-12 for fiscal year 2004 and an additional \$4.49 per square foot for grades K-12 for fiscal year 2005.

(4) The appropriation in this section includes the amounts deposited in the common school construction account under section 603 of this act.

Appropriation:

Common School Construction Account--State \$399,768,513
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$1,258,456,614
TOTAL \$2,258,225,127

NEW SECTION. Sec. 607. FOR THE STATE BOARD OF EDUCATION
Port Angeles School District North Olympic Skill Center (04-4-852)

The appropriation in this section is subject to the following conditions and limitations: This appropriation completes the state contribution to this project.

Appropriation:

State Building Construction Account--State \$2,000,000
Prior Biennia (Expenditures) \$3,000,000
Future Biennia (Projected Costs) \$0
TOTAL \$5,000,000

NEW SECTION. Sec. 608. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

State School Construction Assistance Program Staff

The reappropriation in this section is for project number 02-4-001. The appropriation is for project number 04-2-001.

Reappropriation:

Common School Construction Account--State \$100,000

Appropriation:

Common School Construction Account--State \$2,038,390

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,138,390

NEW SECTION. Sec. 609. FOR THE STATE SCHOOL FOR THE BLIND
Ahlsten: Material Center and Braille Production (02-2-003)

Reappropriation:

State Building Construction Account--State \$1,084,179

Prior Biennia (Expenditures) \$1,257,009

Future Biennia (Projected Costs) \$0

TOTAL \$2,341,188

NEW SECTION. Sec. 610. FOR THE STATE SCHOOL FOR THE BLIND
Campus Preservation (02-1-002)

Reappropriation:

State Building Construction Account--State \$401,426

Prior Biennia (Expenditures) \$198,574

Future Biennia (Projected Costs) \$0

TOTAL \$600,000

NEW SECTION. Sec. 611. FOR THE STATE SCHOOL FOR THE BLIND
Distance Learning Center/Covered Play Area (02-2-004)

Reappropriation:

State Building Construction Account--State \$2,213,226

Prior Biennia (Expenditures) \$575,774

Future Biennia (Projected Costs) \$0

TOTAL \$2,789,000

NEW SECTION. Sec. 612. FOR THE STATE SCHOOL FOR THE BLIND
Irwin: Old Main, Kennedy, and Dry Building Preservation (02-1-001)

Reappropriation:

State Building Construction Account--State \$233,555

Prior Biennia (Expenditures) \$1,747,445

Future Biennia (Projected Costs) \$0

TOTAL \$1,981,000

NEW SECTION. Sec. 613. FOR THE STATE SCHOOL FOR THE BLIND
Boiler House Renovation/Electrical Vault Replacement (04-1-001)

Appropriation:

State Building Construction Account--State \$668,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$668,000

NEW SECTION. Sec. 614. FOR THE STATE SCHOOL FOR THE BLIND
Campus Preservation (04-1-004)

Appropriation:

State Building Construction Account--State \$770,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$2,830,000

TOTAL \$3,600,000

NEW SECTION. Sec. 615. FOR THE STATE SCHOOL FOR THE BLIND
Kennedy, Dry, and Irwin Buildings Preservation (04-1-002)

Appropriation:

State Building Construction Account--State \$2,279,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,279,000

NEW SECTION. Sec. 616. FOR THE UNIVERSITY OF WASHINGTON
UW Law School Building (94-2-017)

Reappropriation:

Higher Education Construction Account--State \$6,600,000

Higher Education Non-Proprietary Local Capital

Accounts--Private/Local \$3,400,000

Subtotal Reappropriation \$10,000,000

Prior Biennia (Expenditures) \$64,855,500

Future Biennia (Projected Costs) \$0

TOTAL \$74,855,500

NEW SECTION. Sec. 617. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Phase 2A (00-2-017)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$34,635,933

Future Biennia (Projected Costs) \$0

TOTAL \$37,635,933

NEW SECTION. Sec. 618. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Land Acquisition (01-2-029)

Reappropriation:

Education Construction Account--State \$4,450,000

Prior Biennia (Expenditures) \$1,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,950,000

NEW SECTION. Sec. 619. FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase 1 (02-1-009)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

University of Washington Building Account--State \$5,300,000

Prior Biennia (Expenditures) \$5,700,000

Future Biennia (Projected Costs) \$0

TOTAL \$11,000,000

NEW SECTION. Sec. 620. FOR THE UNIVERSITY OF WASHINGTON

UW Bothell Phase 2B Offramp (02-2-014)

The reappropriation in this section is subject to the following conditions and limitations: The legislature intends to appropriate funds for construction of this project in a future transportation budget.

Reappropriation:

State Building Construction Account--State \$2,390,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

NEW SECTION. Sec. 621. FOR THE UNIVERSITY OF WASHINGTON

UW Life Sciences II Building (02-2-028)

The reappropriation in this section is subject to the University of Washington providing sufficient evidence to the office of financial management of local revenue to support issuance of bonded debt and accompanying debt service associated with this project.

Reappropriation:

Higher Education Construction Account--State \$29,025,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$40,000,000

TOTAL \$69,025,000

NEW SECTION. Sec. 622. FOR THE UNIVERSITY OF WASHINGTON

UW Minor Repairs Programs (02-1-026)

Reappropriation:

State Building Construction Account--State \$520,000

Prior Biennia (Expenditures) \$480,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 623. FOR THE UNIVERSITY OF WASHINGTON

UW Special Projects - Code Requirements (02-1-025)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$1,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 624. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma Campus Phase 2B (02-2-027)

Reappropriation:

State Building Construction Account--State \$35,000,000

Prior Biennia (Expenditures) \$9,349,000

Future Biennia (Projected Costs) \$0

TOTAL \$44,349,000

NEW SECTION. Sec. 625. FOR THE UNIVERSITY OF WASHINGTON

UW Urgent Deferred Renewal/Modernization (02-1-031)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

University of Washington Building Account--State \$1,500,000

Education Construction Account--State \$4,000,000

Subtotal Reappropriation \$5,500,000

Prior Biennia (Expenditures) \$4,500,000

Future Biennia (Projected Costs) \$0

TOTAL \$10,000,000

NEW SECTION. Sec. 626. FOR THE UNIVERSITY OF WASHINGTON

Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations of section 218, chapter 238,

Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$2,100,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,500,000

NEW SECTION. Sec. 627. FOR THE UNIVERSITY OF WASHINGTON

UW Johnson Hall Renovation (04-1-005)

Appropriation:

State Building Construction Account--State \$16,103,000

University of Washington Building Account--State \$15,552,000

Gardner-Evans Higher Education Construction

Account--State \$21,400,000

Subtotal Appropriation \$53,055,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$53,055,000

NEW SECTION. Sec. 628. FOR THE UNIVERSITY OF WASHINGTON

UW Emergency Power Expansion - Phase II (04-1-024)

Reappropriation:

University of Washington Building Account--State \$700,000

Appropriation:

State Building Construction Account--State \$3,500,000

University of Washington Building Account--State \$2,448,000

Subtotal Appropriation \$5,948,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,813,164

TOTAL \$14,161,164

NEW SECTION. Sec. 629. FOR THE UNIVERSITY OF WASHINGTON

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 630 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$20,108,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$20,108,000

NEW SECTION. Sec. 630. FOR THE UNIVERSITY OF WASHINGTON

Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 629 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$10,943,000 of the appropriation may be used for the following design studies and other eligible projects:

(a) Health science H-Wing infrastructure;

(b) Guggenheim hall renovation;

(c) Architecture hall renovation;

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$1,000,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$28,600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$200,700,000

TOTAL \$229,300,000

NEW SECTION. Sec. 631. FOR THE UNIVERSITY OF WASHINGTON

Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION. Sec. 632. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (04-2-004)

Appropriation:

State Building Construction Account--State \$6,500,000

University of Washington Building Account--State \$4,000,000

Subtotal Appropriation \$10,500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,975,000

TOTAL \$31,475,000

NEW SECTION. Sec. 633. FOR THE UNIVERSITY OF WASHINGTON

UW Campus Communications Infrastructure (04-1-011)

Appropriation:

State Building Construction Account--State \$5,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,000,000

TOTAL \$25,000,000

NEW SECTION. Sec. 634. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Murrow Hall Addition: New Facility (98-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$4,000,000

Prior Biennia (Expenditures) \$8,560,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,560,000

NEW SECTION. Sec. 635. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Education Addition Cleveland Hall (98-2-032)

Reappropriation:

State Building Construction Account--State \$250,000

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$11,160,000

Prior Biennia (Expenditures) \$1,290,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,700,000

NEW SECTION. Sec. 636. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Johnson Hall Addition - Plant Bioscience Building (00-2-007)

The appropriations in this section are subject to the following conditions and limitations: Allotment for this appropriation is contingent on the commitment of at least \$10,000,000 in federal funds for a related facility or addition.

Reappropriation:

State Building Construction Account--State \$1,200,000

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$14,000,000

State Building Construction Account--State \$5,542,000

Washington State University Building Account--

State \$15,658,000

Subtotal Appropriation \$35,200,000

Prior Biennia (Expenditures) \$2,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$39,000,000

NEW SECTION. Sec. 637. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Shock Physics Building (00-2-080)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$500,000

Prior Biennia (Expenditures) \$11,900,000

Future Biennia (Projected Costs) \$0

TOTAL \$12,400,000

NEW SECTION. Sec. 638. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Engineering and Life Sciences Building (00-2-904)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,000,000

Prior Biennia (Expenditures) \$26,470,650

Future Biennia (Projected Costs) \$0

TOTAL \$29,470,650

NEW SECTION. Sec. 639. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Student Services Center (00-2-905)

The reappropriation in this section is subject to the following conditions and limitations:

(1) No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$950,000

Prior Biennia (Expenditures) \$605,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,555,000

NEW SECTION. Sec. 640. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Capital Preservation/Renewal (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$200,000

Prior Biennia (Expenditures) \$5,800,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,000,000

NEW SECTION. Sec. 641. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Minor Capital Safety/Environmental Projects (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$200,000

Prior Biennia (Expenditures) \$800,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,000,000

NEW SECTION. Sec. 642. FOR WASHINGTON STATE UNIVERSITY

WSU Pullman - Campus Infrastructure: Preservation (02-1-073)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$1,000,000
State Building Construction Account--State \$1,600,000
Subtotal Reappropriation \$2,600,000
Prior Biennia (Expenditures) \$9,150,141
Future Biennia (Projected Costs) \$0
TOTAL \$11,750,141

NEW SECTION. Sec. 643. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Energy Plant (02-1-501)

Reappropriation:

State Building Construction Account--State \$14,500,000
Prior Biennia (Expenditures) \$10,039,000
Future Biennia (Projected Costs) \$0
TOTAL \$24,539,000

NEW SECTION. Sec. 644. FOR WASHINGTON STATE UNIVERSITY
WSU Branch Campuses: Minor Campus Projects (02-1-901)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$300,000
Prior Biennia (Expenditures) \$700,000
Future Biennia (Projected Costs) \$0
TOTAL \$1,000,000

NEW SECTION. Sec. 645. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Minor Capital Improvements (MCI) (02-2-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Washington State University Building Account--State \$1,300,000
Prior Biennia (Expenditures) \$4,700,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,000,000

NEW SECTION. Sec. 646. FOR WASHINGTON STATE UNIVERSITY
WSU Vancouver - Multimedia/Electronic Communication Classroom Building (02-2-907)

The reappropriation in this section is subject to the following conditions and limitations: No money from the reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$14,400,000
Future Biennia (Projected Costs) \$0
TOTAL \$15,900,000

NEW SECTION. Sec. 647. FOR WASHINGTON STATE UNIVERSITY
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations in section 219, chapter 238,

Laws of 2002.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$200,000
Prior Biennia (Expenditures) \$2,800,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

NEW SECTION. Sec. 648. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Biotechnology/Life Sciences 1 (04-2-085)

Appropriation:

Washington State University Building Account--State \$4,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$45,000,000
TOTAL \$49,500,000

NEW SECTION. Sec. 649. FOR WASHINGTON STATE UNIVERSITY
WSU Pullman - Campus Infrastructure (04-1-073)

Appropriation:

State Building Construction Account--State \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$12,000,000
TOTAL \$15,000,000

NEW SECTION. Sec. 650. FOR WASHINGTON STATE UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 651 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$7,876,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,876,000

NEW SECTION. Sec. 651. FOR WASHINGTON STATE UNIVERSITY

Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 650 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$14,615,000 of the appropriation may be used for the following design studies and other eligible projects:

(a) Holland library renovation;

(b) Public safety-LARC remodel;

(c) Nuclear radiation center;

(d) Avery hall renovation;

(e) BioMedical science facility;

(f) Hospital renovation study;

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$1,000,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$37,235,000

Washington State University Building Account--

State \$4,765,000

Subtotal Appropriation \$42,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$259,000,000

TOTAL \$301,000,000

NEW SECTION. Sec. 652. FOR WASHINGTON STATE UNIVERSITY

WSU Vancouver - Campus Utilities/Infrastructure: Infrastructure (04-2-916)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$4,300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$14,000,000

TOTAL \$18,300,000

NEW SECTION. Sec. 653. FOR WASHINGTON STATE UNIVERSITY

WSU TriCities - Bioproducts and Sciences Building (04-2-940)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$900,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$34,349,000
TOTAL \$35,249,000

NEW SECTION. Sec. 654. FOR WASHINGTON STATE UNIVERSITY
WSU ICN Spokane - Nursing Building at Riverpoint: New Facility (04-2-941)

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$3,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$31,600,000
TOTAL \$34,600,000

NEW SECTION. Sec. 655. FOR WASHINGTON STATE UNIVERSITY
WSU Prosser - Multipurpose Building: New Facility (04-2-942)

Appropriation:

State Building Construction Account--State \$1,500,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0
TOTAL \$1,500,000

NEW SECTION. Sec. 656. FOR WASHINGTON STATE UNIVERSITY
Omnibus Equipment and Program Improvements (04-2-951)

The appropriation in this section is subject to the following conditions and limitations: Except for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year, appropriated funds may be applied to the purchase of equipment to improve, upgrade, or replace necessary instructional and research apparatus throughout the university.

Appropriation:

Washington State University Building Account--
State \$4,380,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$10,928,500
TOTAL \$15,308,500

NEW SECTION. Sec. 657. FOR WASHINGTON STATE UNIVERSITY
Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

NEW SECTION. Sec. 658. FOR EASTERN WASHINGTON UNIVERSITY
EWU Computing and Engineering Sciences Building (Cheney Hall) (00-2-009)

Reappropriation:

State Building Construction Account--State \$1,675,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$19,000,482

Prior Biennia (Expenditures) \$2,225,000
Future Biennia (Projected Costs) \$0
TOTAL \$22,900,482

NEW SECTION. Sec. 659. FOR EASTERN WASHINGTON UNIVERSITY
EWU Senior Hall Renovation (00-1-003)

Reappropriation:

State Building Construction Account--State \$730,000

Appropriation:

State Building Construction Account--State \$6,000,000

Prior Biennia (Expenditures) \$581,000
Future Biennia (Projected Costs) \$8,480,315
TOTAL \$15,791,315

NEW SECTION. Sec. 660. FOR EASTERN WASHINGTON UNIVERSITY
EWU Campus Network Upgrade (02-2-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$1,500,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,500,000

NEW SECTION. Sec. 661. FOR EASTERN WASHINGTON UNIVERSITY
EWU Classroom Renewal (02-2-007)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$775,000
Eastern Washington University Capital Projects
Account--State \$75,000
Subtotal Reappropriation \$850,000

Prior Biennia (Expenditures) \$1,516,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,366,000

NEW SECTION. Sec. 662. FOR EASTERN WASHINGTON UNIVERSITY

EWU Infrastructure Preservation (02-1-002)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$1,400,000

Prior Biennia (Expenditures) \$3,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,000,000

NEW SECTION. Sec. 663. FOR EASTERN WASHINGTON UNIVERSITY

EWU Roof Replacement (02-1-004)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$2,369,000

Future Biennia (Projected Costs) \$6,000,000

TOTAL \$8,619,000

NEW SECTION. Sec. 664. FOR EASTERN WASHINGTON UNIVERSITY

EWU Water System Preservation and Expansion (02-1-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,250,000

Prior Biennia (Expenditures) \$986,000

Future Biennia (Projected Costs) \$7,500,000

TOTAL \$9,736,000

NEW SECTION. Sec. 665. FOR EASTERN WASHINGTON UNIVERSITY

EWU Minor Works - Preservation (02-1-003)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$600,000

Eastern Washington University Capital Projects

Account--State \$1,250,000

Subtotal Reappropriation \$1,850,000

Prior Biennia (Expenditures) \$3,150,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,000,000

NEW SECTION. Sec. 666. FOR EASTERN WASHINGTON UNIVERSITY

EWU Minor Works - Program (02-2-008)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Eastern Washington University Capital Projects

Account--State \$600,000

Prior Biennia (Expenditures) \$1,618,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,218,000

NEW SECTION. Sec. 667. FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,028,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1,028,000

NEW SECTION. Sec. 668. FOR EASTERN WASHINGTON UNIVERSITY

EWU Campus Network Upgrade (04-2-003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to modernize the computing environment supporting student services (enterprise system) during the 2003-05 biennium.

Appropriation:

Eastern Washington University Capital Projects Account--
State \$3,875,000

Prior Biennia (Expenditures) \$2,500,000
Future Biennia (Projected Costs) \$4,000,000
TOTAL \$10,375,000

NEW SECTION, Sec. 669. FOR EASTERN WASHINGTON UNIVERSITY
EWU Classroom Renewal (04-2-013)

Appropriation:

Eastern Washington University Capital Projects
Account--State \$691,325

Prior Biennia (Expenditures) \$3,016,000
Future Biennia (Projected Costs) \$8,200,000
TOTAL \$11,907,325

NEW SECTION, Sec. 670. FOR EASTERN WASHINGTON UNIVERSITY
EWU Infrastructure Preservation (04-1-006)

Appropriation:

State Building Construction Account--State \$1,550,000
Prior Biennia (Expenditures) \$1,300,000

Future Biennia (Projected Costs) \$12,000,000
TOTAL \$14,850,000

NEW SECTION, Sec. 671. FOR EASTERN WASHINGTON UNIVERSITY
EWU Minor Works - Program (04-2-017)

Appropriation:

Eastern Washington University Capital Projects
Account--State \$650,000

Prior Biennia (Expenditures) \$4,189,000
Future Biennia (Projected Costs) \$9,000,000
TOTAL \$13,839,000

NEW SECTION, Sec. 672. FOR EASTERN WASHINGTON UNIVERSITY
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 673 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,726,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,726,000

NEW SECTION, Sec. 673. FOR EASTERN WASHINGTON UNIVERSITY
Facility Preservation Backlog Reduction (04-1-952)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 672 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$18,500,000
TOTAL \$22,750,000

NEW SECTION. Sec. 674. FOR EASTERN WASHINGTON UNIVERSITY
EWU University Visitor Center and Formal Entry (04-2-010)

Appropriation:

Eastern Washington University Capital Projects
Account--State \$975,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$975,000

NEW SECTION. Sec. 675. FOR EASTERN WASHINGTON UNIVERSITY
Infrastructure Savings (04-1-953)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1

NEW SECTION. Sec. 676. FOR EASTERN WASHINGTON UNIVERSITY
Minor Works - Health, Safety, and Code (04-1-850)

Appropriation:

State Building Construction Account--State \$391,325
Eastern Washington University Capital Projects Account--
State \$108,675
Subtotal Appropriation \$500,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$2,000,000
TOTAL \$2,500,000

NEW SECTION. Sec. 677. FOR CENTRAL WASHINGTON UNIVERSITY
Music Education Facility (00-2-001)

The appropriations in this section are subject to the following conditions and limitations: Allowable expenditure for equipment is limited to \$2,400,000 and does not include moving costs, small musical instruments, vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

Education Construction Account--State \$11,350,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$12,600,000
Prior Biennia (Expenditures) \$2,650,000
Future Biennia (Projected Costs) \$0
TOTAL \$26,600,000

NEW SECTION. Sec. 678. FOR CENTRAL WASHINGTON UNIVERSITY
CWU/Des Moines Higher Education Center (02-2-101)

Reappropriation:

State Building Construction Account--State \$2,500,000

Appropriation:

State Building Construction Account--State \$1,438,000
Community and Technical College Capital Projects
Account--State \$2,962,000
Central Washington University Capital Projects
Account--State \$3,600,000
Subtotal Appropriation \$8,000,000

Prior Biennia (Expenditures) \$75,000
Future Biennia (Projected Costs) \$0
TOTAL \$10,575,000

NEW SECTION. Sec. 679. FOR CENTRAL WASHINGTON UNIVERSITY
McConnell Stage Remodel (02-1-004)

Reappropriation:

State Building Construction Account--State \$1,800,000
Prior Biennia (Expenditures) \$300,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,100,000

NEW SECTION. Sec. 680. FOR CENTRAL WASHINGTON UNIVERSITY

Omnibus - Preservation (02-1-001)

Reappropriation:

Central Washington University Capital Projects
Account--State \$130,000
Prior Biennia (Expenditures) \$3,645,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,775,000

NEW SECTION. Sec. 681. FOR CENTRAL WASHINGTON UNIVERSITY

Omnibus - Program (02-2-002)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$350,000 of this reappropriation is provided for interior classroom improvements within the Olympic south building of Pierce College at Fort Steilacoom.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Central Washington University Capital Projects
Account--State \$1,503,000
Prior Biennia (Expenditures) \$2,247,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,750,000

NEW SECTION. Sec. 682. FOR CENTRAL WASHINGTON UNIVERSITY

Randall/Michaelsen Life Safety (02-1-003)

Reappropriation:

Education Construction Account--State \$3,250,000
Prior Biennia (Expenditures) \$550,000
Future Biennia (Projected Costs) \$0
TOTAL \$3,800,000

NEW SECTION. Sec. 683. FOR CENTRAL WASHINGTON UNIVERSITY

Steam/Electric/Chilled Water (98-1-120)

Reappropriation:

Education Construction Account--State \$400,000
Prior Biennia (Expenditures) \$1,600,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,000,000

NEW SECTION. Sec. 684. FOR CENTRAL WASHINGTON UNIVERSITY

Minor Works: Program (04-2-028)

Appropriation:

Central Washington University Capital Projects
Account--State \$2,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$24,347,000
TOTAL \$26,347,000

NEW SECTION. Sec. 685. FOR CENTRAL WASHINGTON UNIVERSITY

Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 686 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$1,886,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,886,000

NEW SECTION. Sec. 686. FOR CENTRAL WASHINGTON UNIVERSITY

Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 685 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local

discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$18,500,000

TOTAL \$22,750,000

NEW SECTION. Sec. 687. FOR CENTRAL WASHINGTON UNIVERSITY

Combined Utility Upgrade (04-1-952)

Appropriation:

State Building Construction Account--State \$5,000,000

Central Washington University Capital Projects Account--

State \$400,000

Subtotal Appropriation \$5,400,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$36,688,000

TOTAL \$42,088,000

NEW SECTION. Sec. 688. FOR CENTRAL WASHINGTON UNIVERSITY

CWU/Moses Lake Higher Education Center (04-2-031)

Appropriation:

Central Washington University Capital Projects Account--

State \$600,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$600,000

NEW SECTION. Sec. 689. FOR CENTRAL WASHINGTON UNIVERSITY

Infrastructure Savings (04-1-953)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION. Sec. 690. FOR THE EVERGREEN STATE COLLEGE

Life Safety/Code Compliance Reappropriation (02-1-013)

Reappropriation:

The Evergreen State College Capital Projects

Account--State \$300,000

Prior Biennia (Expenditures) \$2,200,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

NEW SECTION. Sec. 691. FOR THE EVERGREEN STATE COLLEGE

Minor Works Preservation Reappropriation (02-1-014)

Reappropriation:

The Evergreen State College Capital Projects

Account--State \$300,000

Prior Biennia (Expenditures) \$1,900,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,200,000

NEW SECTION. Sec. 692. FOR THE EVERGREEN STATE COLLEGE

Seminar Building Phase II - Construction (02-2-004)

The appropriations in this section are subject to the following conditions and limitations: The appropriation shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State \$16,500,000

Appropriation:

The Evergreen State College Capital Projects

Account--State \$2,500,000

Prior Biennia (Expenditures) \$24,250,000
Future Biennia (Projected Costs) \$0
TOTAL \$43,250,000

**NEW SECTION, Sec. 693. FOR THE EVERGREEN STATE COLLEGE
Daniel J. Evans Building - Modernization (04-2-006)**

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$21,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$22,250,000
TOTAL \$43,750,000

**NEW SECTION, Sec. 694. FOR THE EVERGREEN STATE COLLEGE
Infrastructure Preservation (04-1-001)**

Appropriation:

State Building Construction Account--State \$1,550,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$1,000,000
TOTAL \$2,550,000

**NEW SECTION, Sec. 695. FOR THE EVERGREEN STATE COLLEGE
Lab II 3rd Floor - Chemistry Labs Remodel (04-2-007)**

Appropriation:

The Evergreen State College Capital Projects
Account--State \$3,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,000,000

**NEW SECTION, Sec. 696. FOR THE EVERGREEN STATE COLLEGE
Minor Works - Health, Safety, and Code (04-1-004)**

Appropriation:

State Building Construction Account--State \$500,000
The Evergreen State College Capital Projects
Account--State \$2,000,000
Subtotal Appropriation \$2,500,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$11,400,000
TOTAL \$13,900,000

**NEW SECTION, Sec. 697. FOR THE EVERGREEN STATE COLLEGE
Preventive Facility Maintenance and Building System Repairs (04-1-950)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 698 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

The Evergreen State College Capital Projects
Account--State \$150,000
Education Construction Account--State \$584,000
Subtotal Appropriation \$734,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$734,000

**NEW SECTION, Sec. 698. FOR THE EVERGREEN STATE COLLEGE
Facility Preservation Backlog Reduction (04-1-951)**

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 697 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,900,000

TOTAL \$29,150,000

NEW SECTION. Sec. 699. FOR THE EVERGREEN STATE COLLEGE

Minor Works Program (04-2-003)

Appropriation:

The Evergreen State College Capital Projects

Account--State \$850,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$7,700,000

TOTAL \$8,550,000

NEW SECTION. Sec. 700. FOR THE EVERGREEN STATE COLLEGE

Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION. Sec. 701. FOR WESTERN WASHINGTON UNIVERSITY

Campus Infrastructure Development (98-2-024)

Reappropriation:

State Building Construction Account--State \$700,000

Appropriation:

State Building Construction Account--State \$2,160,000

Prior Biennia (Expenditures) \$13,419,000

Future Biennia (Projected Costs) \$0

TOTAL \$16,279,000

NEW SECTION. Sec. 702. FOR WESTERN WASHINGTON UNIVERSITY

Communications Facility (98-2-053)

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall not be used for vehicles, laptop computers, small printers, disposable items, or other items with a useful life of less than one year.

Reappropriation:

State Building Construction Account--State \$22,500,000

Appropriation:

Western Washington University Capital Projects Account--

State \$3,920,000

Prior Biennia (Expenditures) \$13,973,400

Future Biennia (Projected Costs) \$0

TOTAL \$40,393,400

NEW SECTION. Sec. 703. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (02-1-070)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,750,000

Prior Biennia (Expenditures) \$1,250,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 704. FOR WESTERN WASHINGTON UNIVERSITY

Minor Works - Preservation - Safety (02-1-071)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$400,000

Prior Biennia (Expenditures) \$2,600,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 705. FOR WESTERN WASHINGTON UNIVERSITY
Academic Instructional Center (02-2-026)

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$5,618,000

Prior Biennia (Expenditures) \$115,000

Future Biennia (Projected Costs) \$51,438,000

TOTAL \$57,171,000

NEW SECTION. Sec. 706. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Program (02-2-072)

Reappropriation:

Western Washington University Capital Projects

Account--State \$1,800,000

Prior Biennia (Expenditures) \$5,031,000

Future Biennia (Projected Costs) \$0

TOTAL \$6,831,000

NEW SECTION. Sec. 707. FOR WESTERN WASHINGTON UNIVERSITY
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations in section 905, chapter 10,

Laws of 2003.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$3,000,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,500,000

NEW SECTION. Sec. 708. FOR WESTERN WASHINGTON UNIVERSITY
Preventive Facility Maintenance and Building System Repairs (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 709 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at local discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$2,814,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,814,000

NEW SECTION. Sec. 709. FOR WESTERN WASHINGTON UNIVERSITY
Facility Preservation Backlog Reduction (04-1-952)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 708 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at local discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$212,500 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(6) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$4,250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,900,000
TOTAL \$29,150,000

NEW SECTION. Sec. 710. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Health, Safety, and Code (04-1-074)

Appropriation:

State Building Construction Account--State \$1,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$4,000,000
TOTAL \$5,000,000

NEW SECTION. Sec. 711. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Infrastructure Preservation (04-1-075)

Appropriation:

State Building Construction Account--State \$1,550,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$6,200,000
TOTAL \$7,750,000

NEW SECTION. Sec. 712. FOR WESTERN WASHINGTON UNIVERSITY
Campus Roadway Development (04-2-073)

The appropriations in this section are subject to the following conditions and limitations:

(1) The purpose of the appropriation is to complete a predesign of potential south campus roadway options and general circulation issues that avoids significant impacts on adjacent neighborhoods and conforms to the city of Bellingham traffic plans.

(2) The predesign shall also investigate options to achieve higher rates of alternative modes of transportation among faculty, staff, and students, minimize surface parking, and make improvements for traffic circulation, including public transit. Safe movement of pedestrians and bicyclists shall be a priority.

(3) Allotment for predesign is contingent upon the completion of a communication and public involvement plan for this project that is consistent with the significant projects section of the Western Washington University institutional master plan and adjacent neighborhood plans adopted by the city of Bellingham, the city of Bellingham Western Washington University neighborhood plan, and the neighborhood meeting requirements contained in Bellingham municipal code 20.40.060. The communication and public involvement plan shall seek to maximize public input through coordination of the planning effort with established neighborhood advisory groups and boards recognized by the city of Bellingham.

Appropriation:

State Building Construction Account--State \$249,000
Western Washington University Capital Projects
Account--State \$80,000
Subtotal Appropriation \$329,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$329,000

NEW SECTION. Sec. 713. FOR WESTERN WASHINGTON UNIVERSITY
Minor Works - Program (04-2-077)

Appropriation:

State Building Construction Account--State \$500,000
Western Washington University Capital Projects
Account--State \$50,000
Subtotal Appropriation \$550,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$17,925,000
TOTAL \$18,475,000

NEW SECTION. Sec. 714. FOR WESTERN WASHINGTON UNIVERSITY
Shannon Point Marine - Undergraduate Center (04-2-059)

The appropriation in this section is subject to the following conditions and limitations:

(1) The university has independently completed a predesign for this facility. Allotment for construction is contingent upon filing a copy of the predesign with an addendum that discloses federal and grant funding available for construction, equipment, and operating costs for the facility upon occupancy.

(2) Any further appropriations for equipment or furnishings shall be met with local funds.

Appropriation:

State Building Construction Account--State \$998,329
Western Washington University Capital Projects Account--
State \$4,000,000
Subtotal Appropriation \$4,998,329

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,998,329

NEW SECTION. Sec. 715. FOR WESTERN WASHINGTON UNIVERSITY
Planetarium Improvement (04-2-950)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for, and shall be expended as matching funds for the replacement of, the Western Washington

University planetarium projector. Western Washington University shall expend at least an equal amount from institutional funds or donated funds received for the same purpose. If an appropriate replacement projector can be obtained for less than \$250,000, the university may reserve any excess funds for future repair, replacement, or operation of the planetarium.

Appropriation:

State Building Construction Account--State \$125,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$125,000

NEW SECTION. Sec. 716. FOR WESTERN WASHINGTON UNIVERSITY

Miller Hall Renovation (04-1-953)

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$34,750,000

TOTAL \$35,000,000

NEW SECTION. Sec. 717. FOR WESTERN WASHINGTON UNIVERSITY

Infrastructure Savings (04-1-999)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

NEW SECTION. Sec. 718. FOR THE STATE HISTORICAL SOCIETY

Tacoma: State History Museum Preservation (02-1-002)

Reappropriation:

State Building Construction Account--State \$270,000

Prior Biennia (Expenditures) \$103,016

Future Biennia (Projected Costs) \$0

TOTAL \$373,016

NEW SECTION. Sec. 719. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark Trail Interpretive Infrastructure Grant Program (02-4-001)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided for development of station camp 1805 as a national historic park in conjunction with the projected relocation of highway 101 in Pacific county.

Reappropriation:

State Building Construction Account--State \$1,000,000

Appropriation:

State Building Construction Account--State \$1,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

NEW SECTION. Sec. 720. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark Station Camp Park Project (02-S-001)

Reappropriation:

State Building Construction Account--State \$2,000,000

Prior Biennia (Expenditures) \$552,226

Future Biennia (Projected Costs) \$0

TOTAL \$2,552,226

NEW SECTION. Sec. 721. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Olympia-State Capital Museum Preservation Projects (02-1-001)

Reappropriation:

State Building Construction Account--State \$56,000

Prior Biennia (Expenditures) \$649,397

Future Biennia (Projected Costs) \$0

TOTAL \$705,397

NEW SECTION. Sec. 722. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Tacoma - Stadium Way Research Center Preservation Projects (02-1-004)

Reappropriation:

State Building Construction Account--State \$68,830

Prior Biennia (Expenditures) \$299,847

Future Biennia (Projected Costs) \$0

TOTAL \$368,677

NEW SECTION. Sec. 723. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Project (02-4-004)

The reappropriation in this section shall support the projects as listed in section 734, chapter 8, Laws of 2001

2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$1,500,000

Prior Biennia (Expenditures) \$14,194,136

Future Biennia (Projected Costs) \$0

TOTAL \$15,694,136

**NEW SECTION, Sec. 724. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Stadium Way Research Center - Code Violation Correction (04-1-003)**

Appropriation:

State Building Construction Account--State \$461,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$461,200

**NEW SECTION, Sec. 725. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
State History Museum Preservation (04-1-850)**

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for paver replacement.

Appropriation:

State Building Construction Account--State \$60,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$60,000

**NEW SECTION, Sec. 726. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Washington Heritage Project (04-4-004)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided for the following list of projects:

Project	Amount Recommended
American museum of radio	\$151,799
Bigelow House preservation association	\$33,900
City of Port Angeles	\$112,200
City of Roslyn	\$181,816
City of Sprague	\$98,000
Duwamish tribal service, inc.	\$350,000
Enumclaw plateau historical society	\$54,054
Fort Nisqually living history museum	\$350,000
Gallery one	\$115,500
Georgetown community council	\$50,000
Gig Harbor - peninsula historical society	\$140,000
Historic Seattle PDA	\$350,000
Ilwaco heritage foundation	\$179,400
Jefferson county public works	\$350,000

<i>Lopez Island historical society</i>	<i>\$60,000</i>
<i>Museum of flight</i>	<i>\$350,000</i>
<i>Museum of history and industry</i>	<i>\$350,000</i>
<i>Northwest maritime center</i>	<i>\$350,000</i>
<i>Olympia Waldorf school</i>	<i>\$45,000</i>
<i>Spokane parks and recreation</i>	<i>\$136,000</i>
<i>Spokane symphony</i>	<i>\$56,925</i>
<i>Suquamish museum and tribal cultural center</i>	<i>\$7,000</i>
<i>Vashon parks</i>	<i>\$12,906</i>
<i>World kite museum and hall of fame</i>	<i>\$115,500</i>
<i>Subtotal</i>	<i>\$4,000,000</i>
<i>Alternates</i>	
	<i>\$24,818</i>
<i>Vashon parks</i>	
<i>Clymer museum</i>	<i>\$113,598</i>
<i>San Juan historical museum</i>	<i>\$8,800</i>
<i>Jefferson county historical society</i>	<i>\$115,500</i>
<i>City of Lynwood</i>	<i>\$37,835</i>
<i>City of Mt. Vernon</i>	<i>\$66,664</i>
<i>White river valley museum</i>	<i>\$115,500</i>
<i>Town of La Conner</i>	<i>\$2,376</i>
<i>Subtotal alternates</i>	<i>\$485,091</i>
TOTAL	\$4,485,091
<i>Appropriation:</i>	
<i>State Building Construction Account--State</i>	<i>\$4,000,000</i>
<i>Prior Biennia (Expenditures)</i>	<i>\$0</i>
<i>Future Biennia (Projected Costs)</i>	<i>\$0</i>
TOTAL	\$4,000,000

NEW SECTION. Sec. 727. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College - Allied Health Building (98-2-661)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$175,089

Prior Biennia (Expenditures) \$10,861,686

Future Biennia (Projected Costs) \$0

TOTAL \$11,036,775

NEW SECTION. Sec. 728. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park: Transportation Trade - Construction (96-2-662)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,380,368

Prior Biennia (Expenditures) \$14,665,032

Future Biennia (Projected Costs) \$0

TOTAL \$18,045,400

NEW SECTION. Sec. 729. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College Poulsbo Center: Construction (96-2-654)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$6,450,000

Prior Biennia (Expenditures) \$6,596,675

Future Biennia (Projected Costs) \$0

TOTAL \$13,046,675

NEW SECTION. Sec. 730. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Health/Business Building (98-2-672)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,737,347

Prior Biennia (Expenditures) \$5,199,252

Future Biennia (Projected Costs) \$0

TOTAL \$8,936,599

NEW SECTION. Sec. 731. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Phase 3 - New Facility (98-2-673)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$9,627,984

Prior Biennia (Expenditures) \$7,377,016

Future Biennia (Projected Costs) \$0

TOTAL \$17,005,000

NEW SECTION. Sec. 732. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College: Technology Resource Center (98-2-674)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$3,379,770

Prior Biennia (Expenditures) \$8,391,230

Future Biennia (Projected Costs) \$0

TOTAL \$11,771,000

NEW SECTION. Sec. 733. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley Community College: Whidbey Higher Education Center (98-2-675)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$641,516

Prior Biennia (Expenditures) \$9,278,097

Future Biennia (Projected Costs) \$0

TOTAL \$9,919,613

NEW SECTION. Sec. 734. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia College: Instructional Building Replacement (99-2-001)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$172,934
Prior Biennia (Expenditures) \$14,227,066
Future Biennia (Projected Costs) \$0
TOTAL \$14,400,000

NEW SECTION. Sec. 735. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College: Clark Center at Washington State University Vancouver (00-2-680)

The appropriations in this section are subject to the following conditions and limitations: No money from the appropriations in this section may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$1,096,000

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$18,009,800

Prior Biennia (Expenditures) \$668,000

Future Biennia (Projected Costs) \$0

TOTAL \$19,773,800

NEW SECTION. Sec. 736. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Facilities Repairs "A" (00-1-050)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,784,463

Community and Technical College Capital Projects

Account--State \$85,847

Subtotal Reappropriation \$1,870,310

Prior Biennia (Expenditures) \$25,529,690

Future Biennia (Projected Costs) \$0

TOTAL \$27,400,000

NEW SECTION. Sec. 737. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College: Drama/Music Class - Renovation (00-2-322)

Reappropriation:

State Building Construction Account--State \$398,031

Prior Biennia (Expenditures) \$3,031,969

Future Biennia (Projected Costs) \$0

TOTAL \$3,430,000

NEW SECTION. Sec. 738. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Highline Community College: Higher Ed Center/Childcare (00-2-678)

Reappropriation:

State Building Construction Account--State \$985,949

Appropriation:

Gardner-Evans Higher Education Construction

Account--State \$14,654,000

Community and Technical College Capital Projects

Account--State \$3,898,000

Subtotal Appropriation \$18,552,000

Prior Biennia (Expenditures) \$1,359,051

Future Biennia (Projected Costs) \$0

TOTAL \$20,897,000

NEW SECTION. Sec. 739. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (Minor Improvements) (00-1-130)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$1,587,700

Community and Technical College Capital Projects

Account--State \$308,506

Subtotal Reappropriation \$1,896,206

Prior Biennia (Expenditures) \$14,953,794

Future Biennia (Projected Costs) \$0

TOTAL \$16,850,000

NEW SECTION. Sec. 740. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Olympic College: Physical Plant Building Replacement (00-2-002)

Reappropriation:

Education Construction Account--State \$416,607

Prior Biennia (Expenditures) \$5,698,993

Future Biennia (Projected Costs) \$0

TOTAL \$6,115,600

NEW SECTION. Sec. 741. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Phase III Expansion (00-2-676)

Reappropriation:

State Building Construction Account--State \$723,985

Appropriation:

*Gardner-Evans Higher Education Construction
Account--State \$23,374,774*

Prior Biennia (Expenditures) \$1,236,215

Future Biennia (Projected Costs) \$0

TOTAL \$25,334,974

NEW SECTION. Sec. 742. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Shoreline Community College: Library/Technical Center (00-2-319)

Reappropriation:

State Building Construction Account--State \$215,408

Prior Biennia (Expenditures) \$7,034,592

Future Biennia (Projected Costs) \$0

TOTAL \$7,250,000

NEW SECTION. Sec. 743. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Puget Sound Community College: Humanities/General Education Complex (00-2-679)

Reappropriation:

Education Construction Account--State \$1,092,690

Appropriation:

State Building Construction Account--State \$17,350,248

Prior Biennia (Expenditures) \$812,310

Future Biennia (Projected Costs) \$0

TOTAL \$19,255,248

NEW SECTION. Sec. 744. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Whatcom Community College: Classroom/Lab Building (00-2-677)

Reappropriation:

State Building Construction Account--State \$372,634

Appropriation:

State Building Construction Account--State \$10,932,400

Prior Biennia (Expenditures) \$599,266

Future Biennia (Projected Costs) \$0

TOTAL \$11,904,300

NEW SECTION. Sec. 745. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Yakima Valley Community College: Higher Education Center (00-2-954)

Reappropriation:

State Building Construction Account--State \$4,214,248

Prior Biennia (Expenditures) \$16,285,752

Future Biennia (Projected Costs) \$0

TOTAL \$20,500,000

NEW SECTION. Sec. 746. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College: Science Building (01-2-688)

Appropriation:

Community and Technical College Capital Projects

Account--State \$2,396,409

Prior Biennia (Expenditures) \$100,000

Future Biennia (Projected Costs) \$27,407,191

TOTAL \$29,903,600

NEW SECTION. Sec. 747. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Science Building (01-2-687)

Appropriation:

State Building Construction Account--State \$2,379,000

Prior Biennia (Expenditures) \$100,000

Future Biennia (Projected Costs) \$28,929,265

TOTAL \$31,408,265

NEW SECTION. Sec. 748. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Technology Institute Partner College Computer Labs (01-2-689)

The reappropriation in this section is provided to complete construction and equip three computer science and language labs, an approximate size being 1,200 square feet, one at each of the following college districts: Highline, Olympic, and South Puget Sound, as provided in section 824, chapter 8, Laws of 2001 2nd sp. sess.

Reappropriation:

State Building Construction Account--State \$345,722

Prior Biennia (Expenditures) \$1,154,278

Future Biennia (Projected Costs) \$0

TOTAL \$1,500,000

NEW SECTION. Sec. 749. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bates Technical College: LRC/Vocational (02-2-684)

Appropriation:

State Building Construction Account--State \$1,796,206
Prior Biennia (Expenditures) \$94,346
Future Biennia (Projected Costs) \$15,168,902
TOTAL \$17,059,454

NEW SECTION. Sec. 750. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellevue Community College: "A" Building Renovation (02-1-320)

Reappropriation:

State Building Construction Account--State \$5,025,531
Prior Biennia (Expenditures) \$540,569
Future Biennia (Projected Costs) \$0
TOTAL \$5,566,100

NEW SECTION. Sec. 751. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellingham Technical College: Replacement (02-1-239)

Reappropriation:

State Building Construction Account--State \$4,307,533
Prior Biennia (Expenditures) \$50,367
Future Biennia (Projected Costs) \$0
TOTAL \$4,357,900

NEW SECTION. Sec. 752. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Big Bend Community College: Library Replacement (02-1-232)

Reappropriation:

Education Construction Account--State \$7,128,718
Prior Biennia (Expenditures) \$368,282
Future Biennia (Projected Costs) \$0
TOTAL \$7,497,000

NEW SECTION. Sec. 753. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Centralia Community College Science Building (04-2-850)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study for a science building that will address a range of alternatives, meet the needs of project enrollment in the sciences, and be sited in a location that maximizes future development of the campus.

(2) The predesign shall be consistent with the college's adopted strategic and facility master plans and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$150,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$150,000

Sec. 754. 2001 2nd sp.s. c 8 s 817 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park - Building 18 Machine Trades: New Facility (02-1-343)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State ((\$4,791,800))
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL ((\$4,791,800))

\$208,492

\$208,492

NEW SECTION. Sec. 755. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clover Park Technical College: Building 25 Machine Trades (04-1-953)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation results from a transfer of remaining funding from Clover Park Technical College: Building 18 machine trades (02-1-343).

(2) Should any shortfall occur as a result of this scope change, further appropriations as required to complete the project shall be met by the college with local funds. Completion of the project is meant to include building and site development as well as equipment and furnishings. This does not preclude the use of one-time funds provided in section 788 of this act.

Appropriation:

State Building Construction Account--State \$4,583,308
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,583,308

NEW SECTION. Sec. 756. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Columbia Basin College: Building "A" Renovation (02-1-333)

Reappropriation:

State Building Construction Account--State \$2,387,456

Prior Biennia (Expenditures) \$4,046,644
Future Biennia (Projected Costs) \$0
TOTAL \$6,434,100

NEW SECTION. Sec. 757. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Edmonds Community College: Instructional Lab Building (02-2-685)

Appropriation:

State Building Construction Account--State \$2,939,060
Prior Biennia (Expenditures) \$58,000
Future Biennia (Projected Costs) \$14,491,466
TOTAL \$17,488,526

NEW SECTION. Sec. 758. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Facility Repairs "A" (02-1-050)

Reappropriation:

Education Construction Account--State \$12,716,919
Prior Biennia (Expenditures) \$8,943,409
Future Biennia (Projected Costs) \$0
TOTAL \$21,660,328

NEW SECTION. Sec. 759. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Grays Harbor College: Library Renovation (02-1-311)

Reappropriation:

State Building Construction Account--State \$2,142,150
Prior Biennia (Expenditures) \$2,437,350
Future Biennia (Projected Costs) \$0
TOTAL \$4,579,500

NEW SECTION. Sec. 760. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College: International Program Replacement (02-1-222)

Reappropriation:

Community and Technical College Capital Projects
Account--State \$501,790
Prior Biennia (Expenditures) \$85,280
Future Biennia (Projected Costs) \$0
TOTAL \$587,070

NEW SECTION. Sec. 761. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lake Washington Technical College: Replacement (02-1-240)

Reappropriation:

State Building Construction Account--State \$6,536,746
Prior Biennia (Expenditures) \$378,554
Future Biennia (Projected Costs) \$0
TOTAL \$6,915,300

NEW SECTION. Sec. 762. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lower Columbia College: Physical Science Portables Replacement (02-1-226)

Reappropriation:

State Building Construction Account--State \$1,445,865

Prior Biennia (Expenditures) \$513,935
Future Biennia (Projected Costs) \$0
TOTAL \$1,959,800

NEW SECTION. Sec. 763. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Preservation (Emergency Funds) (02-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation shall only be used for unanticipated building or infrastructure repairs necessary for the protection of capital assets and protection of health or safety. The legislature does not intend for this appropriation to be used for routine maintenance.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$5,912,186
Prior Biennia (Expenditures) \$6,087,814
Future Biennia (Projected Costs) \$0
TOTAL \$12,000,000

NEW SECTION. Sec. 764. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (02-1-130)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the conditions and limitations in section 795(1), chapter 8, Laws of 2001 2nd sp. sess.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$7,744,801
Education Construction Account--State \$3,365,870
Subtotal Reappropriation \$11,110,671
Prior Biennia (Expenditures) \$10,156,829

Future Biennia (Projected Costs) \$0
TOTAL \$21,267,500

NEW SECTION. Sec. 765. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Peninsula College: Buildings D and E Renovation (02-1-310)

Reappropriation:

State Building Construction Account--State \$2,656,850
Prior Biennia (Expenditures) \$12,950
Future Biennia (Projected Costs) \$0
TOTAL \$2,669,800

NEW SECTION. Sec. 766. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Pierce College Fort Steilacoom: Portables Replacement (02-1-223)

Reappropriation:

State Building Construction Account--State \$2,134,848
Prior Biennia (Expenditures) \$317,252
Future Biennia (Projected Costs) \$0
TOTAL \$2,452,100

NEW SECTION. Sec. 767. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Roof Repairs "A" (02-1-010)

The reappropriation in this section is subject to the following conditions and limitations: The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

Education Construction Account--State \$4,370,213
Prior Biennia (Expenditures) \$3,102,864
Future Biennia (Projected Costs) \$0
TOTAL \$7,473,077

NEW SECTION. Sec. 768. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College: Edison Hall Renovation (02-1-315)

Reappropriation:

State Building Construction Account--State \$4,705,209
Prior Biennia (Expenditures) \$1,103,991
Future Biennia (Projected Costs) \$0
TOTAL \$5,809,200

NEW SECTION. Sec. 769. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College: Portables Replacement (02-1-215)

Reappropriation:

State Building Construction Account--State \$6,808,687
Prior Biennia (Expenditures) \$88,713
Future Biennia (Projected Costs) \$0
TOTAL \$6,897,400

NEW SECTION. Sec. 770. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Shoreline Community College: Building 800 Renovation (02-1-319)

Reappropriation:

State Building Construction Account--State \$5,858,057
Prior Biennia (Expenditures) \$163,043
Future Biennia (Projected Costs) \$0
TOTAL \$6,021,100

NEW SECTION. Sec. 771. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Site Repairs "A" (02-1-090)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is subject to the following conditions and limitations: \$200,000 of the reappropriation from the state building construction account--state is provided solely to South Seattle Community College for the Seattle Chinese gardens. The appropriation must be matched by \$200,000 in additional contributions toward the project from local government.

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$89,000
Education Construction Account--State \$3,852,474
Subtotal Reappropriation \$3,941,474
Prior Biennia (Expenditures) \$4,601,758
Future Biennia (Projected Costs) \$0
TOTAL \$8,543,232

NEW SECTION. Sec. 772. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Skagit Valley College: Office Space Replacement (02-1-213)

Reappropriation:

Community and Technical College Capital Projects
Account--State \$752,777
Prior Biennia (Expenditures) \$9,912
Future Biennia (Projected Costs) \$0
TOTAL \$762,689

NEW SECTION. Sec. 773. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Family Education/Child Center (02-1-238)

Reappropriation:

State Building Construction Account--State \$6,718,357
Prior Biennia (Expenditures) \$413,643
Future Biennia (Projected Costs) \$0
TOTAL \$7,132,000

NEW SECTION, Sec. 774. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Seattle Community College: Building "A" Replacement (02-1-217)

Reappropriation:

State Building Construction Account--State \$5,190,236
Prior Biennia (Expenditures) \$287,164
Future Biennia (Projected Costs) \$0
TOTAL \$5,477,400

NEW SECTION, Sec. 775. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Falls Community College: Fine Arts Building Replacement (02-1-231)

Reappropriation:

Community and Technical College Capital Projects
Account--State \$672,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$672,000

NEW SECTION, Sec. 776. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Falls Community College: Library Renovation (02-1-331)

Reappropriation:

State Building Construction Account--State \$5,269,005
Prior Biennia (Expenditures) \$332,995
Future Biennia (Projected Costs) \$0
TOTAL \$5,602,000

NEW SECTION, Sec. 777. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Information Technology Vocational Center (02-2-683)

Reappropriation:

State Building Construction Account--State \$534,671

Appropriation:

State Building Construction Account--State \$14,531,900
Prior Biennia (Expenditures) \$663,429
Future Biennia (Projected Costs) \$0
TOTAL \$15,730,000

NEW SECTION, Sec. 778. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College: Portable Buildings Replacement (02-1-236)

Reappropriation:

Education Construction Account--State \$3,437,867
Prior Biennia (Expenditures) \$19,133
Future Biennia (Projected Costs) \$0
TOTAL \$3,457,000

NEW SECTION, Sec. 779. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Walla Walla Community College: Basic Skills/Computer Lab (02-2-686)

Appropriation:

Gardner-Evans Higher Education Construction
Account--State \$573,000
Prior Biennia (Expenditures) \$36,300
Future Biennia (Projected Costs) \$5,431,700
TOTAL \$6,041,000

NEW SECTION, Sec. 780. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Walla Walla Community College: Parent/Child Center Replacement (02-1-234)

Reappropriation:

Community and Technical College Capital Projects
Account--State \$222,907
Prior Biennia (Expenditures) \$168,323
Future Biennia (Projected Costs) \$0
TOTAL \$391,230

NEW SECTION, Sec. 781. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Wenatchee Valley College: Greenhouse Replacement (02-1-220)

Reappropriation:

Education Construction Account--State \$441,360
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$441,360

NEW SECTION, Sec. 782. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Job Creation and Infrastructure Projects (03-1-001)

The reappropriation in this section is subject to the following conditions and limitations:

2002. (1) The reappropriation in this section shall support the projects as listed in section 224, chapter 238, Laws of

(2) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Reappropriation:

State Building Construction Account--State \$865,437

Education Construction Account--State \$10,209,178

Subtotal Reappropriation \$11,074,615

Prior Biennia (Expenditures) \$15,525,560

Future Biennia (Projected Costs) \$0

TOTAL \$26,600,175

NEW SECTION. Sec. 783. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia Community College/University of Washington Bothell - State Route 522 Access (02-2-999)

The reappropriation in this section is subject to the following conditions and limitations: The legislature intends to appropriate funds for construction of this project in a future transportation budget.

Reappropriation:

State Building Construction Account--State \$2,390,000

Prior Biennia (Expenditures) \$110,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,500,000

NEW SECTION. Sec. 784. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Replacement Science and Technology Building (04-1-208)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects

Account--State \$82,800

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$10,752,500

TOTAL \$10,835,300

NEW SECTION. Sec. 785. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College: Science Building Replacement (04-1-212)

Appropriation:

State Building Construction Account--State \$15,721,600

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$15,721,600

NEW SECTION. Sec. 786. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Technical College: Welding/Auto Collision Replacement (04-1-213)

Appropriation:

State Building Construction Account--State \$2,481,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$14,357,000

TOTAL \$16,838,000

NEW SECTION. Sec. 787. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lower Columbia College: Instructional/Fine Arts Building Replacement (04-1-214)

Appropriation:

State Building Construction Account--State \$1,827,799

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$16,645,515

TOTAL \$18,473,314

NEW SECTION. Sec. 788. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bates-Clover Park Equipment Improvements (04-2-950)

Appropriation:

Community and Technical College Capital Projects

Account--State \$3,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,000,000

NEW SECTION. Sec. 789. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: "D" Building Renovation (04-1-308)

Appropriation:

State Building Construction Account--State \$11,418,700

Community and Technical College Capital Projects

Account--State \$2,000,000

Subtotal Appropriation \$13,418,700

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,418,700

NEW SECTION. Sec. 790. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellevue Community College: Science and Technology (04-2-690)

The appropriation in this section is subject to the following conditions and limitations: The purpose of the appropriation is to conduct a predesign study of alternatives for a replacement building in compliance with adopted master and strategic plans and which additionally addresses projected enrollment demands, operating budget impacts, options for reduction of parking needs, and cost effective ways to meet new local environmental regulations.

Appropriation:

Community and Technical College Capital Projects
Account--State \$90,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$28,315,700
TOTAL \$28,405,700

NEW SECTION. Sec. 791. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Cascadia Community College: Center for Arts, Technology, Communications (04-2-693)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to conduct a predesign study of alternatives for a building to house new programs that integrate arts and languages with technology, media, and business programs.

(2) The predesign shall be consistent with the college's adopted strategic plan and colocated campus master plan and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

(3) The college shall coordinate planning efforts with the University of Washington, Bothell and address the timing of construction of the south campus access in the predesign.

(4) Any necessary modifications to the colocated campus master plan should result in an addendum to the campus master plan to be submitted for review by the office of financial management and the legislative fiscal committees.

Appropriation:

Community and Technical College Capital Projects
Account--State \$159,900
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$35,673,200
TOTAL \$35,833,100

NEW SECTION. Sec. 792. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College: Renovation - Applied Arts 5 (04-1-303)

Appropriation:

State Building Construction Account--State \$3,872,413
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$3,872,413

NEW SECTION. Sec. 793. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College: Stout Hall (04-1-203)

Appropriation:

State Building Construction Account--State \$4,049,889
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,049,889

NEW SECTION. Sec. 794. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College: East County Satellite (04-1-689)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential satellite campus.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, and options for reduction of parking needs.

Appropriation:

State Building Construction Account--State \$300,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$29,191,800
TOTAL \$29,491,800

NEW SECTION. Sec. 795. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Columbia Basin College: Renovation - "T" Building (04-1-307)

Appropriation:

State Building Construction Account--State \$6,058,500
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,058,500

NEW SECTION. Sec. 796. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Edmonds Community College: Renovation - Mountlake Terrace Hall (04-1-311)

Appropriation:

State Building Construction Account--State \$8,827,030
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$8,827,030

NEW SECTION. Sec. 797. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Everett Community College: Pilchuck/Glacier (04-1-205)

Appropriation:

State Building Construction Account--State \$1,311,700
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$14,633,300
TOTAL \$15,945,000

NEW SECTION. Sec. 798. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Everett Community College: Renovation - Monte Cristo Hall (04-1-305)

Appropriation:

State Building Construction Account--State \$7,352,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$7,352,000

NEW SECTION. Sec. 799. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Preventive Facility Maintenance and Building System Repairs (04-1-950)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to maintain facilities housing educational and general programs and to maintain its major building systems. Building maintenance, mechanical adjustments, repairs, and minor works for the facility or its major building systems must extend the remaining useful life of the facility or keep it safe and functioning normally.

(2) With this appropriation and that provided in section 800 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preventive facility maintenance project funds shall be allocated at the state board's discretion to achieve the above stated performance goal, with particular attention given to buildings currently rated in superior to adequate condition so as to maximize useful life given both the passage of time and intensity with which the space is used.

(3) Section 915 of this act does not apply to this appropriation.

(4) The legislature does not intend to reappropriate amounts not expended by June 30, 2005.

Appropriation:

Education Construction Account--State \$17,754,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$17,754,000

NEW SECTION. Sec. 800. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Facility Preservation Backlog Reduction (04-1-951)

The appropriation in this section is subject to the following conditions and limitations:

(1) Pursuant to definitions and provisions in section 925 of this act, the appropriation is provided solely to accomplish preservation work that improves existing state facilities in the worst relative condition for housed programs and current building occupants.

(2) With this appropriation and that provided in section 799 of this act, the legislature intends to improve the average condition of state facilities as compared to the baseline conditions documented in report 03-1 of the joint legislative audit and review committee. Preservation backlog reduction project funds shall be prioritized at the state board's discretion to achieve the above stated goal, with particular attention given to buildings currently rated in adequate to marginal condition.

(3) This section is subject to the same allotment procedures as a minor works category except for subsections (4) and (5) of this section which shall follow allotment procedures for a major project.

(4) Predesign studies may be undertaken to consider replacement alternatives and strategies to improve conditions for current building occupants. An allotment for predesign is subject to the filing, review, and approval of a project request report by the office of financial management.

(5) Up to \$27,917,000 of the appropriation may be used for the following design studies and other eligible projects:

- (a) Pierce-Ft. Steilacoom Health Science center;
- (b) Highline childcare center (replaces portables);
- (c) Yakima classroom replacement (Anton/Glenn);
- (d) Olympic Science and Technology replacement;
- (e) South Seattle replacement portables;
- (f) Seattle Central-Broadway Edison (student services);

(6) An allotment for design under subsection (5) of this section is subject to the filing, review, and approval of a project request report and a predesign study by the office of financial management.

(7) Up to \$3,215,000 of the appropriation may be spent for any minor capital project in a facility housing educational and general programs of the institution.

(8) Section 915 of this act does not apply to this appropriation.

Appropriation:

State Building Construction Account--State \$64,300,000
Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$229,700,000
TOTAL \$294,000,000

NEW SECTION. Sec. 801. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Grays Harbor College: Replacement - Instructional Building (04-1-204)

Appropriation:

State Building Construction Account--State \$1,263,300
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$16,371,700
TOTAL \$17,635,000

NEW SECTION. Sec. 802. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM Everett Community
College: Undergraduate Education Center (04-2-692)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential undergraduate education center to meet the projected enrollment demands of academic transfer students.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects
Account--State \$126,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$29,601,000
TOTAL \$29,727,000

NEW SECTION. Sec. 803. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College: Computer Technology Center (04-2-682)

Reappropriation:

State Building Construction Account--State \$356,193

Appropriation:

State Building Construction Account--State \$10,984,800
Prior Biennia (Expenditures) \$658,507
Future Biennia (Projected Costs) \$0
TOTAL \$11,999,500

NEW SECTION. Sec. 804. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lake Washington Technical College: Renovation - East/West Buildings (04-1-312)

Appropriation:

State Building Construction Account--State \$4,420,800
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$4,420,800

NEW SECTION. Sec. 805. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (Minor Improvements) (04-2-130)

Appropriation:

Community and Technical College Capital Projects
Account--State \$14,979,217
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$40,000,000
TOTAL \$54,979,217

NEW SECTION. Sec. 806. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
North Seattle Community College: Arts and Science Renovation (04-1-309)

Appropriation:

State Building Construction Account--State \$6,785,700
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$6,785,700

NEW SECTION. Sec. 807. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Olympic College: Science and Technology Building Replacement (04-1-202)

The appropriation in this section is subject to the following conditions and limitations: Additional support for this project is provided by the appropriation in section 800 of this act.

Appropriation:

State Building Construction Account--State \$10,998,000
Community and Technical College Capital Projects
Account--State \$3,000,000
Subtotal Appropriation \$13,998,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$13,998,000

NEW SECTION. Sec. 808. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College: Redmond Land Acquisition (04-2-403)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to purchase property for expansion, storm water retention and parking requirements.

(2) State funds must be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects

Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION Sec. 809. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup: Community Arts/Allied Health (04-1-691)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential building to accommodate increased capacity in professional and technical programs.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects

Account--State \$150,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$24,797,400

TOTAL \$24,947,400

NEW SECTION Sec. 810. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College-Ft. Steilacoom: Science and Technology (04-1-694)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of this appropriation is to conduct a predesign study of alternatives for a potential replacement of existing science lab facilities.

(2) The predesign shall be consistent with the college's adopted strategic and master plans and additionally address projected enrollment demands, operating budget impacts, reuse or disposition of existing facilities, and options for reduction of parking needs.

Appropriation:

Community and Technical College Capital Projects

Account--State \$190,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$29,060,400

TOTAL \$29,250,400

NEW SECTION Sec. 811. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College: NWCET Expansion (04-2-402)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to build an additional 4,000 square feet of open lab space to accommodate new and expanding information technology and media programs.

(2) State funds will be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects

Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION Sec. 812. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom: Childcare Center (04-2-401)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to construct a 10,000 square foot childcare center as identified in the college's master plan.

(2) State funds must be matched with nonstate resources in the amount of \$2,250,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects

Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION Sec. 813. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Community Resource Center (04-2-406)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to construct a 4,800 square foot facility housing instructional space for the college as well as other space used in a collaborative manner by the school districts and economic development council as a community resource center.

(2) State funds will be matched with nonstate resources of at least \$500,000.

(3) Allotment of funds shall be in accordance with RCW 43.88.150.

Appropriation:

Community and Technical College Capital Projects

Account--State \$500,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$500,000

NEW SECTION. Sec. 814. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Renton Technical College: Portable Replacement (04-1-215)

Appropriation:

State Building Construction Account--State \$419,300

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$2,630,300

TOTAL \$3,049,600

NEW SECTION. Sec. 815. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Roof Repairs "A" (04-1-010)

Appropriation:

State Building Construction Account--State \$7,265,677

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,000,000

TOTAL \$27,265,677

NEW SECTION. Sec. 816. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central: Replacement North Plaza Building (04-1-275)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the design and construction of, and equipment for, an information technology program. The space for the program is created by adding a floor to another structure.

(2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C-100 category.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,976,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,976,200

NEW SECTION. Sec. 817. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs "A" (04-1-090)

Appropriation:

State Building Construction Account--State \$5,305,624

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$20,000,000

TOTAL \$25,305,624

NEW SECTION. Sec. 818. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Skagit Valley College: Science Building Replacement (04-1-209)

The appropriation in this section is subject to the following conditions and limitations:

(1) The college shall complete a predesign for a science building that will address a range of alternatives, meet the needs of projected enrollment in the sciences, and be sited in a location that maximizes future development of the campus.

(2) The appropriation shall be used to complete predesign, amend master plan documents, and complete infrastructure planning so that the proposed project is consistent with the college's strategic plan and facilities master plan.

Appropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$300,000

NEW SECTION. Sec. 819. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College: Instructional Technology Center (04-2-681)

Reappropriation:

State Building Construction Account--State \$713,759

Appropriation:

State Building Construction Account--State \$17,236,600

Prior Biennia (Expenditures) \$910,641

Future Biennia (Projected Costs) \$0

TOTAL \$18,861,000

NEW SECTION. Sec. 820. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
South Seattle Community College: Renovation - Pastry Vocational Program (04-1-314)

Appropriation:

Community and Technical College Capital Projects

Account--State \$2,613,100

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,613,100

NEW SECTION. Sec. 821. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Renovation - Building 7 (04-1-313)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the design and construction of, and equipment for, an extensive renovation of an instructional building and its systems.

(2) The state board for community and technical colleges shall submit a major project report to the office of financial management with copies to the legislative fiscal committees in accordance with the established procedures for major project reports. In addition, the report will contain a cost tracking form that links expenditures by C-100 category.

(3) Following occupancy of the project, the state board for community and technical colleges, with the assistance of the department of general administration and the community college, shall submit a final budget reconciliation that summarizes all costs for the project, including equipment, regardless of the fund source.

Appropriation:

State Building Construction Account--State \$4,988,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,988,000

NEW SECTION. Sec. 822. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College: Replacement - Portable Buildings (04-1-206)

Appropriation:

State Building Construction Account--State \$2,622,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,622,000

NEW SECTION. Sec. 823. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Walla Walla Community College: Health Science Facility (04-1-211)

Appropriation:

Community and Technical College Capital Projects

Account--State \$7,261,400

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$7,261,400

NEW SECTION. Sec. 824. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College: Science Complex (04-2-695)

The appropriation in this section is subject to the following conditions and limitations:

(1) The purpose of the appropriation is to conduct a predesign study of alternatives for additional natural science laboratory and classroom space in compliance with adopted master and strategic plans.

(2) The predesign shall additionally address projected enrollment demands, operating budget impacts, options for reduction of parking needs and cost-effective ways to meet local environmental regulations.

Appropriation:

Community and Technical College Capital Projects

Account--State \$93,200

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$26,040,326

TOTAL \$26,133,526

NEW SECTION. Sec. 825. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College: Renovation - Sundquist Annex (04-1-302)

Appropriation:

State Building Construction Account--State \$3,852,700

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$3,852,700

NEW SECTION. Sec. 826. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Infrastructure Savings (04-1-952)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$1

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$1

PART 6
MISCELLANEOUS

NEW SECTION. Sec. 901. The estimated debt service costs impacting future general fund expenditures related solely to new capital appropriations within this act are \$18,827,417 during the 2003-2005 fiscal period; \$111,194,423 during the 2005-2007 fiscal period; \$155,435,444 during the 2007-2009 fiscal period; \$155,435,444 during the 2009-2011 fiscal period; and \$155,435,444 during the 2011-2013 period.

NEW SECTION. Sec. 902. Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management. The office of financial management shall notify the house of representatives capital budget committee and the senate ways and means committee of allotment releases based on review by the office of financial management. No expenditure may be incurred or obligation entered into for appropriations in this act until the office of financial management has given final approval to the allotment of the funds to be expended or encumbered. For allotments under this act, the allotment process includes, in addition to the statement of proposed expenditures for the current biennium, a category or categories for any reserve amounts and amounts expected to be expended in future biennia. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110. Contracts shall not be executed that call for expenditures in excess of the approved allotment, and the total amount shown in such contracts for the cost of future work that has not been appropriated shall not exceed the amount identified for such work in the level of funding approved by the office of financial management at the completion of predesign.

NEW SECTION. Sec. 903. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign and other documents, and approved an allotment for the project that includes specific authorization to enter into a contract to expend or encumber funds. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 904. Appropriations in this act for design and construction of facilities on higher education campuses shall be expended only after funds are allotted to institutions of higher education on the basis of: (1) Comparable unit cost standards, as determined by the office of financial management in consultation with the higher education coordinating board; (2) costs consistent with other higher education teaching facilities in the state; and (3) student full-time equivalent enrollment levels as established by the office of financial management in consultation with the higher education coordinating board.

NEW SECTION. Sec. 905. To ensure that minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management. Minor works appropriations shall not be used for studies unless expressly authorized elsewhere in this act. The office of financial management shall forward copies of these project lists to the house of representatives capital budget committee and the senate ways and means committee. No expenditure may be incurred or obligation entered into for minor works appropriations until the office of financial management has approved the allotment of the funds to be expended. The office of financial management shall encourage state agencies to incorporate accessibility planning and improvements into the normal and customary capital program.

NEW SECTION. Sec. 906. (1) The legislature expects projects to be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

(4) The office of financial management shall report the following to the appropriate fiscal committees of the legislature by January 30, 2005: (a) A listing of reappropriations in the governor's 2005-2007 capital budget recommendation that will be reappropriated more than once and have ten percent or more of the original appropriation unexpended; and (b) an explanation of why the appropriation remains unexpended.

NEW SECTION. Sec. 907. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds

of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Department of general administration: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (1) have been met.

(2) Department of veterans affairs: Enter into a financing contract in an amount not to exceed \$1,441,500 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to build and equip a kitchen in existing shell space at the Spokane veterans home and provide space for displaced functions.

(3) Department of corrections:

(a) Enter into a financing contract for up to \$400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a waste transfer station and purchase a garbage truck at the McNeil Island corrections center.

(b) Enter into a financing contract for up to \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a transportation services warehouse and offices for correctional industries.

(4) Community and technical colleges:

(a) Enter into a financing contract on behalf of Bellevue Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase North Center campus.

(b) Enter into a financing contract on behalf of Big Bend Community College for up to \$6,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an international conference and training center and dining services center building.

(c) Enter into a financing contract on behalf of Clark Community College for up to \$9,839,464 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a bookstore, meeting rooms, student lounge, and study space.

(d) Enter into a financing contract on behalf of Green River Community College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station higher education center.

(e) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an above-ground parking garage.

(f) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$660,000 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct parking and stormwater mitigation facilities.

(g) Enter into a financing contract on behalf of South Puget Sound Community College for up to \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase approximately twenty-five acres of land for a permanent Hawks Prairie campus.

(h) Enter into a financing contract on behalf of Spokane Community College for up to \$725,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land.

(i) Enter into a financing contract on behalf of Walla Walla Community College for up to \$2,175,100 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and construct a building for professional-technical instruction.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$504,400 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase land and buildings at the Clarkston center.

NEW SECTION. Sec. 908. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2003-2005 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art.

NEW SECTION. Sec. 909. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of what may be appropriated for the project or program in the 2005-07 biennium and the following four biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

NEW SECTION. Sec. 910. "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2003, from the 2001-2003 biennial appropriations for each project.

NEW SECTION. Sec. 911. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 912. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 913. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 914. Any capital improvements or capital projects involving construction or major expansion of a state office facility, including, but not limited to, district headquarters, detachment offices, and off-campus faculty offices, must be reviewed by the department of general administration for possible consolidation, colocation, and compliance with state office standards before allotment of funds. The intent of the requirement imposed by this section is to eliminate duplication and reduce total office space requirements where feasible, while ensuring proper service to the public.

NEW SECTION. Sec. 915. (1) The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 916. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority from the state building construction account to the state taxable building construction account is necessary.

NEW SECTION. Sec. 917. The office of financial management, in consultation with the department of general administration, shall identify capital projects that may benefit from an energy analysis to determine whether there are alternate, more economical, and energy efficient means of completing the work. The office of financial management shall hold appropriations in allotment reserve on the following types of capital projects until this analysis can be completed: Heating, ventilation, and air conditioning modifications, chiller plants, steam plants, boilers, chilled water or steam lines, building control systems, lighting improvements, or other major energy using systems that may warrant additional analysis. Agencies receiving appropriations for such projects are encouraged to utilize energy performance contracts or alternative financing for equipment in lieu of state appropriated funds. The office of financial management may transfer funds remaining in allotment reserve to infrastructure savings projects within the agency that has realized savings from energy efficiency alternatives.

Sec. 918. RCW 43.135.045 and 2002 c 33 s 2 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter. However, during the 2001-2003 biennium, the legislature may transfer moneys from the emergency reserve fund to the general fund only with approval of a majority of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2003, and ending June 30, 2005, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

Sec. 919. RCW 43.135.045 and 2001 c 3 s 9, 2000 2nd sp.s. c 5 s 1, and 2000 2nd sp.s. c 2 s 3 are each reenacted and amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the

national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the fiscal years beginning July 1, 2003, and ending June 30, 2005, funds may also be used for higher education facilities preservation and maintenance.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated.

Sec. 920. RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, 1990, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. During the fiscal year ending June 30, 2004, a portion of these funds may be appropriated to the department of natural resources to maintain and operate existing ORV and other recreation facilities, including ORV campgrounds, for the state parks and recreation commission to construct and upgrade trails and trail-related facilities for both motorized and nonmotorized uses, and for other activities identified in this section. The funds under this subsection shall be expended in accordance with the following limitations, except that during the fiscal year ending June 30, 2004, funds appropriated to the committee from motor vehicle fuel tax revenues for the activities in (d)(ii) and (iii) of this subsection shall be reduced by the amounts appropriated to the department of natural resources and the state parks and recreation commission as provided in this subsection:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 921. RCW 43.88.032 and 1997 c 96 s 5 are each amended to read as follows:

(1) Normal maintenance costs, except for funds appropriated for facility preservation of state institutions of higher education, shall be programmed in the operating budget rather than in the capital budget.

(2) All debt-financed pass-through money to local governments shall be programmed and separately identified in the budget document.

NEW SECTION. Sec. 922. The University of Washington shall develop a ten year program for the eventual relocation of the residents of the floating homes located at 1409 NE Boat street. After meeting and negotiating with the affected residents, the University of Washington shall develop a report to the legislature. The report, giving the various options for achieving relocation, shall be submitted no later than January 15, 2004, to the senate ways and means committee and the house of representatives capital budget committee. Relocation may include the purchase and rental back of existing homes through reverse declining purchase agreements, the physical relocation of the floating homes to other locations, the creation of a buy-back fund, the relocation of residents in concert with the purchase of the existing residences, or other creative real estate transactions that achieve the relocation of the existing residents or floating homes.

NEW SECTION. Sec. 923. (1) The joint legislative audit and review committee shall conduct a performance audit of state capital planning, design, and construction processes. In conducting this study, the committee shall select a sample of major capital projects from the 1995-97 through the 2003-05 biennia in higher education, corrections, social and health services, and other state agencies. Capital projects selected for this sample shall accommodate regional differences within the state. The committee shall consider the following topics in conducting this performance audit:

(a) Agency development, evaluation, and justification of the cost drivers and cost elements associated with each of the major phases of a capital project: General or master planning, predesign, design, construction, and postconstruction review;

(b) Evaluation of the management and fiscal controls surrounding agency capital project decision making and implementation processes, such as policy goals, planning procedures, budget limits, cost and performance standards, criteria for selecting project priorities, written instructions, review processes, as well as management, oversight, reporting, and accountability systems;

(c) Processes and standards for cost-effective and efficient design and construction contracting, management, oversight, and review;

(d) Assignment of agency staff and administrative costs to major capital construction projects and the relationship of such agency costs to project delivery;

(e) Extent of the practice of including equipment as part of the basic capital project costs, and how equipment costs are estimated and evaluated for inclusion in projects; and

(f) Comparison of costs to public and private sector benchmarks, when available and where appropriate, in establishing cost parameters for state capital construction projects.

(2) To the extent resources permit, the audit shall include a review of public works projects utilizing the general contractor/construction manager procedure. This may include: An inventory of the state agencies and local jurisdictions that have used the general contractor/construction manager procedure, including the number, size, type, and cost of public works projects built or being built using the procedure; an examination of the ways the general contractor/construction manager procedure may affect public benefits and costs associated with public works projects; and, if feasible, based on a sample of public works projects built after June 9, 1994, an analysis of the costs and benefits of using the general contractor/construction manager procedure as opposed to other public works contracting procedures.

(3) State agencies, including state public higher education institutions, shall provide any requested information concerning the planning, selection, design, contracting, implementation, management, costs, performance, and outcomes of projects to the joint legislative audit and review committee in a timely manner, including relevant proprietary information that may be associated with individual firms. However, any proprietary information provided to the committee for this performance audit shall be deemed confidential and shall not be subject to public disclosure.

(4) In conducting this performance audit, the committee shall work closely with the appropriate legislative fiscal committees and shall consult with the office of financial management, the department of general administration, the department of corrections, the department of social and health services, the higher education coordinating board, the state board for community and technical colleges, individual higher education institutions, and other agencies as appropriate. The committee may contract for consulting services in conducting this performance audit. In its final report, the committee shall make recommendations as appropriate. The committee shall provide a progress report to the appropriate legislative committees by January 9, 2004, and a final report by January 8, 2005.

NEW SECTION. Sec. 924. The joint legislative audit and review committee, in collaboration with the legislative evaluation and accountability program, shall accomplish the following higher education comparable framework tasks and projects during the 2003-05 biennium:

(1) Fill in comparable framework gaps related to infrastructure.

(a) Develop inventory and condition protocols/standards;

(b) Develop infrastructure cost factors;

(c) Facilitate institution data collection and reporting;

(d) Field-verify data on a sample basis;

(e) Develop translation protocols;

(f) Translate data and populate comparable framework.

(2) Explore the feasibility of including dates of renewal and replacement of major building systems in the comparable framework.

(a) Develop protocols/standards;

(b) Facilitate institution data collection and reporting;

(c) Field-verify data on a sample basis;

(d) Develop translation protocols;

(e) Translate data and populate comparable framework.

(3) Explore how the comparable framework could be expanded to facility modernization.

(a) Analyze the feasibility of and approaches to quantifying modernization backlogs across institutions;

(b) Describe current modernization rating processes used by individual institutions including how they fit into master plans, program delivery choices, and other manifestations related to the development of requests for capital support from the state;

(c) Explore models used in other government sectors;

(d) Assess benefits and costs of potential approaches.

(4) Explore how to integrate the comparable framework with governmental accounting standards for accountability related to the efficiency and effectiveness of managing public assets.

(5) Revise and update the comparable framework data base.

(a) Modify and/or develop, as needed, tables, queries, and reports;

(b) Develop reporting capabilities to share data with other legislative agencies, the office of financial management, the higher education coordinating board, the state board for community and technical colleges, and state institutions of higher education.

In executing these tasks, the joint legislative audit and review committee shall seek technical advice and input from stakeholder groups including but not limited to the office of financial management, the higher education coordinating board, the state board for community and technical colleges, and the council of presidents.

As a general condition upon appropriations provided to higher education institutions in part five of this act, higher education institutions, the higher education coordinating board, the office of financial management, and the state board for community and technical colleges shall provide any requested information to the joint legislative audit and review committee in a timely manner to enable its completion of the above tasks and projects so assigned.

NEW SECTION. Sec. 925. (1) In concert with a commitment to increase higher education funding levels significantly above historic levels in this biennium and the following two biennia for primarily access-related projects, the legislature is directing a substantial share of state capital resources to reduce the backlog in facility preservation, focusing on the worst and most critical facilities first. The first commitment is dependent on the latter. To that end and through this act, the legislature begins to address findings and recommendations from the higher education preservation study by the joint legislative audit and review committee, report 03-1, by taking the following actions:

(a) The 2003 legislature affirms that proactive and ongoing facility maintenance, properly supported, can prevent and mitigate preservation backlogs and maximize the useful life of physical assets supported by, used by, and beneficial to state taxpayers. As a step toward that end, the legislature appropriates in this act a portion of the facilities operating and maintenance costs for building maintenance traditionally appropriated in the omnibus operating budget. This is done in "preventative facility maintenance and building system repairs" sections for each four-year institution and the community and technical college system.

(b) The 2003 legislature affirms the importance of reducing the significant higher education preservation backlog, of instilling a greater sense of stewardship regarding these important state assets, and of preventing the current backlog from reoccurring. The legislature recognizes that the preservation backlog took many years to develop and will take several years to address. The legislature intends that each higher education institution and the community and technical college system stabilize and improve the average facility condition index as compared to levels reported by the higher education preservation study in January 2003.

(c) The 2003 legislature affirms the importance of continuing to address these preservation issues, including developing a comparable framework. Section 924 of this act (JLARC work) is intended to build a foundation for capital budget policy and funding deliberations in the 2005-07 biennium, and beyond.

(2) The emphasis on higher education facility preservation described in subsections (1)(a) and (b) of this section provide extra resources for projects that traditionally fall into minor works categories for "preservation" and "health/safety/code requirements" but not to the exclusion of providing state capital funds for minor works "program" and "infrastructure preservation" projects, separately appropriated. The legislature intends to review infrastructure needs for college and university campuses comprehensively, with the assistance of the joint legislative audit and review committee, the office of financial management, and stakeholder institutions and boards during the interim leading up to the 2005-07 biennium. Until comprehensive, comparable data is collected to inform deliberations, higher education institutions may find it necessary to use local, nonappropriated resources to augment 2003-05 biennial funds given the legislature's intent and focus in this act on the deferred renewal needs of aging college facilities. Nonappropriated resources should be used to help meet preservation needs in the spirit of recommendation 3 from the joint legislative audit and review committee's report 03-1.

(3) For projects that address significant preservation needs through major renovations or replacement facilities and that also enhance access by maintaining or improving the usefulness of existing space for important programs, the Gardner-Evans initiative may be appropriate to help fund these projects.

(4) For the purposes of this section and sections that specifically refer to this section by number, the following definitions apply unless the context clearly requires otherwise:

(a) "Auxiliary programs" in the context of higher education means those that are secondary to the missions of state institutions and, being enterprise in character, draw supporting revenue from user fees and charges. Examples include housing and dining; food services; vehicular parking; infirmaries; hospitals; recreation and student-activity centers; campus stores retailing textbooks, supplies, clothing, and objects bearing institutional logos or emblems; and media reproduction centers, among others.

(b) "Average facility condition index" means the index developed in the joint legislative audit and review committee's report number 03-1.

(c) "Comparable framework" means methods and systems to collect, crosswalk, calibrate, verify on a sample basis, and assemble facilities information produced and maintained by institutions of higher education and other state agencies into a data framework that can be used to understand and budget for state and mixed facilities.

(d) "Educational and general programs" in the context of higher education means those that support the primary missions of state institutions: Student instruction, faculty research, and educational public service.

(e) "Facility rating" is a score that reflects an individual building's ability to support its current use as measured against one out of five condition classes as follows:

(i) "One" or "superior" means a building with major systems that are in extremely good condition and functioning well;

(ii) "Two" or "adequate" means a building with major systems in good condition, functioning adequately, and within their expected life cycles;

(iii) "Three" or "fair" means a building with some older major systems that, though still functional, are approaching the end of their expected life cycles;

(iv) "Four" or "limited functionality" means a building with some major systems that are in poor condition, exceed expected life cycles, and require immediate attention to prevent or mitigate impacts on function;

(v) "Five" or "marginal functionality" means a building with some major systems that are failing and significantly restrict continued use of the building.

(f) "Gardner-Evans initiative" means the bonds authorized in chapter . . . (Substitute Senate Bill No. 5908), Laws of 2003.

(g) "Major building system" refers to foundations, building structure, roofs, interior construction and finishes, heating, ventilation, and air conditioning systems, electrical systems, plumbing, and other components necessary for safe and normal plant operation.

(h) "Mixed facilities" in the context of higher education means a state-owned building structure where education and general and auxiliary programs are jointly housed, and includes infrastructure necessary for safe and normal operations by its occupants.

(i) "Preservation" means routine and preventive inspection, mechanical adjustments, and minor work to replace or repair systems, surfaces, or materials undertaken to maintain a building and its existing, internal infrastructure for current use by current occupants.

(j) "State facilities" in the context of higher education means a state-owned building structure exclusively housing educational and general programs, and includes infrastructure necessary for safe and normal operation by its occupants.

(k) "Stewardship" means the collective action undertaken with appropriated and nonappropriated funds by institutional authorities to keep facilities in safe and functional condition for occupants, without deterioration for lack of attention or resources, that optimize the useful life of installed building systems and material construction, given advancing age.

Sec. 926. RCW 42.17.310 and 2002 c 335 s 1, 2002 c 224 s 2, 2002 c 205 s 4, and 2002 c 172 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records assembled, prepared, or maintained to prevent, mitigate, or respond to criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(bbb) Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety.

(ccc) Information compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to RCW 28A.320.125, to the extent that they identify specific vulnerabilities of school districts and each individual school.

(ddd) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(eee) Proprietary information deemed confidential for the purposes of section 923 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 927. Sections 918 through 921, 926, and 929 of this act expire June 30, 2005.

NEW SECTION. Sec. 928. A new section is added to chapter 43.63A RCW to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of community, trade, and economic development shall establish a competitive process to prioritize applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection (4) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department of community, trade, and economic development shall evaluate and rank applications in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section using objective criteria developed by the department in conjunction with the airport impact mitigation advisory board. At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of the department of community, trade, and economic development shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

(3) The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.

(4) The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal Way, and the unincorporated portion of west King county.

(5) The department of community, trade, and economic development shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

Sec. 929. RCW 79A.05.630 and 2000 c 11 s 50 are each amended to read as follows:

(1) Lands within the Seashore Conservation Area shall not be sold, leased, or otherwise disposed of, except as ~~((herein))~~ provided in this section. The commission may, under authority granted in RCW 79A.05.175 and 79A.05.180, exchange state park lands in the Seashore Conservation Area for lands of equal value to be managed by the commission consistent with this chapter. Only state park lands lying east of the Seashore Conservation Line, as it is located at the time of exchange, may be so exchanged. The department of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas(~~(- PROVIDED, That)~~). However, oil drilling rigs and equipment will not be placed on the Seashore Conservation Area or state-owned accreted lands.

(2) Sale of sand from accretions shall be made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the commission to be reasonable, and not generally harmful or destructive to the character of the land(~~(- PROVIDED, That)~~). However, the commission may grant leases and permits for the removal of sands for construction purposes from any lands within the Seashore Conservation Area if found by the commission to be reasonable and not generally harmful or destructive to the character of the land(~~(- PROVIDED FURTHER, That)~~). The net income from such leases shall be deposited in the state parks renewal and stewardship account.

(3) For the 2003-05 fiscal biennium, at the request of the city of Long Beach, the state parks and recreation commission shall convey to the city of Long Beach all commission-owned lands lying between 5th street southwest and 4th street northwest, and lying between 8th street northwest and 14th street northwest, all lying between the 1889 ordinary high tide line (also known as the western boundary of upland ownership) and the line of ordinary high tide of the Pacific ocean, and all lying within sections 8 and 17, township 10 north, range 11, west, W.M., Pacific county, Washington. The city of Long Beach must maintain these lands for city park purposes, including open space, parks, interpretive centers, or museums. The title, and any other documents necessary for the transfer of these lands, will include covenants ensuring that the city of Long Beach will maintain all conveyed land as a city park and that if the city of Long Beach breaches these covenants, ownership of all park lands conveyed under this subsection reverts to the state parks and recreation commission.

NEW SECTION. Sec. 930. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 931. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for section 919 of this act which takes effect June 30, 2003.

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "making appropriations and authorizing expenditures for capital improvements; amending RCW 43.135.045, 46.09.170, 43.88.032, and 79A.05.630; amending 2001 2nd sp.s. c 8 ss 209 and 817 (uncodified); amending 2003 c 360 (ESHB 1163) ss 306, 307, and 309 (uncodified); reenacting and amending RCW 43.135.045 and 42.17.310; adding a new section to chapter 43.63A RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."and that the bill do pass as recommended by the Conference Committee.

Signed by Senators Zarelli, Honeyford, Poulsen: Representatives Dunshee, Hunt, Alexander

MOTION

Senator Zarelli moved that the Report of the Conference Committee on Substitute Senate Bill No. 5401 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Horn: "Senator Zarelli, is the appropriation provided for in section 509 made to the Port of Everett for a rail barge facility intended to be a grant or a loan?"

Senator Zarelli: "Senator Horn, the appropriation is intended to be a grant."

Senator Horn: "Is it expected that the Port will charge a lease rate to cover the capital costs of the facility?"

Senator Zarelli: "Senator Horn, because this is a grant and the capital costs of the facility will be paid for by the state, it is not expected that the Port will charge a lease rate that includes a payback of the capital grant to either the state or to allow the Port to benefit twice from this grant."

The President declared the question before the Senate to be the motion by Senator Zarelli to adopt the Report of the Conference Committee on Substitute Senate Bill No. 5401.

The motion by Senator Zarelli carried and the Report of the Conference Committee on Substitute Senate Bill No. 5401 was adopted.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate No. 5401, as recommended by the Conference Committee.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5401, as recommended by the Conference Committee, and the bill passed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 47.

Excused: Senators Deccio and West - 2.

SUBSTITUTE SENATE BILL NO. 5401, as recommended by the Conference Committee, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 2242, deferred after the rules were suspended and the bill was placed on second reading.

SECOND READING

HOUSE BILL NO. 2242, by Representative Dunshee

Concerning the definition of general state revenues.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, House Bill No. 2242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2242, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2242, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Mulliken, Parlette and Stevens - 3.

Excused: Senators Deccio and West - 2.

HOUSE BILL NO. 2242, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5908, by Senate Committee on Ways and Means (originally sponsored by Senators Zarelli, Rossi, Carlson, Kohl-Welles, Fairley, B. Sheldon, Keiser, McAuliffe, West and Winsley)

Enacting the building Washington's future act.

MOTION

On motion of Senator Zarelli, the rules were suspended and Substitute Senate Bill No. 5908 was returned to second reading and read the second time.

MOTION

Senator Zarelli moved that the following striking amendment by Senators Zarelli and Poulsen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. SHORT TITLE. This act shall be known as the building Washington's future act.

NEW SECTION. Sec. 2. INTENT. The state's institutions of higher education are a vital component of the future economic prosperity of our state. In order to ensure that Washington continues to be able to provide a highly qualified work force that can attract businesses and support the economic vitality of the state, it is the intent of this bond act to provide new money for capital projects to help fulfill higher education needs across the state.

This new source of funding for the critical capital needs of the state's institutions of higher education furthers the mission of higher education and is intended to enhance the abilities of those institutions, over the next six years, to fulfill their critical roles in maintaining and stimulating the state's economy.

It is the intent of the legislature that this new source of funding not displace funding levels for the capital and operating budgets of the institutions of higher education. It is instead intended that the new funding will allow the institutions, over the next three biennia, to use the current level of capital funding to provide for many of those urgent preservation, replacement, and maintenance needs that have been deferred. This approach is designed to maintain or improve the current infrastructure of our institutions of higher education, and simultaneously to provide new instruction and research capacity to serve the increasing number of traditional college-aged students and those adults returning to college to update skills or retrain so that they can meet the demands of Washington's changing work force. This new source of funding may also be used for major preservation projects that renovate, replace, or modernize facilities to enhance capacity/access by maintaining or improving the usefulness of existing space for important instruction and research programs.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bonds" means bonds, notes, commercial paper, certificates of indebtedness, or other evidences of indebtedness of the state issued under this chapter.

(2) "Institutions of higher education" means the University of Washington and Washington State University, Western Washington University at Bellingham, Central Washington University at Ellensburg, Eastern Washington University at Cheney, The Evergreen State College, and the community colleges and technical colleges as defined by RCW 28B.50.030.

(3) "Washington's future bonds" means all or any portion of the general obligation bonds authorized in section 4 of this act.

NEW SECTION. Sec. 4. WASHINGTON'S FUTURE BONDS AUTHORIZED. (1) For the purpose of providing needed capital improvements consisting of the predesign, design, acquisition, construction, modification, renovation, expansion, equipping, and other improvement of state buildings and facilities for the institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of seven hundred seventy-two million five hundred thousand dollars, or so much thereof as may be required, to finance all or a part of the cost of these projects and all costs incidental thereto. The bonds issued under the authority of this section shall be known as Washington's future bonds.

(2) Bonds authorized in this section shall be sold in the manner, at the time or times, in amounts, and at such prices as the state finance committee shall determine.

(3) No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 5. **BOND ISSUANCE--INTENT.** It is the intent of the legislature that the proceeds of new bonds authorized in this chapter will be appropriated in phases over three biennia, beginning with the 2003-2005 biennium, to provide additional funding for capital projects and facilities of the institutions of higher education above historical levels of funding.

This chapter is not intended to limit the legislature's ability to appropriate bond proceeds if the full amount authorized in this chapter has not been appropriated after three biennia, and the authorization to issue bonds contained in this chapter does not expire until the full authorization has been appropriated and issued.

NEW SECTION. Sec. 6. **TERMS AND COVENANTS.** (1) The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds provided for in this chapter, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

(2) Bonds issued under this chapter shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

NEW SECTION. Sec. 7. **PROCEEDS.** (1) The proceeds from the sale of the bonds authorized in section 4 of this act shall be deposited in the Gardner-Evans higher education construction account created in section 13 of this act.

(2) The proceeds shall be used exclusively for the purposes in section 4 of this act and for the payment of the expenses incurred in connection with the sale and issuance of the bonds.

NEW SECTION. Sec. 8. The legislature intends to use the proceeds from the sale of bonds issued under this chapter for the following projects during the 2005-07 and 2007-09 biennia:

(1) For the University of Washington:

- (a) Life sciences I building;
- (b) Bothell branch campus phase 2B;

(2) For Washington State University:

- (a) Spokane Riverpoint campus - academic center building;
- (b) Pullman campus - Holland Library renovation;
- (c) Pullman campus - biotechnology/life sciences 1;
- (d) TriCities campus - bioproducts and sciences building; and
- (e) Intercollegiate College of Nursing, Spokane - nursing building at Riverpoint;

(3) For Eastern Washington University: Hargreaves Hall;

(4) For Central Washington University: Hogue technology;

(5) For The Evergreen State College:

- (a) Daniel J. Evans building;
- (b) Communications building and theater expansion;

(6) For Western Washington University:

- (a) Academic instructional center;
- (b) Parks Hall;

(c) Performing Arts Center renovation;

(7) For the community and technical college system:

- (a) Green River Community College science building;
- (b) Walla Walla Community College basic skills/computer lab;
- (c) Pierce College Puyallup, communication arts and allied health; or

(8) For other projects that maintain or increase access to institutions of higher education.

NEW SECTION. Sec. 9. **PAYMENT PROCEDURES.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in this chapter.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in this chapter.

(3) On each date on which any interest or principal and interest payment is due on bonds issued under this chapter, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

(4) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 10. BONDS--LEGAL INVESTMENT FOR PUBLIC FUNDS.

The bonds authorized by this chapter shall constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 11. ADDITIONAL METHODS OF PAYING DEBT SERVICE AUTHORIZED. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized under this chapter, and section 9 of this act shall not be deemed to provide an exclusive method for payment.

NEW SECTION. Sec. 12. CHAPTER SUPPLEMENTAL. This chapter provides a complete, additional, and alternative method for accomplishing the purposes of this chapter and is supplemental and additional to powers conferred by other laws. The issuance of bonds under this chapter shall not be deemed to be the only method to fund projects under this chapter.

NEW SECTION. Sec. 13. CREATION OF THE GARDNER-EVANS HIGHER EDUCATION CONSTRUCTION ACCOUNT. The Gardner-Evans higher education construction account is created in the state treasury. Proceeds from the bonds issued under section 4 of this act shall be deposited in the account. The account shall be used for purposes of section 4 of this act. Moneys in the account may be spent only after appropriation.

NEW SECTION. Sec. 14. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act constitute a new chapter in Title 28B RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Zarelli and Poulsen to Substitute Senate Bill No. 5908, on suspension of the rules. The motion by Senator Zarelli carried and the striking amendment was adopted.

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

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "and adding a new chapter to Title 28B RCW."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute Senate Bill No. 5908, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5908, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5908, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Swecker, Thibaudeau, Winsley and Zarelli - 44.

Voting nay: Senators Mulliken and Stevens - 2.

Excused: Senators Deccio, McCaslin and West - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5908, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

June 5, 2003

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1013 and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288 and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1013 by House Committee on Technology, Telecommunications and Energy (originally sponsored by Representatives Morris, Miloscia, Eickmeyer, Linville, Chase, Anderson, Ruderman, Mielke, Conway, Bush, Haigh and Sullivan)

Requiring a performance audit of the utilities and transportation commission.

HOLD.

ESHB 1288 by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Alexander) (by request of Office of Financial Management)

Issuing general obligation bonds.

MOTION

On motion of Senator Sheahan, Substitute House Bill No. 1013 was held at the desk.

MOTION

On motion of Senator Sheahan, the rules were suspended and Engrossed Substitute House Bill No. 1288 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and Alexander (by request of Office of Financial Management))

Issuing general obligation bonds.

The bill was read the second time.

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Substitute House Bill No. 1288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1288, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1288, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohi-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 46.

Excused: Senators Deccio, McCaslin and West - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288, under suspension of the rules, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 10:51 p.m., on motion of Senator Sheahan, the Senate adjourned until 9:00 a.m., Friday, June 6, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-FIFTH DAY, FIRST SPECIAL SESSION, JUNE 5, 2003

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TWENTY-SIXTH DAY, FIRST SPECIAL SESSION

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MORNING SESSION
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Senate Chamber, Olympia, Friday, June 6, 2003

The Senate was called to order at 9:00 a.m. by President Owen. No roll call was taken.

MOTION

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

BILLS FROM COMMITTEE ON RULES

The Committee on Rules was relieved of the following bills and the bills were placed on the calendar: (Rules Meeting)

SB 5982 f Liquor control board

2SSB 5364 f Community revitalization fin

ESSB 5659 a f Local government funding

MESSAGES FROM THE HOUSE

June 5, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5463, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6088, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 5401.

SIGNED BY THE PRESIDENT

The President signed:
ENGROSSED SENATE BILL NO. 5463.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6088.

INTRODUCTION AND FIRST READING

SB 6093 by Senators Kohl-Welles, Sheahan, Hale, Brown, T. Sheldon, Spanel, Rossi, Zarelli, Benton, B. Sheldon and Shin

AN ACT Relating to funding and expenditures for official legislative association conferences; amending RCW 42.52.150; and adding a new section to chapter 42.52 RCW.

SB 6094 by Senators Carlson and Jacobsen

AN ACT Relating to school district levy base calculations; amending RCW 84.52.0531 and 84.52.0531; and providing effective dates.

SB 6095 by Senator Johnson

AN ACT Relating to school district levies; and amending RCW 84.52.0531 and 28A.500.030.

MOTION

On motion of Senator Sheahan, Senate Bill No. 6093, Senate Bill No. 6094 and Senate Bill No. 6095 were held at

MOTION

At 9:03 a.m., on motion of Senator Sheahan, the Senate adjourned until 9:00 a.m., Monday, June 9, 2003.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FIRST SPECIAL SESSION, JUNE 6, 2003

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TWENTY-NINTH DAY, FIRST SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Monday, June 9, 2003
The Senate was called to order at 9:00 a.m. by President Owen. No roll call was taken.

MOTION

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

MESSAGE FROM STATE AGENCY

STATE OF WASHINGTON
Department of Social and Health Services
Olympia, WA 98504-5000

June 3, 2003

The Honorable Milt Doumit
Secretary of the Senate
PO Box 40482
Olympia, WA 98504-0482

Dear Secretary Doumit:

Enclosed is the department's Report to the Legislature entitled "Number of Truancy, Children in Need of Services, and At-Risk Youth Petitions." It is mandated under RCW 13.40.540.

The report will be posted within the week at <http://www1.dshs.wa.gov/legrel/reportsindex.htm> for reviewing and printing as needed.

Please call Kathleen McBride at (360) 902-8092 if you have questions regarding the report.

Sincerely,
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Number of Truancy, Children in Need of Services, and At-Risk Petitions" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

June 5, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 5, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 6, 2003

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to HOUSE BILL NO. 2266, and passed the bill, as amended by the Senate.

CYNTHIA ZEHNDER, Chief Clerk

June 6, 2003

MR. PRESIDENT:

The Speaker has signed:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288,
HOUSE BILL NO. 2242,
ENGROSSED HOUSE BILL NO. 2269,
HOUSE BILL NO. 2285, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

June 6, 2003

MR. PRESIDENT:

The Speaker has signed:

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5341,
SUBSTITUTE SENATE BILL NO. 5401,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5404,
ENGROSSED SENATE BILL NO. 5463,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,
SENATE BILL NO. 6088, and the same are herewith transmitted.**

CYNTHIA ZEHNDER Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1288,
HOUSE BILL NO. 2242,
ENGROSSED HOUSE BILL NO. 2269,
HOUSE BILL NO. 2285.**

INTRODUCTION AND FIRST READING

SB 6096 by Senator Roach

AN ACT Relating to performance audits conducted by the state auditor; creating a new section; and making an appropriation.

Referred to Committee on Government Operations and Elections.

SB 6097 by Senator Honeyford

AN ACT Relating to revising the unemployment compensation system through creating forty rate classes for determining employer contribution rates; amending RCW 50.01.010, 50.04.030, 50.20.010, 50.20.050, 50.04.293, 50.20.060, 50.20.065, 50.20.240, 50.20.120, 50.29.025, 50.04.355, 50.29.026, 50.29.062, 50.29.070, 50.12.220, 50.16.010, 50.16.015, 50.24.014, 50.20.190, 50.04.206, 50.20.080, 50.20.140, 50.20.043, 50.20.160, 50.32.040, 50.20.100, and 28B.50.030; reenacting and amending RCW 50.29.020; adding a new section to chapter 50.04 RCW; adding a new section to chapter 50.20 RCW; adding a new section to chapter 50.29 RCW; creating new sections; repealing RCW 50.20.015, 50.20.045, 50.20.125, and 50.29.045; providing expiration dates; and declaring an emergency.

HOLD.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1989 by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller (by request of Governor Locke)

Changing the learning assistance program. Revised for 1st Substitute: Learning assistance program

HOLD.

2ESHB 2195 by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Tom and Haigh)

Learning assistance program

HOLD.

MOTION

On motion of Senator Fraser, Senate Bill No. 6097, Second Engrossed Substitute House Bill No. 1989 and Second Engrossed House Bill No. 2195 were held at the desk.

MOTION

At 9:08 a.m., on motion of Senator Fraser, the Senate was declared to be at ease.

The Senate was called to order at 7:20 p.m. by President Owen.

MOTION

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

MESSAGES FROM THE HOUSE

June 6, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6059, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 9, 2003

MR. PRESIDENT:

The House has passed:

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5908,
SENATE BILL NO. 6087,
SENATE BILL NO. 6092, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6059.

SIGNED BY THE PRESIDENT

The President signed:

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5908,
SENATE BILL NO. 6087,
SENATE BILL NO. 6092.**

MOTION

At 7:21 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Tuesday, June 10, 2003.

MILTON H. DOUMIT, Jr., Secretary of the Senate
JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FIRST SPECIAL SESSION, JUNE 9, 2003

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THIRTIETH DAY, FIRST SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 10, 2003

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, McCaslin, Shin and West. On motion of Senator Hewitt, Senators Deccio, McCaslin and West were excused. On motion of Senator Eide, Senator Shin was excused.

The Sergeant at Arms Color Guard, consisting of staff members Joanne Conrad and Sandra Wibbels, presented the Colors. Senator James Hargrove offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

April 27, 2003

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provision of Section II of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2002 Regular Session of the 57th Legislature, copies of which are attached.

Respectfully submitted,
JENNIFER JOLY, General Counsel

**CONDITIONAL COMMUTATION
OF
JASON PETER KRAJESKI**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, in September of 1998, Jason Peter Krajieski, then 22 years old, was caught with two stolen bicycles and a firearm in his possession. He was not linked to the initial theft of the bicycles. Due to a prior felony, he could not legally possess a firearm. All of Mr. Krajieski's offenses were non-violent property crimes and were committed during a particularly difficult time in his life as a juvenile and young adult; and

WHEREAS, Mr. Krajieski was convicted in Pierce County Superior Court of Possession of Stolen Property in the First Degree, Possession of Stolen Property in the Second Degree, and Unlawful Possession of a Firearm in the Second Degree. Mr. Krajieski was sentenced to 38 months on June 1, 1999, but was freed on bond for approximately 2 ½ years pending an appeal, which ultimately was unsuccessful. He was finally admitted to prison on December 4, 2001, and has now served approximately nine months. Under normal circumstances, Mr. Krajieski's earliest release date would be October 9, 2003; and

WHEREAS, during the 2 ½ years between the conviction and when he reported to prison, major changes took place in Mr. Krajieski's life. He married on February 16, 2001 and has an infant son and stepdaughter. Before incarceration, he held steady employment for over a year at a local landscape and property management business. Mr. Krajieski worked weekdays and his wife worked weekends so that they could better provide for their children. Mr. Krajieski has risen well to the enormous commitment of both marriage and raising children. He has committed no further offenses, and has fully paid all financial obligations imposed as part of his sentence; and

WHEREAS, on remand after appeal, the sentencing judge was favorably impressed by the changes Mr. Krajewski had made in his life, and expressed a desire to reconsider the sentence, but acknowledged that she had no discretion to do so. Mr. Krajewski has tremendous support within his family. And, his own wife and child are in great need of his support. When Mr. Krajewski is released from prison, he will be able to provide them with needed income and a father figure. Employment is expected to be available to Mr. Krajewski upon his release from prison; and

WHEREAS, the Clemency and Pardons Board was also favorably impressed by the extent to which Mr. Krajewski has taken full responsibility for his past actions and turned his life around. The Board believes that he has been adequately punished, has been rehabilitated, and that further incarceration would serve no purpose; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Jason Peter Krajewski this Conditional Commutation, commute his term of incarceration to time served, and direct the Department of Corrections to promptly release Mr. Krajewski from prison, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Mr. Krajewski must comply with the post-release requirements of his sentence.
2. Mr. Krajewski shall not be convicted of any crimes against persons or property.

The conditions of this Conditional Commutation shall remain in force until October 18, 2004, the latest date of expiration of his original sentence; or until he has completed all post-release requirements of his sentence, whichever is later. Upon breach of any of the foregoing conditions, this Conditional Commutation shall automatically and immediately expire, and shall be null and void as if it had never been granted. This Conditional Commutation does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this 10th
day of September, A.D., two thousand two.

GARY LOCKE

SEAL Governor of Washington

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
KARLO ALEXIS REYES
AMENDED AND RESTATED**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on November 20, 1994, Karlo Alexis Reyes, then age 18, was returning from a party in Bremerton, Washington to Seattle with a group of other youths. The group stopped at a convenience store in or near Bremerton. At the store, an altercation and shouting match broke out between the group with which Mr. Reyes was traveling and another group of youths. Mr. Reyes fired gunshots from the car he was riding in, injuring one young man. The car sped away, but was later apprehended. Mr. Reyes was arrested and charged with second degree assault with a deadly weapon. He accepted full responsibility for the crime, and in May of 1995 pled guilty to the charge and served time at the Washington State Reformatory in Monroe from June 1995 through July 1996. He was then transferred to immigration custody until he was bonded out on August 2, 1996. The remainder of his state sentence was served in community placement. Mr. Reyes had no prior offenses, and has remained law-abiding since his release from prison. This is the sole criminal offense in his life.

WHEREAS, the United States Immigration and Naturalization Service has issued an order to deport Mr. Reyes to the Philippines for having committed a crime of moral turpitude and having committed an aggravated felony. The order is effective at 9:30 a.m. on September 14, 1999. Categorizing Mr. Reyes as an "aggravated felon" was made possible only due to the passage on September 30, 1996 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Under that act, the immigration laws were changed with retroactive effect to include Mr. Reyes' crime and sentence of more than one year. Under the laws in place at the time that Mr. Reyes entered his guilty plea, the definition of "aggravated felon" did not apply to him. Moreover, the new federal act precludes Mr. Reyes from filing any waivers for relief and eliminates

appeal to the federal courts. Pursuant to 8 U.S.C. Section 1251(a), a full and unconditional pardon is the only avenue of relief that will allow Mr. Reyes to continue his life in the United States.

WHEREAS, Mr. Reyes was a model prisoner while incarcerated and was commended by the prison counselor. At the request of the Assistant Superintendent, he spoke to young visitors to the prison. Mr. Reyes has accepted full responsibility for his actions. He has pre-paid all restitution and has had no prior or subsequent arrests or charges. He has severed all ties with acquaintances and friends prior to this offense. Convincing testimony that Mr. Reyes was never a gang member was presented to the Clemency and Pardons Board. Well-known Seattle School District youth counselor Mr. Tom Nakao spoke on Mr. Reyes' behalf at the Clemency and Pardons Board Hearing, and approximately two years later made a personal plea to the Governor to be merciful to Mr. Reyes, as one of his final acts before his death of cancer. Mr. Reyes is now beginning his senior year at the University of Washington, is working several part-time jobs and has maintained a respectable grade point average.

WHEREAS, Mr. Reyes moved to the United States from the Philippines with his family when he was approximately five years old, and became a permanent resident on February 6, 1993. Today, his immediate and much of his extended family lives in Washington. Mr. Reyes does not speak any of the languages of the Philippines and has no allegiance to that country. The Clemency and Pardons Board was convinced that Mr. Reyes has fully paid for his actions, will be a worthy and productive member of society in the United States, and that deporting him to the Philippines would serve no purpose other than to destroy the hope and opportunity for this young man to complete his education and live a productive life in the United States with his family.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and the purpose for Mr. Reyes's request, and in light of the circumstances of the crime and all other factors, I have determined that the best interests of justice will be served by this action;

WHEREAS, the original Full and Unconditional Pardon granted to Mr. Reyes on September 13, 1999 contained a firearms restriction that has been deemed by an immigration judge as rendering the pardon insufficient to prevent the deportation of Mr. Reyes, despite the express purpose of the pardon.

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Karlo Alexis Reyes this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver, lawfully remain in the United States, and pursue United States citizenship. This Full and Unconditional Pardon amends and restates the original Full and Unconditional Pardon granted on September 13, 1999, and is effective as of that date, as if it had been signed in this form on that date.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this 21st
day of August, A.D., two thousand two.

GARY LOCKE

SEAL Governor of Washington

BY THE GOVERNOR:

SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
VANNY VATH**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on May 21, 1998, Vanny Vath, then age 19, was arrested at a friend's home in Longview, Washington. Police had been tipped that Ms. Vath was selling heroin at the home of Mary Guimont, a friend of Ms. Vath. The officers went to Ms. Guimont's home and found Ms. Vath there. Upon a search of her purse, .5 grams of heroin, a pager and money were found. The officers arrested Ms. Vath, and she was charged with delivery of heroin. Ms. Vath accepted responsibility and pled guilty to the crime on July 21, 1998 in Cowlitz County and was sentenced to 34 months confinement. Ms. Vath has had no further offenses since her arrest in 1998,

WHEREAS, the United States Immigration and Naturalization Service has issued an order to deport Ms. Vath to Cambodia for having committed a crime of moral turpitude and having committed an aggravated felony. While Ms. Vath is a Cambodian national, she was born in a refugee camp in Thailand, and has no connections with Cambodia. Categorizing Ms. Vath as an "aggravated felon" was made possible only due to the passage on September 30, 1996 of the Immigration and Nationality Act, which provides that, at any time after admission, any alien who is convicted of an aggravated felony, shall be deported, without regard to the length of sentence or other individual circumstances. The only avenue of relief available is a full and unconditional pardon,

WHEREAS, Ms. Vath was a model prisoner, and took full advantage of vocational skills training programs while incarcerated. She was commended by her instructors who described her as gifted and always willing and able to help and teach others. She is motivated and possesses a positive attitude. While incarcerated, Ms. Vath completed her GED, courses in keyboarding, word processing, database management, spreadsheets, and a number of general vocational courses. She also completed anger management classes, victim awareness and chemical dependency courses,

WHEREAS, since her release, Ms. Vath has turned her life around. She has continued her education at Lower Columbia College in Longview, Washington and has maintained steady employment as a cable television installer. Ms. Vath has regained custody of her child. She has not had any subsequent violations of the law since her release, and has fulfilled all of the terms of her probation,

WHEREAS, Ms. Vath's family is of Cambodian origin, and moved to the United States in 1979 when she was five months old. Her entire family, including her young U.S. citizen daughter, all reside in the United States. Ms. Vath, having been born in a Thailand refugee camp, has no connections with Cambodia. She is not fluent in the language of that country, and sending her there would be a terrible punishment for a person who has fully paid for her transgressions and is American in every way but formal citizenship. The Clemency and Pardons Board made a favorable recommendation for Ms. Vath as they believe that Ms. Vath has paid her debt to society for her crime, will be a worthy and productive member of society in the United States, and that deporting her to Cambodia would serve no purpose other than to destroy the hope and opportunity for this young woman to raise her daughter and live a productive life in the United States with her family,

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and the purpose for Ms. Vath's request, I have determined that the best interests of justice will be served by this action,

NOW, Therefore, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Vanny Vath this Full and Unconditional Pardon for the express purpose of allowing her to obtain a deportation waiver, lawfully remain in the United States, and eventually become a United States citizen.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this 8th
day of August, A.D., two thousand two.

GARY LOCKE

SEAL Governor of Washington

BY THE GOVERNOR:
SAM REED
Secretary of State

**FULL AND UNCONDITIONAL PARDON
OF
OMER YASIN MOHAMMED**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on December 4, 1993, Omer Yasin Mohammed, then age 30, was at a bar, drinking with friends. One friend asked Mr. Mohammed if he could borrow money. Mr. Mohammed refused to loan the friend money, yet the friend proceeded to take the money from Mr. Mohammed anyway. The two men exited the bar and a scuffle ensued. Mr. Mohammed hit the other man with a broken bottle, injuring the other man. Both men sustained minor injuries. They then re-entered the bar and resumed playing a game of darts together. Later that evening, the police arrived and Mr. Mohammed was arrested. His friend never pressed charges. Mr. Mohammed pled guilty to the charge of second degree assault and served ten months at the King County Jail. He was released on October 24, 1994. This was Mr. Mohammed's only felony conviction. After serving his time, Mr. Mohammed was employed in home health care, then as a day laborer. He is now a partner in a landscaping business. He no longer uses alcohol.

WHEREAS, the United States Immigration and Naturalization Service has issued an order to deport Mr. Mohammed to Ethiopia for having committed an aggravated felony. Categorizing Mr. Mohammed as an "aggravated felon" was made possible only due to the passage of the Immigration and Nationality Act, as amended, in that, at any time after admission, any alien who is convicted of an aggravated felony, for which a term of imprisonment imposed was one year or more shall be deported. Under that act, the immigration laws were changed with a retroactive effect to include Mr. Mohammed's crime and sentence of more than one year. Under the laws in place at the time that Mr. Mohammed entered his guilty plea, the definition of "aggravated felon" did not apply to him. Moreover, the new federal act precludes Mr. Mohammed from filing any waivers for relief and eliminates appeal to the federal courts. Pursuant to 8 U.S.C. Section 1251 (a), a full and unconditional pardon is the only avenue of relief that will allow Mr. Mohammed to continue his life in the United States.

WHEREAS, Mr. Mohammed was a model prisoner and was released after 10 months of a 15 month sentence. Mr. Mohammed has accepted full responsibility for his actions. He has paid his restitution in full and has had no subsequent convictions. Mr. Mohammed met his future wife in 1997 and married her in September, 2000. Their daughter was born in

2001. Mr. Mohammed's family is dependent upon him for support. Mr. Mohammed has significant support in his community attesting to his devotion to his family and his rehabilitation. Mr. Mohammed is now working hard to support his family as a partner in a landscaping business.

WHEREAS, Mr. Mohammed is a political refugee from Ethiopia. His father was born in Eritrea and was killed by the Ethiopian government. When Mr. Mohammed was caught trying to flee Ethiopia, he was detained and beaten. He successfully fled the country in 1981, at age 18. Mr. Mohammed is considered Eritrean by the Ethiopian government because of his father's birthplace. There is still considerable strife between Ethiopia and Eritrea. A number of Mr. Mohammed's family members in Ethiopia are missing. Scholars have stated that if Mr. Mohammed returns, he will be persecuted and could even be killed. A majority of the Clemency and Pardons Board is convinced that Mr. Mohammed has fully paid for his actions, will be a worthy and productive member of society in this country, and that deporting him to Ethiopia would serve no purpose other than to destroy the hope and opportunity for this man to support his wife and child and live a meaningful life in the United States.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and the purpose for Mr. Mohammed's request, and in light of the circumstances of the crime and all other factors, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Omer Yasin Mohammed this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver, lawfully remain in the United States, and eventually become a United States citizen.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this 31st
day of July, A.D., two thousand two.

GARY LOCKE

SEAL Governor of Washington

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
JOSEPH DUANE LINDBERG**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on December 12, 1989, Joseph Duane Lindberg, a displaced timber worker, was involved in a domestic dispute, which resulted in law enforcement being called. A struggle ensued and an officer was slightly injured when he was shoved. Mr. Lindberg has since been divorced from his wife. Mr. Lindberg was convicted of third degree assault in Lewis County Court, and his sentence included: \$70.00 court costs; \$100.00 victim assessment; \$55.00 restitution; \$750.00 fine; 45 days of confinement to be served as 30 days work release; and 120 hours community service. Mr. Lindberg promptly completed all of the terms and conditions of his sentence. Thirteen years have elapsed since he committed the crime; and

WHEREAS, Mr. Lindberg is now a timber faller. Since his conviction in 1990, he gained custody of his daughter in 1995 and purchased a home. In 1999, his oldest daughter moved back home with him and in 2000, Mr. Lindberg enrolled in Centralia College's Criminal Justice Program in hopes of gaining employment in law enforcement. Mr. Lindberg also had his firearms privileges reinstated in 1996. He no longer uses alcohol and has not used alcohol since the date of his arrest, some 13 years ago. Mr. Lindberg's petition for clemency was supported by the officer who was injured, as well as other officers in the Morton police department and several instructors from Centralia College's Criminal Justice Program. The full Clemency and Pardons Board voted unanimously to recommend a pardon; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by the virtue of the power vested in me as Governor of the State of Washington, hereby grant to Joseph Duane Lindberg this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Lindberg shall not commit any more crimes.

The foregoing condition shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this 31st
day of July, A.D., two thousand two.

GARY LOCKE

SEAL Governor of Washington

BY THE GOVERNOR:

SAM REED
Secretary of State

FURTHER MESSAGE FROM THE GOVERNOR

June 10, 2003

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provision of Section II of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2002 Regular Session of the 57th Legislature, copies of which are attached.

Respectfully submitted,
JENNIFER JOLY, General Counsel

**CONDITIONAL PARDON
OF
JENNIFER DAVIS**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on October 13, 1995, Jennifer Davis (previously, Underwood), then 23 years old, sold a sixteenth ounce of methamphetamine to a confidential informant and undercover narcotics agent. At the time of the incident Ms. Davis notes that she was in a troubled and abusive relationship. She pled guilty to delivery of a controlled substance. Ms. Davis began her sentence on February 10, 1997, participated in the Work Ethic Program, and was released on July 14, 1997. She was under community supervision until 2002, at which time she was discharged from the Department of Corrections' supervision; and

WHEREAS, Ms. Davis began intensive efforts to rehabilitate herself upon her arrest. She received mental health counseling and drug dependency treatment. Reports indicate that Ms. Davis was cooperative and motivated. She graduated as a dental assistant in 1997. She worked as a dental assistant, and then began attending community college to prepare for a degree as a Licensed Practical Nurse (LPN). She is currently employed as a Certified Nursing Assistant at a nursing home. While she is able to participate in the necessary training to become a LPN and is eligible for licensure, the medical facilities offering internships for her program will not accept Ms. Davis due to her conviction. Thus, she has requested a pardon for the purpose of removing her conviction as an impediment to employment. Numerous members of Ms. Davis' family and friends speak of a dramatic turn around in Ms. Davis after her arrest. Reports from social service agencies indicate that it took considerable effort to reverse the downward spiral her life had assumed. This is an extraordinary case due to Ms. Davis' hard work and dedication to living a law-abiding and productive life in the community; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by the virtue of the power vested in me as Governor of the State of Washington, hereby grant to Jennifer Davis this Conditional Pardon, SUBJECT TO THE CONDITION that Ms. Davis not commit any more crimes.

The foregoing condition shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this 12th
day of May, A.D., two thousand and three.

SEAL Governor of Washington

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
ADOLPHO G. HINOJOSA**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, on January 11, 1979, Adolpho G. Hinojosa, was involved in a bar fight between a group of people. As the fight progressed outside the tavern, Mr. Hinojosa stabbed his victim, resulting in death. Mr. Hinojosa was convicted of manslaughter, served 18 months, and was on parole for three years. He has paid all costs including a judgment in favor of the deceased. Mr. Hinojosa has no other arrests and only two traffic tickets in his 62 years. Twenty-three years have elapsed since he committed the crime; and

WHEREAS, Mr. Hinojosa and his wife, Rita, have been together for 18 years. Between them, they have nine children, thirty-six grandchildren, and four great-grandchildren. Mr. Hinojosa's life has revolved around his wife, children, grandchildren, and the extended family. He has supported them as a janitor, a truck driver on a farm, and a grounds keeper. One of the Hinojosa's daughters has had problems with drugs. In the past the Hinojosas, as grandparents, provided care for the daughter's three children when she was not capable of doing so. Christina, age 8, Alberto, age 6, and Nicholas, age 5, have been placed with Rita Hinojosa since February 2002 under the supervision of Child Welfare Services and the Yakima County Juvenile Court. Initially, the Department of Social and Health Services (DSHS) was aware of Mr. Hinojosa's conviction and waived his technical ineligibility to act as a foster parent due to his felony conviction. Prior policy provisions allowed DSHS to issue a waiver when a disqualifying conviction was older than ten years. However, new federal regulations and greater public scrutiny now prohibit such waivers. Accordingly, DSHS ruled in March 2002 that Mr. Hinojosa was not eligible to act as a foster parent. Rather than remove the grandchildren from his home, Mr. Hinojosa left so that his wife could continue to care for the three grandchildren. When it appeared that the Hinojosa's daughter might not be able to complete the juvenile court plan for reuniting the mother with the children, the Hinojosas dissolved their marriage. The dissolution was solely to enable Rita Hinojosa to become a permanent resource for the children should her daughter's parental rights be terminated. Because of these federal regulations, Mr. Hinojosa cannot join the frequent family gatherings when the three foster grandchildren are present. Mr. and Mrs. Hinojosa would like to reunite, remarry, and live together. While their daughter's prospects for reuniting with her children are much improved, it appears likely that the grandchildren will need support from their grandparents in the future; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Adolpho G. Hinojosa this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Hinojosa shall not commit any more crimes.

The condition of this Conditional Pardon shall remain in force indefinitely. Upon breach of the foregoing condition, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this 12th
day of May, A.D., two thousand and three.

GARY LOCKE

SEAL Governor of Washington

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL COMMUTATION
OF
VIBOL OUK**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, on March 15, 1997, Viboul Ouk had an argument with his ex-girlfriend, who is also the mother of Mr. Ouk's three children. Mr. Ouk spent the previous two nights at his ex-girlfriend's residence because his two older children wanted to spend time with him. As the ex-girlfriend attempted to leave with their mutual eighteen-month-old child, Mr. Ouk pushed her down, pulled a knife from his pocket, and threatened to stab her. After a short struggle, Mr. Ouk dropped the knife and his ex-girlfriend picked it up and poked him with it to keep him away. She then broke free and ran across the street to call 911. At this time, Mr. Ouk picked up his eighteen-month-old child, walked across the street to where his ex-girlfriend was waiting, and held a steak knife to the child's throat. After the police department arrived, he held the child for approximately five minutes before releasing the child, dropping his knife, and allowing himself to be taken into custody. Mr. Ouk pled guilty to second degree assault of a child. The trial court noted that at the time of the incident, Mr. Ouk was suffering great emotional anguish over the welfare and supervision of his children, and that the incident was one of passion and not characteristic of Mr. Ouk and his concern for his children. Mr. Ouk had no prior offenses. This is the sole criminal offense of his life; and

WHEREAS, the United States Immigration and Naturalization Service (INS) has issued an order to deport Mr. Ouk to Cambodia for having committed an aggravated felony. Categorizing Mr. Ouk as an "aggravated felon" was made possible when his exceptional sentence of eight months was reserved on appeal. Mr. Ouk was subsequently resentenced to a minimum term of 31 months, the lowest standard range possible. He began serving his sentence on January 30, 2001, and was released to the INS on May 13, 2002 due to his Cambodian citizenship; and

WHEREAS, Mr. Ouk maintained an excellent record while incarcerated, and has completed all the terms of his sentence, including anger management. His ex-girlfriend does not fear Mr. Ouk and reports that his behavior on March 15, 1997 was uncharacteristic. Mr. Ouk has a strong, healthy bond with his children. They wrote letters on their father's behalf about his help with their homework, playing games with him, and his parental guidance. Mr. Ouk pays child support. Nearly 60 letters of recommendation were submitted by Mr. Ouk's family and other community members; and

WHEREAS, Mr. Ouk is a political refugee from Cambodia. His father was executed by the Khemer Rouge, along with other family members. The Clemency and Pardons Board was convinced that Mr. Ouk has fully paid for his actions, will be a worthy and productive member of society in the United States, and that deporting him to Cambodia would serve no purpose other than to destroy the hope and opportunity for this man to support his children and live a meaningful life in the United States.

WHEREAS, I have reviewed the pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and the purpose for Mr. Ouk's request, and in light of the circumstances of the crime and all other factors, I have determined that the best interests of justice will be served by this action; and

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant Vibol Ouk this Conditional Commutation, commute his term of incarceration to eight months in order to remove his aggravated felon status for the express purpose of allowing him to obtain a deportation waiver, lawfully remain in the United States, and eventually become a United States citizen, SUBJECT TO THE FOLLOWING CONDITIONS:

Mr. Ouk shall:

1. Not consume controlled substances except pursuant to lawfully issued prescriptions;
2. Not consume any intoxicants;
3. Not unlawfully possess controlled substances while in community custody;
4. Not associate with known drug users or drug dealers; and
5. Not possess any firearms or ammunition.

Violation of any of the above conditions shall result in suspension of this commutation and imposition of community supervision as per the Department of Corrections. PROVIDED, that in the event Mr. Ouk commits any offense classified as a felony or gross misdemeanor in the State of Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without benefit of sentence reduction credit, whereupon Mr. Ouk shall be tried and sentenced accordingly.

The Superior Court of King County shall provide a written report to the Clemency and Pardons Board re regarding the violation of any condition of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set
my hand and caused the seal of the state of
Washington to be affixed at Olympia on this 12th
day of May, A.D., two thousand and three.

SEAL Governor of Washington

GARY LOCKE

BY THE GOVERNOR:

SAM REED
Secretary of State

**CONDITIONAL COMMUTATION
OF
TERRENCE LAMONT GARDNER**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, March 5, 1992, Terrence Lamont Gardner was involved in a drug-related robbery. Mr. Gardner admits that he knew a crime would be committed, but states that he had no knowledge of any plan for murder. Mr. Gardner claims that his accomplice, acting on his own, committed an unplanned murder during the robbery. The murder was a repetitive stabbing. The accomplice turned state's evidence and claimed Mr. Gardner committed the murder. However, at trial, the jury found Mr. Gardner not guilty of being the perpetrator of the murder. Nonetheless, under the felony murder rule, they found Mr. Gardner guilty of first-degree murder. Mr. Gardner was sentenced to a term of 24 years, 3 months, and 15 days; he has an earned release date of November 2, 2012. Mr. Gardner's accomplice received a far lesser sentence for his testimony and was released long ago; and

WHEREAS, Mr. Gardner has maintained an excellent record while incarcerated. His Department of Corrections Unit Supervisor and his employers at Correctional Industries filed letters evidencing Mr. Gardner's integrity and rehabilitation. He has attended community college and has obtained a certified welder's card. He has reportedly become an excellent welder, to the point where the Washington State Reformatory requested his transfer to that facility for the purpose of utilizing his welding skills. The chaplain reports that Mr. Gardner seeks counseling and is a leader in the inmate church. At the time of Mr. Gardner's conviction, the current Kitsap County Prosecutor, Russell Hauge, was the defense attorney representing Mr. Gardner's accomplice. Mr. Hauge, speaking as a private citizen, has indicated that it is clear to him that Mr. Gardner would not have been involved in this crime had he not been addicted to drugs. Mr. Hauge also finds Mr. Gardner's degree of rehabilitation to be exceptional; and

WHEREAS, the Clemency and Pardons Board was favorably impressed by the extent to which Mr. Gardner has taken responsibility for his past actions and turned his life around. The Board believes he has been adequately punished, has been rehabilitated, and that further incarceration would serve no purpose; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the circumstances of the crime, and the favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the foregoing, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the state of Washington, grant to Terrance Lamont Gardner this Conditional Commutation, commute the remainder of the sentence imposed to a term of community custody not to exceed the normal term imposed by the sentencing court (twenty-four months), SUBJECT TO THE FOLLOWING CONDITIONS:

1. Report to and be available for contact with the assigned community corrections officer as directed;
2. Work at Department of Corrections-approved education, employment, and/or community service;
3. Not consume controlled substances except pursuant to lawfully issued prescriptions;
4. Not consume any intoxicants;
5. Not unlawfully possess controlled substances while in community custody;
6. Not associate with known drug users or drug dealers;
7. Not have any direct or indirect contact with the family of the victim;
8. Not have any direct or indirect contact with co-defendant Gerald Lee Belgard (a.k.a. "Sonny Belgard");
9. Not possess any deadly or dangerous weapons;
10. Submit to random urinalysis and blood alcohol tests as determined by the Department of Corrections and at his own expense;
11. Participate in crime-related treatment or counseling services as determined by the Department of Corrections;
12. Submit to random searches of person, home, and car by the Department of Corrections;
13. Pay community placement fees as determined by the Department of Corrections;
14. Remain in residence at the residence and in the geographic area identified by the Department of Corrections;
15. Notify the Washington Department of Corrections regarding any change in his living situation; and
16. Comply with all standard conditions, requirements, and instructions of community placement as directed by his community corrections officer and with all other applicable conditions imposed by the sentencing court.

Violation of any of the above conditions shall result in sanctions conforming to the Department of Corrections Violations Sanction Grid for community custody. PROVIDED, that in the event Mr. Gardner commits any offense classified as a felony or gross misdemeanor in the state of Washington, this Conditional Commutation is revoked and the sentence imposed by the court reinstated without benefit of sentence reduction credit, whereupon Mr. Gardner shall be immediately returned to the Washington Corrections Center or such other facility as the Secretary of Corrections deems appropriate.

The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 15th day of May, A.D., two thousand and three.

GARY LOCKE

SEAL Governor of Washington

BY THE GOVERNOR:
SAM REED
Secretary of State

**CONDITIONAL PARDON
OF
RICKY ROMERO RANGEL**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, On September 9, 1983, Ricky Romero Rangel was sentenced to serve eleven months for drug possession and assault in the third degree, resulting from a bar brawl. Additionally, prior to 1995, Mr. Rangel committed numerous drug related crimes. He was paroled from the Department of Corrections on August 27, 1986, and was discharged from supervision in 1997; and

WHEREAS, as a result of his children being taken into Child Protective Services custody and being sentenced to mandatory addiction treatment, Mr. Rangel has been clean and sober since 1995. Mr. Rangel takes full responsibility and is remorseful for his crimes. He has taken significant steps toward improving his life and has the support of numerous community members. The Yakima County Prosecutor, Ron Zirkle, as well as the former Prosecutor, the Honorable Robert Hackett, Jr., Superior Court Judge, both support a pardon for Mr. Rangel. Mr. Rangel is involved in many volunteer programs in the Yakima Valley to assist the rehabilitation of others facing chemical dependency, including sponsoring a number of participants in Alcoholic Anonymous. He is currently employed as a case manager for the Yakima County Coalition for the Homeless. Mr. Rangel seeks a pardon from his felony convictions to be eligible to receive a Department of Social and Health Services, Child Protective Services, grant to provide financial aid for a Master's Degree in Social Work. Mr. Rangel aspires to become a family therapist; and

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances of the crimes I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Ricky Romero Rangel this Conditional Pardon, SUBJECT TO THE CONDITION that Mr. Rangel shall not commit any more crimes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia on this 15th day of May, A.D., two thousand and three.

GARY LOCKE

SEAL Governor of Washington

BY THE GOVERNOR:

SAM REED
Secretary of State

MESSAGE FROM THE HOUSE

June 6, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2252, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2252 by Representatives Sommers, Fromhold and Moeller

Revising eligibility requirements for general assistance.

MOTION

On motion of Senator Sheahan, the rules were suspended and House Bill No. 2252 was advanced to second reading and placed on the second reading calendar.

MOTION

At 10:08 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 2:17 p.m. by President Owen.

MOTION

Senators Sheahan, Hale and Schmidt demanded a Call of the Senate and the demand was sustained. The President declared the question before the Senate to be a Call of the Senate. The demand for the Call of the Senate carried and a Call of the Senate was ordered.

The Sergeant at Arms locked the doors of the Chamber.

The Secretary called the roll on the Call of the Senate and all Senators were present except Senators Deccio, McCaslin, Shin and West who were excused.

MOTION TO LIMIT DEBATE

Senator Sheahan: "Mr. President, pursuant to Rule 29, I move that the members of the Senate be allowed to speak only once and be limited to three minutes on each motion or amendment, except that the mover of the motion shall be allowed to open and close debate, and also that members be prohibited from yielding their time. This motion shall be in effect through the remainder of the day."

The President declared the question before the Senate to be the motion by Senator Sheahan to limit debate. The motion by Senator Sheahan carried and debate was limited to three minutes through the end of the day.

MOTIONS

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

On motion of Senator Sheahan, the rules were suspended and Senate Bill No. 6097, which was held on the introduction and first reading calendar June 9, 2003, was advanced to second reading and placed on the second reading calendar.

MOTION

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

MOTION

On motion of Senator Sheahan, the Senate will immediately consider Senate Bill No. 6097.

PARLIAMENTARY INQUIRY

Senator Betti Sheldon: "A parliamentary inquiry, Mr. President. I understand that there are amendments to this bill and we have not seen those amendments."

REPLY BY THE PRESIDENT

President Owen: "What is your inquiry, Senator?"

Senator Betti Sheldon: "We would like to know where the amendments are to this bill and we would like to see those amendments. Also, Mr. President, I believe the report on the bill is also missing from our desks."

President Owen: "Senator Sheldon, is your inquiry as to where the location of the amendments and the bill are? Mr. Secretary? The amendments are being passed out, Senator Sheldon."

Senator Betti Sheldon: "Mr. President, would it be appropriate to ask that we delay further consideration of Senate Bill No. 6097 and that it hold its place on the calendar, so that we have a chance to look at the bill and the amendments?"

President Owen: "Senator, are you asking if that is appropriate--?"

Senator Betti Sheldon: "I move that."

The President declared the question before the Senate to be the motion by Senator Betti Sheldon that further consideration of Senate Bill No. 6097 be deferred.

Debate ensued.

The motion by Senator Betti Sheldon failed and the Senate resumed consideration of Senate Bill No. 6097.

SECOND READING

SENATE BILL NO. 6097, by Senators Honeyford and Mulliken

Revising the unemployment compensation system.

The bill was read the second time.

MOTION

Senator Honeyford moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.01.010 and 1945 c 35 s 2 are each amended to read as follows:

Whereas, economic insecurity due to unemployment is a serious menace to the health, morals and welfare of the people of this state; involuntary unemployment is, therefore, a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burden which now so often falls with crushing force upon the unemployed worker and his family. Social security requires protection against this greatest hazard of our economic life. This can be provided only by application of the insurance principle of sharing the risks, and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing powers and limiting the serious social consequences of relief assistance. The state of Washington, therefore, exercising herein its police and sovereign power endeavors by this title to remedy any widespread unemployment situation which may occur and to set up safeguards to prevent its recurrence in the years to come. The legislature, therefore, declares that in its considered judgment the public good, and the general welfare of the citizens of this state require the enactment of this measure, under the police powers of the state, for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own(, and that this title shall be liberally construed for the purpose of reducing involuntary unemployment and the suffering caused thereby to the minimum)).

PART I - UNEMPLOYMENT ELIGIBILITY AND COMPENSATION

NEW SECTION. Sec. 2. A new section is added to chapter 50.04 RCW to read as follows:

After December 31, 2003, for the purpose of the payment of contributions, the term "wages" does not include an employee's income attributable to the transfer of shares of stock to the employee pursuant to his or her exercise of a stock option granted for any reason connected with his or her employment.

Sec. 3. RCW 50.20.010 and 1995 c 381 s 1 are each amended to read as follows:

(1) An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his or her eligibility period only if the commissioner finds that:

((1)) (a) He or she has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commissioner finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

((2)) (b) He or she has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

((3)) (c) He or she is able to work, and is available for work in any trade, occupation, profession, or business for which he or she is reasonably fitted.

(i) With respect to claims that have an effective date before January 4, 2004, to be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents.

(ii) With respect to claims that have an effective date on or after January 4, 2004, to be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him or her and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or the commissioner's agents. If a labor agreement or dispatch rules apply, customary trade practices must be in accordance with the applicable agreement or rules;

((4)) (d) He or she has been unemployed for a waiting period of one week;

((5)) (e) He or she participates in reemployment services if the individual has been referred to reemployment services pursuant to the profiling system established by the commissioner under RCW 50.20.011, unless the commissioner determines that:

((a)) (i) The individual has completed such services; or

((b)) (ii) There is justifiable cause for the claimant's failure to participate in such services; and

((6)) (f) As to weeks beginning after March 31, 1981, which fall within an extended benefit period as defined in RCW 50.22.010, the individual meets the terms and conditions of RCW 50.22.020 with respect to benefits claimed in excess of twenty-six times the individual's weekly benefit amount.

(2) An individual's eligibility period for regular benefits shall be coincident to his or her established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

Sec. 4. RCW 50.20.050 and 2002 c 8 s 1 are each amended to read as follows:

(1) With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

~~((a))~~ (i) The duration of the work;

~~((b))~~ (ii) The extent of direction and control by the employer over the work; and

~~((c))~~ (iii) The level of skill required for the work in light of the individual's training and experience.

~~((2))~~ (b) An individual shall not be considered to have left work voluntarily without good cause when:

~~((a))~~ (i) He or she has left work to accept a bona fide offer of bona fide work as described in ~~((subsection (4)))~~ (a) of this ~~((section))~~ subsection;

~~((b))~~ (ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

~~((c))~~ (iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

~~((d))~~ (iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

~~((3))~~ (c) In determining under this ~~((section))~~ subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

~~((4))~~ (d) Subsection ~~((s))~~ (1)(a) and ~~((3))~~ (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by ~~((subsection (2)(b) or (c) of this section))~~ (b)(ii) or (iii) of this subsection.

(2) With respect to claims that have an effective date on or after January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;
(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if;

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however,

when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) He or she: (A) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (I) Is outside the existing labor market area; and (II) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time; or

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs.

Sec. 5. RCW 50.04.293 and 1993 c 483 s 1 are each amended to read as follows:

With respect to claims that have an effective date before January 4, 2004, "misconduct" means an employee's act or failure to act in willful disregard of his or her employer's interest where the effect of the employee's act or failure to act is to harm the employer's business.

NEW SECTION. Sec. 6. A new section is added to chapter 50.04 RCW to read as follows:

With respect to claims that have an effective date on or after January 4, 2004:

(1) "Misconduct" includes, but is not limited to, the following conduct by a claimant:

(a) Willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee;

(b) Deliberate violations or disregard of standards of behavior which the employer has the right to expect of an employee;

(c) Carelessness or negligence that causes or would likely cause serious bodily harm to the employer or a fellow employee; or

(d) Carelessness or negligence of such degree or recurrence to show an intentional or substantial disregard of the employer's interest.

(2) The following acts are considered misconduct because the acts signify a willful or wanton disregard of the rights, title, and interests of the employer or a fellow employee. These acts include, but are not limited to:

(a) Insubordination showing a deliberate, willful, or purposeful refusal to follow the reasonable directions or instructions of the employer;

(b) Repeated inexcusable tardiness following warnings by the employer;

(c) Dishonesty related to employment, including but not limited to deliberate falsification of company records, theft, deliberate deception, or lying;

(d) Repeated and inexcusable absences, including absences for which the employee was able to give advance notice and failed to do so;

(e) Deliberate acts that are illegal, provoke violence or violation of laws, or violate the collective bargaining agreement. However, an employee who engages in lawful union activity may not be disqualified due to misconduct;

(f) Violation of a company rule if the rule is reasonable and if the claimant knew or should have known of the existence of the rule; or

(g) Violations of law by the claimant while acting within the scope of employment that substantially affect the claimant's job performance or that substantially harm the employer's ability to do business.

(3) "Misconduct" does not include:

(a) Inefficiency, unsatisfactory conduct, or failure to perform well as the result of inability or incapacity;

(b) Inadvertence or ordinary negligence in isolated instances; or

(c) Good faith errors in judgment or discretion.

(4) "Gross misconduct" means a criminal act in connection with an individual's work for which the individual has been convicted in a criminal court, or has admitted committing, or conduct connected with the individual's work that demonstrates a flagrant and wanton disregard of and for the rights, title, or interest of the employer or a fellow employee.

Sec. 7. RCW 50.20.060 and 2000 c 2 s 13 are each amended to read as follows:

With respect to claims that have an effective date before January 4, 2004, an individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

Sec. 8. RCW 50.20.065 and 1993 c 483 s 11 are each amended to read as follows:

With respect to claims that have an effective date before January 4, 2004:

(1) An individual who has been discharged from his or her work because of a felony or gross misdemeanor of which he or she has been convicted, or has admitted committing to a competent authority, and that is connected with his or her work shall have all hourly wage credits based on that employment canceled.

(2) The employer shall notify the department of such an admission or conviction, not later than six months following the admission or conviction.

(3) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(4) All benefits that are paid in error based on wage/hour credits that should have been removed from the claimant's base year are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

NEW SECTION. Sec. 9. A new section is added to chapter 50.20 RCW to read as follows:

With respect to claims that have an effective date on or after January 4, 2004:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter for ten calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to ten times his or her weekly benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

(2) An individual who has been discharged from his or her work because of gross misconduct shall have all hourly wage credits based on that employment or six hundred eighty hours of wage credits, whichever is greater, canceled.

(3) The employer shall notify the department of a felony or gross misdemeanor of which an individual has been convicted, or has admitted committing to a competent authority, not later than six months following the admission or conviction.

(4) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(5) All benefits that are paid in error based on this section are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

Sec. 10. RCW 50.20.240 and 2002 c 8 s 3 are each amended to read as follows:

(1)(a) To ensure that following the initial application for benefits, an individual is actively engaged in searching for work, ((effective July 1, 1999,)) the employment security department shall implement a job search monitoring program. Effective January 4, 2004, the department shall contract with employment security agencies in other states to ensure that individuals residing in those states and receiving benefits under this title are actively engaged in searching for work in accordance with the requirements of this section. The department may use interactive voice technology and other electronic means to ensure that individuals are subject to comparable job search monitoring, regardless of whether they reside in Washington or elsewhere.

(b) Except for those individuals with employer attachment or union referral, individuals who qualify for unemployment compensation under RCW 50.20.050(((2)(d))) (1)(b)(iii) or (2)(b)(v), as applicable, and individuals in commissioner-approved training, an individual who has received five or more weeks of benefits under this title, regardless of whether the individual resides in Washington or elsewhere, must provide evidence of seeking work, as directed by the commissioner or the commissioner's agents, for each week beyond five in which a claim is filed. With regard to claims with an effective date before January 4, 2004, the evidence must demonstrate contacts with at least three employers per week or documented in-person job search activity at the local reemployment center. With regard to claims with an effective date on or after January 4, 2004, the evidence must demonstrate contacts with at least three employers per week or documented in-person job search activities at the local reemployment center at least three times per week.

(c) In developing the requirements for the job search monitoring program, the commissioner or the commissioner's agents shall utilize an existing advisory committee having equal representation of employers and workers.

(2) Effective January 4, 2004, an individual who fails to comply fully with the requirements for actively seeking work under RCW 50.20.010 shall lose all benefits for all weeks during which the individual was not in compliance, and the individual shall be liable for repayment of all such benefits under RCW 50.20.190.

Sec. 11. RCW 50.20.120 and 2002 c 149 s 4 are each amended to read as follows:

(1)(a) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (((determined hereinafter))), as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title: PROVIDED, That as to any week ((beginning on and after March 31, 1981,)) which falls in an extended benefit period as defined in RCW 50.22.010(1), ((as now or hereafter amended,)) an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020((, as now or hereafter amended)).

(b) With respect to claims that have an effective date on or after the first Sunday of the calendar month immediately following the month in which the commissioner finds that the state unemployment rate is six and eight-tenths percent or less, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to claims with an effective date on or after January 4, 2004, and before January 2, 2005, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the three quarters of the individual's base year in which such total wages were highest.

(c) With respect to claims with an effective date on or after January 2, 2005, an individual's weekly benefit amount shall be an amount equal to one percent of the total wages paid in the individual's base year.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. ((Except as provided in RCW 50.20.125,))

(a)(i) With respect to claims that have an effective date before January 4, 2004, the maximum amount payable weekly shall be seventy percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) With respect to claims that have an effective date on or after January 4, 2004, the maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

NEW SECTION. Sec. 12. A new section is added to chapter 50.20 RCW to read as follows:

(1) It is the intent of the legislature to establish eligibility requirements for workers who are part-time or seasonal workers.

(2) With respect to claims that have an effective date on or after January 2, 2005:

(a) An otherwise eligible individual may not be denied benefits for any week because the individual is a part-time worker and is available for, seeks, applies for, or accepts only work of twenty or fewer hours per week by reason of the application of RCW 50.20.010(1)(c), 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

(b) If a claimant is a seasonal worker:

(i) Who earned wages in "employment" in fewer than one thousand four hundred forty hours in his or her base year, benefits are payable to the claimant during a calendar week of the claimant's benefit year only if the week corresponds to a calendar week within a seasonal work period of a base year employer who had been designated as a seasonal employer by the commissioner under this section.

(ii) Who earned wages in "employment" in one thousand four hundred forty hours or more in his or her base year, benefits are payable to the claimant during any calendar week of the claimant's benefit year as otherwise provided in this title.

(c)(i) Between January 1st and April 1st of any year, an employer may apply to the commissioner in writing for designation as a seasonal employer, effective on the date determined by the commissioner. By June 30th, the commissioner shall determine if the employer is a seasonal employer and, if the employer is designated a seasonal employer, identify one or more seasonal work periods of the employer. The commissioner's determination regarding an employer's status as a seasonal employer, or a decision of an administrative law judge or of the court regarding the employer's status as a seasonal employer, which has become final and is not subject to further appeal, together with the record thereof, may be introduced in any proceeding involving a claim for benefits, and the facts found and decision issued in the determination or decision shall be conclusive unless the claimant introduces substantial evidence to the contrary.

(ii) A determination of seasonal employer status shall remain in effect until the commissioner, on the commissioner's own motion for good cause or upon the written request of the employer, issues a determination terminating an employer's status as a seasonal employer. A termination determination under this subsection becomes effective as specified by the commissioner.

(d) At the time an employee is hired by a seasonal employer, the employer must notify the employee in writing that the employee may be a seasonal worker.

(3) For purposes of this section:

(a) "Part-time worker" means an individual that: (i) Earned wages in "employment" in at least forty weeks in the individual's base year; and (ii) did not earn wages in "employment" in more than twenty hours per week in more than three weeks in the individual's base year.

(b) "Seasonal employer" means an employer who:

(i) With respect to a period identified by the employer of twelve consecutive calendar months preceding the employer's application, has reduced his or her work force by at least sixty percent from the highest level of employment in a seasonal work period to the lowest level of employment at any point in the twelve calendar month period; and

(ii) Operates in an industry or with a process which, because of conditions related to climate, agriculture, food fish, shellfish, or natural resources, makes it impractical or impossible for the employer to operate without the reduction in employment specified in (b)(i) of this subsection.

(c) "Seasonal worker" means a worker who earned at least seventy-five percent of his or her base year wages in employment with one or more seasonal employers during one or more seasonal work periods.

(d) "Seasonal work period" means a regularly recurring period in any twelve consecutive calendar months that is determined by the commissioner to be a period during which the seasonal employer customarily operates and because of which the employer meets the definition of "seasonal employer."

Sec. 13. RCW 50.20.100 and 2002 c 8 s 2 are each amended to read as follows:

(1) Suitable work for an individual is employment in an occupation in keeping with the individual's prior work experience, education, or training and if the individual has no prior work experience, special education, or training for employment available in the general area, then employment which the individual would have the physical and mental ability to perform. In determining whether work is suitable for an individual, the commissioner shall also consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

(2) For individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual.

(3) With respect to claims that have an effective date on or after January 4, 2004, for seasonal workers, any work available from any seasonal employer shall be deemed suitable unless it meets conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual.

(4) For part-time workers as defined in section 12 of this act, suitable work includes suitable work under subsection (1) of this section that is for twenty or fewer hours per week.

(5) For individuals who have qualified for unemployment compensation benefits under RCW 50.20.050((2)(d)) (1)(b)(iii) or (2)(b)(v), as applicable, an evaluation of the suitability of the work must consider the individual's need to address the physical, psychological, legal, and other effects of domestic violence or stalking.

NEW SECTION. Sec. 14. A new section is added to chapter 50.20 RCW to read as follows:

(1) It is the intent of the legislature that a transitional training benefits program be established to provide unemployment insurance benefits to unemployed individuals who would be or are impacted by the changes in benefits made in this act and who are participating in training programs approved by the commissioner. If section 12(2)(b) of this act does not take effect by July 1, 2003, this section is null and void. With respect to claims that have an effective date before January 7, 2007, the employment security department is authorized to pay transitional training benefits under this section, but may not obligate expenditures of more than the following:

- (a) For the fiscal year ending June 30, 2004, ten million dollars;
- (b) For the fiscal year ending June 30, 2005, ten million dollars;
- (c) For the fiscal year ending June 30, 2006, ten million dollars; and
- (d) For the fiscal year ending June 30, 2007, ten million dollars.

(2) Any funds not obligated under subsection (1)(a) through (c) of this section in any fiscal year may be carried forward to the next fiscal year to increase, by the amount carried forward, the amount available to obligate under RCW 50.22.140. The department shall develop a process to ensure that expenditures under subsection (1) of this section do not exceed available funds and to prioritize access to funds when again available.

(3) Subject to availability of funds, transitional training benefits are available for an individual who:

(a) Is eligible for or has exhausted entitlement to unemployment compensation benefits; and
(i) As a seasonal worker whose claim has an effective date before January 4, 2004, would not have received benefits under this title if section 12(2)(b) of this act had applied to the individual; or
(ii) Has a claim that has an effective date on or after July 6, 2004, or has exhausted benefits on or after July 6, 2004, and received benefits that were limited because of the section 11, chapter..., Laws of 2003 amendments to RCW 50.20.120 or section 12(2)(b) of this act, or would have had benefits limited if these provisions had been in effect at the time the individual's claim became effective;

(b) Develops an individual training program that is submitted to the commissioner for approval within sixty days after the individual is notified by the employment security department of the requirements of this section;

(c) Enters the approved training program by ninety days after the date of the notification, unless the employment security department determines that the training is not available during the ninety-day period, in which case the individual enters training as soon as it is available; and

(d) Is enrolled in training approved under this section on a full-time basis as determined by the educational institution, and is making satisfactory progress in the training as certified by the educational institution.

(4) Benefits under this section shall be paid to eligible exhaustees as follows:

(a) The total benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b)(i) For exhaustees receiving financial aid in the form of scholarships, grants, tuition waivers, or any other financial aid that does not require repayment, the weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits.

(ii) For other exhaustees, the weekly benefit amount shall be one and one-fourth times the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits.

(c) Transitional training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(5) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(6) An individual who received benefits under any other additional benefits program for training within the five-year period immediately preceding application under this section is not eligible for training benefits under this section.

(7) An individual eligible to receive emergency unemployment compensation, so called, under any federal law, is not eligible to receive benefits under this section for each week the individual receives such compensation.

(8) All base year employers are interested parties to the approval of training and the granting of transitional training benefits.

(9) For purposes of this section:

(a) "Educational institution" and "training program" mean the same as the definitions in RCW 50.22.150.

(b) "Exhaustee," "extended benefits," and "regular benefits" mean the same as the definitions in RCW 50.22.010.

PART II - FINANCING UNEMPLOYMENT COMPENSATION

Sec. 15. RCW 50.29.025 and 2003 c 4 (SHB 1832) s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this ((section)) subsection.

((4)) (a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

~~((2))~~ (b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (e) of this subsection ~~((5) of this section)~~ shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A
1.70 to 2.09	B
1.40 to 1.69	C
1.00 to 1.39	D
0.70 to 0.99	E
Less than 0.70	F

~~((3))~~ (c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: ~~((a))~~ (i) Identification number; ~~((b))~~ (ii) benefit ratio; ~~((c))~~ (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; ~~((d))~~ (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and ~~((e))~~ (v) the percentage equivalent of the cumulative total of taxable payrolls.

~~((4))~~ (d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (e) of this subsection ~~((5) of this section)~~: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

~~((5))~~ (e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection ~~((4) of this section)~~, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedules of Contributions Rates for Effective Tax Schedule						
From	To	Rate Class	AA	A	B	C	D	E	F
0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67

10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20.00	4	0.57	0.73	1.11	1.51	1.90	2.40	2.98
20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37

<u>0.012500</u>	<u>0.013750</u>	<u>12</u>	<u>1.45</u>
<u>0.013750</u>	<u>0.015000</u>	<u>13</u>	<u>1.60</u>
<u>0.015000</u>	<u>0.016250</u>	<u>14</u>	<u>1.75</u>
<u>0.016250</u>	<u>0.017500</u>	<u>15</u>	<u>1.90</u>
<u>0.017500</u>	<u>0.018750</u>	<u>16</u>	<u>2.05</u>
<u>0.018750</u>	<u>0.020000</u>	<u>17</u>	<u>2.20</u>
<u>0.020000</u>	<u>0.021250</u>	<u>18</u>	<u>2.35</u>
<u>0.021250</u>	<u>0.022500</u>	<u>19</u>	<u>2.50</u>
<u>0.022500</u>	<u>0.023750</u>	<u>20</u>	<u>2.65</u>
<u>0.023750</u>	<u>0.025000</u>	<u>21</u>	<u>2.80</u>
<u>0.025000</u>	<u>0.026250</u>	<u>22</u>	<u>2.95</u>
<u>0.026250</u>	<u>0.027500</u>	<u>23</u>	<u>3.10</u>
<u>0.027500</u>	<u>0.028750</u>	<u>24</u>	<u>3.25</u>
<u>0.028750</u>	<u>0.030000</u>	<u>25</u>	<u>3.40</u>
<u>0.030000</u>	<u>0.031250</u>	<u>26</u>	<u>3.55</u>
<u>0.031250</u>	<u>0.032500</u>	<u>27</u>	<u>3.70</u>
<u>0.032500</u>	<u>0.033750</u>	<u>28</u>	<u>3.85</u>
<u>0.033750</u>	<u>0.035000</u>	<u>29</u>	<u>4.00</u>
<u>0.035000</u>	<u>0.036250</u>	<u>30</u>	<u>4.15</u>
<u>0.036250</u>	<u>0.037500</u>	<u>31</u>	<u>4.30</u>
<u>0.037500</u>	<u>0.040000</u>	<u>32</u>	<u>4.45</u>
<u>0.040000</u>	<u>0.042500</u>	<u>33</u>	<u>4.60</u>
<u>0.042500</u>	<u>0.045000</u>	<u>34</u>	<u>4.75</u>
<u>0.045000</u>	<u>0.047500</u>	<u>35</u>	<u>4.90</u>
<u>0.047500</u>	<u>0.050000</u>	<u>36</u>	<u>5.05</u>

<u>0.050000</u>	<u>0.052500</u>	<u>37</u>	<u>5.20</u>
<u>0.052500</u>	<u>0.055000</u>	<u>38</u>	<u>5.30</u>
<u>0.055000</u>	<u>0.057500</u>	<u>39</u>	<u>5.35</u>
<u>0.057500</u>		<u>40</u>	<u>5.40</u>

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than two-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year. For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent.

(ii) The graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent:

- (A) Rate class 1 - 78 percent;**
- (B) Rate class 2 - 82 percent;**
- (C) Rate class 3 - 86 percent;**
- (D) Rate class 4 - 90 percent;**
- (E) Rate class 5 - 94 percent;**
- (F) Rate class 6 - 98 percent;**
- (G) Rate class 7 - 102 percent;**
- (H) Rate class 8 - 106 percent;**
- (I) Rate class 9 - 110 percent;**
- (J) Rate class 10 - 114 percent;**
- (K) Rate class 11 - 118 percent; and**
- (L) Rate classes 12 through 40 - 120 percent.**

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) The array calculation factor rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned an array calculation factor rate two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) For all other employers not qualified to be in the array, the array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40.

(d) The graduated social cost factor rate for each employer not qualified to be in the array shall be as follows:

(i) For employers whose array calculation factor rate is determined under (c)(i) of this subsection, the social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) For employers whose array calculation factor rate is determined under (c)(ii) of this subsection, the social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification system code.

Sec. 16. RCW 50.04.355 and 2000 c 2 s 1 are each amended to read as follows:

(1) For computations made before January 1, 2007, the employment security department shall compute, on or before the fifteenth day of June of each year, an "average annual wage", an "average weekly wage", and an "average annual wage for contributions purposes" ((shall be computed)) from information for the specified preceding calendar years including corrections thereof reported within three months after the close of the final year of the specified years by all employers as defined in RCW 50.04.080.

((4)) (a) The "average annual wage" is the quotient derived by dividing the total remuneration reported by all employers for the preceding calendar year by the average number of workers reported for all months of the preceding calendar year and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

((2)) (b) The "average weekly wage" is the quotient derived by dividing the "average annual wage" obtained under ((4)) (a) of this subsection by fifty-two and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

((3)) (c) The "average annual wage for ((contribution[s])) contributions purposes" is the quotient derived by dividing by three the total remuneration reported by all employers subject to contributions for the preceding three consecutive calendar years and dividing this amount by the average number of workers reported for all months of these three years by these same employers and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

(2) For computations made on or after January 1, 2007, the employment security department shall compute, on or before the fifteenth day of June of each year, an "average annual wage," an "average weekly wage," and an "average annual wage for contributions purposes" from information for the preceding calendar year including corrections thereof reported within three months after the close of that year by all employers as defined in RCW 50.04.080.

(a) The "average annual wage" is the quotient derived by dividing the total remuneration reported by all employers by the average number of workers reported for all months and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

(b) The "average weekly wage" is the quotient derived by dividing the "average annual wage" obtained under (a) of this subsection by fifty-two and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

(c) The "average annual wage for contributions purposes" is the quotient derived by dividing the total remuneration reported by all employers subject to contributions by the average number of workers reported for all months by these same employers and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

NEW SECTION. Sec. 17. A new section is added to chapter 50.29 RCW to read as follows:

Beginning with contributions assessed for rate year 2005, the contribution rate of each employer subject to contributions under RCW 50.24.010 shall include a solvency surcharge determined as follows:

(1) This section shall apply to employers' contributions for a rate year immediately following a cut-off date only if, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide fewer than six months of unemployment benefits.

(2) The solvency surcharge shall be the lowest rate necessary, as determined by the commissioner, but not more than two-tenths of one percent, to provide revenue during the applicable rate year that will fund unemployment benefits for the number of months that is the difference between eight months and the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits.

(3) The basis for determining the number of months of unemployment benefits shall be the same basis used in RCW 50.29.025(2)(b)(i)(B).

Sec. 18. RCW 50.29.026 and 2000 c 2 s 5 are each amended to read as follows:

(1) Beginning with contributions assessed for rate year 1996, a qualified employer's contribution rate applicable for rate years beginning before January 1, 2005, or array calculation factor rate applicable for rate years beginning on or after January 1, 2005, determined under RCW 50.29.025 may be modified as follows:

(a) Subject to the limitations of this subsection, an employer may make a voluntary contribution of an amount equal to part or all of the benefits charged to the employer's account during the two years most recently ended on June 30th that were used for the purpose of computing the employer's contribution rate applicable for rate years beginning before January 1, 2005, or array calculation factor rate applicable for rate years beginning on or after January 1, 2005. On receiving timely payment of a voluntary contribution, plus a surcharge of ten percent of the amount of the voluntary contribution, the commissioner shall cancel the benefits equal to the amount of the voluntary contribution, excluding the surcharge, and compute a new benefit ratio for the employer. The employer shall then be assigned the contribution rate applicable for rate years beginning before January 1, 2005, or array calculation factor rate applicable for rate years beginning on or after January 1, 2005, applicable to the rate class within which the recomputed benefit ratio is included. The minimum amount of a voluntary contribution, excluding the surcharge, must be an amount that will result in a recomputed benefit ratio that is in a rate class at least ((two)) four rate classes lower than the rate class that included the employer's original benefit ratio.

(b) Payment of a voluntary contribution is considered timely if received by the department during the period beginning on the date of mailing to the employer the notice of contribution rate applicable for rate years beginning before January 1, 2005, or notice of array calculation factor rate applicable for rate years beginning on or after January 1, 2005, required under this title for the rate year for which the employer is seeking a modification of his or her ~~((contribution))~~ rate and ending on February 15th of that rate year or, for voluntary contributions for rate year 2000, ending on March 31, 2000.

(c) A benefit ratio may not be recomputed nor a ~~((contribution))~~ rate be reduced under this section as a result of a voluntary contribution received after the payment period prescribed in (b) of this subsection.

(2) This section does not apply to any employer who has not had an increase of at least ~~((six))~~ twelve rate classes from the previous tax rate year.

Sec. 19. RCW 50.29.062 and 1996 c 238 s 1 are each amended to read as follows:

Predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer, as defined in RCW 50.04.080, at the time of the transfer, its contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs. From and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on its experience with payrolls and benefits including the experience of the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

(2) For transfers before January 1, 2005, the following applies if the successor is not an employer at the time of the transfer~~((, it))~~. The successor shall pay contributions at the lowest rate determined under either of the following:

(a)(i) For transfers before January 1, 1997, the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year and continuing until the successor qualifies for a different rate in its own right;

(ii) For transfers on or after January 1, 1997, the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor. Beginning with the January 1 following the transfer, the successor's contribution rate shall be based on the transferred experience of the acquired business and the successor's experience after the transfer; or

(b) The contribution rate equal to the average industry rate as determined by the commissioner, but not less than one percent, and continuing until the successor qualifies for a different rate in its own right. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, must be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification code system.

(3) For transfers before January 1, 2005, if the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, its rate from the date the transfer occurred until the end of that rate year and until it qualifies in its own right for a new rate, shall be the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition, but not less than one percent.

(4) For transfers on or after January 1, 2005, the following applies if the successor is not an employer at the time of the transfer:

(a) Except as provided in (b) of this subsection, the successor shall pay contributions:

(i) At the contribution rate determined for the predecessor employer at the time of the transfer for the remainder of the rate year. Any experience attributable to the predecessor relating to the assignment of the predecessor's rate class is transferred to the successor. On and after January 1st following the transfer, the successor's array calculation factor rate shall be based on the transferred experience of the acquired business and the successor's experience after the transfer; or

(ii) At the contribution rate equal to the sum of the rates determined by the commissioner under RCW 50.29.025(2) (c)(ii) and (d)(ii), and section 17 of this act, if applicable, and continuing until the successor qualifies for a different rate in its own right.

(b) If there is a substantial continuity of ownership or management by the successor of the business of the predecessor, the successor shall pay contributions at the contribution rate determined for the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience attributable to the predecessor relating to the assignment of the predecessor's rate class is transferred to the successor. On and after January 1st following the transfer, the successor's array calculation factor rate shall be based on the transferred experience of the acquired business and the successor's experience after the transfer.

(c) If the successor simultaneously acquires the business or a portion of the business of two or more employers with different contribution rates, the successor's rate from the date the transfer occurred until the end of that rate year and until it qualifies in its own right for a new rate, shall be the sum of the rates determined by the commissioner under RCW 50.29.025(2) (a) and (b), and section 17 of this act, applicable at the time of the acquisition to the predecessor employer who, among the parties to the acquisition, had the largest taxable payroll in the completed calendar quarter immediately preceding the date of transfer, but not less than the sum of the rates determined by the commissioner under RCW 50.29.025(2) (c)(ii) and (d)(ii), and section 17 of this act, if applicable.

(5) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

~~((5))~~ (6) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate or, beginning January 1, 2005, the predecessor's array calculation factor for each rate year shall be based on its experience with payrolls and benefits as of the regular computation date for that rate year including the experience of the acquired business or portion of business up to the date of transfer: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until it satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010.

Sec. 20. RCW 50.29.070 and 1990 c 245 s 8 are each amended to read as follows:

(1) Within a reasonable time after the computation date each employer shall be notified of the employer's rate of contribution as determined for the succeeding rate year and factors used in the calculation. Beginning with rate year 2005, the notice must include the amount of the contribution rate that is attributable to each component of the rate under RCW 50.29.025(2).

(2) Any employer dissatisfied with the benefit charges made to the employer's account for the twelve-month period immediately preceding the computation date or with his or her determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within thirty days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section.

Sec. 21. RCW 50.29.020 and 2002 c 149 s 6 and 2002 c 8 s 4 are each reenacted and amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date before January 4, 2004.

(2) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

~~((2))~~ (3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Individuals who qualify for benefits under RCW 50.20.050(~~((2)(d))~~) (1)(b)(iii) shall not have their benefits charged to the experience rating account of any contribution paying employer.

(f) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

~~((3)(a))~~ (4)(a) A contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

NEW SECTION. Sec. 22. A new section is added to chapter 50.29 RCW to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050(2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(2)(b)(v) through (x).

(d) Benefits paid to an individual with respect to weeks of the benefit year that correspond to calendar weeks within a seasonal work period of a base year employer who had been designated as a seasonal employer by the commissioner under section 12(2)(c) of this act shall be charged to the experience rating account of that contribution paying seasonal employer.

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Individuals who qualify for benefits under RCW 50.20.050(2)(b)(iv), as applicable, shall not have their benefits charged to the experience rating account of any contribution paying employer.

(f) Benefits paid to an individual under section 12(2)(b)(ii) of this act that are paid for weeks that do not fall within a period designated by the commissioner as a seasonal work period of any of the individual's base year employers shall not be charged to the experience rating account of any contribution paying seasonal employer.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 23. RCW 50.12.220 and 1987 c 111 s 2 are each amended to read as follows:

(1)(a) If an employer fails to file in a timely and complete manner a report required by RCW 50.12.070 ((as now or hereafter amended)), or the rules adopted pursuant thereto, the employer shall be subject to a ((minimum)) penalty ((of ten dollars per violation)) to be determined by the commissioner, but not to exceed two hundred fifty dollars or ten percent of the quarterly contributions for each such offense, whichever is less.

(b) If an employer knowingly misrepresents to the employment security department the amount of his or her payroll upon which contributions under this title are based, the employer shall be liable to the state for up to ten times the amount of the difference in contributions paid, if any, and the amount the employer should have paid and for the reasonable expenses of auditing his or her books and collecting such sums. Such liability may be enforced in the name of the department.

(c) If any part of a delinquency for which an assessment is made under this title is due to an intent to evade the successorship provisions of RCW 50.29.062, the commissioner shall assign to the employer, and to any business found to be promoting the evasion of such provisions, the tax rate determined under RCW 50.29.025 for rate class 20 or rate class 40, as applicable, for five consecutive calendar quarters, beginning with the calendar quarter in which the intent to evade such provision is found.

(2) If contributions are not paid on the date on which they are due and payable as prescribed by the commissioner, there shall be assessed a penalty of five percent of the amount of the contributions for the first month or part thereof of delinquency; there shall be assessed a total penalty of ten percent of the amount of the contributions for the second month or part thereof of delinquency; and there shall be assessed a total penalty of twenty percent of the amount of the contributions for the third month or part thereof of delinquency. No penalty so added shall be less than ten dollars. These penalties are in addition to the interest charges assessed under RCW 50.24.040.

(3) Penalties shall not accrue on contributions from an estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer subsequent to the date when such receiver,

executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer qualifies as such, but contributions accruing with respect to employment of persons by a receiver, executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer shall become due and shall be subject to penalties in the same manner as contributions due from other employers.

(4) Where adequate information has been furnished to the department and the department has failed to act or has advised the employer of no liability or inability to decide the issue, penalties shall be waived by the commissioner. Penalties may also be waived for good cause if the commissioner determines that the failure to timely file reports or pay contributions was not due to the employer's fault.

(5) Any decision to assess a penalty as provided by this section shall be made by the chief administrative officer of the tax branch or his or her designee.

(6) Nothing in this section shall be construed to deny an employer the right to appeal the assessment of any penalty. Such appeal shall be made in the manner provided in RCW 50.32.030.

Sec. 24. RCW 50.16.010 and 2002 c 371 s 914 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

((1)) (i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title((,));

((2)) (ii) Any property or securities acquired through the use of moneys belonging to the fund((,));

((3)) (iii) All earnings of such property or securities((,));

((4)) (iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended((,));

((5)) (v) All money recovered on official bonds for losses sustained by the fund((,));

((6)) (vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended((,));

((7)) (vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304)((,)); and

((8)) (viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title((,));

(ii) All fines and penalties collected pursuant to the provisions of this title((,));

(iii) All sums recovered on official bonds for losses sustained by the fund((,)); and

(iv) Revenue received under RCW 50.24.014(~~;- PROVIDED, That~~).

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of ((a state law)) this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW ((as now exists or is later amended)).

(c) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

((a)) (i) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

((b)) (ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

((c)) (iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) ((During the 2001-2003 fiscal biennium, the cost of worker retraining programs at community and technical colleges as appropriated by the legislature.))

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, ((50.04.070, 50.04.072, 50.16.010, 50.29.025,)) 50.24.014, 50.44.053, and 50.22.010.

Sec. 25. RCW 50.16.015 and 1983 1st ex.s. c 13 s 6 are each amended to read as follows:

A separate and identifiable fund to provide for the payment of interest on advances received from this state's account in the federal unemployment trust fund shall be established and administered under the direction of the commissioner. This fund shall be known as the federal interest payment fund and shall consist of contributions paid under RCW 50.16.070. All money in this fund shall be expended solely for the payment of interest on advances received from this state's account in the federal unemployment trust fund and for no other purposes whatsoever.

Sec. 26. RCW 50.24.014 and 2000 c 2 s 15 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those

employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative cost under RCW 50.22.150 and the costs under RCW 50.22.150(9). All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(~~((6)(b))~~) (1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the unemployment compensation trust fund.

(c) For the first calendar quarter of 1994 only, the basic two one-hundredths of one percent contribution payable under (a) of this subsection shall be increased by one-hundredth of one percent to a total rate of three one-hundredths of one percent. The proceeds of this incremental one-hundredth of one percent shall be used solely for the purposes described in section 22, chapter 483, Laws of 1993, and for the purposes of conducting an evaluation of the call center approach to unemployment insurance under section 5, chapter 161, Laws of 1998. During the 1997-1999 fiscal biennium, any surplus from contributions payable under this subsection (c) may be deposited in the unemployment compensation trust fund, used to support tax and wage automated systems projects that simplify and streamline employer reporting, or both.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

Sec. 27. RCW 50.20.190 and 2002 c 371 s 915 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of a back pay award, a settlement affecting the allowance of benefits, fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of or final payment made on the individual's applicable benefit year for which the purported overpayment was made, whichever is later, unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that the overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, the determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee under RCW 36.18.012(10). The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action

in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of ~~(their)~~ the individual's monthly payments either partially or in full. The interest penalty shall be used, first, to fully fund either social security number cross-match audits or other more effective activities that ensure that individuals are entitled to all amounts of benefits that they are paid and, second, to fund other detection and recovery of overpayment and collection activities ((and, during the 2001-2003 fiscal biennium, the cost of worker retraining programs at community and technical colleges as appropriated by the legislature)).

Sec. 28. RCW 50.04.206 and 1990 c 245 s 3 are each amended to read as follows:

The term "employment" shall not include service that is performed by a nonresident alien for the period he or she is temporarily present in the United States as a nonimmigrant under subparagraph (F), ~~(H)(ii)~~, (H)(iii), or (J) of section 101(a)(15) of the federal immigration and naturalization act, as amended, and that is performed to carry out the purpose specified in the applicable subparagraph of the federal immigration and naturalization act.

PART III - ADMINISTRATION

Sec. 29. RCW 50.20.140 and 1998 c 161 s 2 are each amended to read as follows:

(1) An application for initial determination, a claim for waiting period, or a claim for benefits shall be filed in accordance with such rules as the commissioner may prescribe. An application for an initial determination may be made by any individual whether unemployed or not. Each employer shall post and maintain printed statements of such rules in places readily accessible to individuals in his or her employment and shall make available to each such individual at the time he or she becomes unemployed, a printed statement of such rules and such notices, instructions, and other material as the commissioner may by rule prescribe. Such printed material shall be supplied by the commissioner to each employer without cost to the employer.

(2) The term "application for initial determination" shall mean a request in writing, or by other means as determined by the commissioner, for an initial determination. The term "claim for waiting period" shall mean a certification, after the close of a given week, that the requirements stated herein for eligibility for waiting period have been met. The term "claim for benefits" shall mean a certification, after the close of a given week, that the requirements stated herein for eligibility for receipt of benefits have been met.

(3) A representative designated by the commissioner shall take the application for initial determination and for the claim for waiting period credits or for benefits. When an application for initial determination has been made, the employment security department shall promptly make an initial determination which shall be a statement of the applicant's base year wages, his or her weekly benefit amount, his or her maximum amount of benefits potentially payable, and his or her benefit year. Such determination shall fix the general conditions under which waiting period credit shall be granted and under which benefits shall be paid during any period of unemployment occurring within the benefit year fixed by such determination.

(4) The legislature finds that the shift by the employment security department from in-person written applications for unemployment insurance benefits to call centers and internet applications has increased the potential for fraud. Therefore, the employment security department must require claimants filing initial and weekly claims telephonically or electronically to provide additional proof of identity, such as a valid driver's license, a valid identification card, or other similar proof specified in rule by the department.

NEW SECTION. Sec. 30. The employment security department shall:

(1) In consultation with an advisory committee equally representing business and labor, identify the programs funded by special administrative contributions under Title 50 RCW and report to the advisory committee the expenditures for these programs annually and cumulatively since enactment. Following its report to the advisory committee, the

department shall report its findings and any recommendations to the appropriate committees of the legislature by December 1, 2003.

(2) Conduct a review of the type, rate, and causes of employer turnover in the unemployment compensation system, using unified business identifier information or other relevant data bases and methods. The department shall report its findings and any recommendations to the appropriate committees of the legislature by December 1, 2003.

(3) Conduct a study of the potential for year to year volatility, if any, in the rate classes to which employers in the array are assigned under RCW 50.29.025(2)(a)(ii). The department shall report its findings and any recommendations for minimizing the potential for year to year volatility to the appropriate committees of the legislature by December 1, 2003.

PART IV - MISCELLANEOUS

Sec. 31. RCW 50.20.043 and 1985 c 40 s 1 are each amended to read as follows:

No otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the commissioner, nor shall such individual be denied benefits with respect to any week in which the individual is satisfactorily progressing in a training program with the approval of the commissioner by reason of the application of RCW 50.20.010(~~(3)~~) (1)(c), (~~50.20.045~~) 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

An individual who the commissioner determines to be a dislocated worker as defined by RCW 50.04.075 and who is satisfactorily progressing in a training program approved by the commissioner shall be considered to be in training with the approval of the commissioner.

Sec. 32. RCW 50.20.160 and 1990 c 245 s 4 are each amended to read as follows:

(1) A determination of amount of benefits potentially payable issued pursuant to the provisions of RCW 50.20.120 and 50.20.140 shall not serve as a basis for appeal but shall be subject to request by the claimant for reconsideration and/or for redetermination by the commissioner at any time within one year from the date of delivery or mailing of such determination, or any redetermination thereof: PROVIDED, That in the absence of fraud or misrepresentation on the part of the claimant, any benefits paid prior to the date of any redetermination which reduces the amount of benefits payable shall not be subject to recovery under the provisions of RCW 50.20.190. A denial of a request to reconsider or a redetermination shall be furnished the claimant in writing and provide the basis for appeal under the provisions of RCW 50.32.020.

(2) A determination of denial of benefits issued under the provisions of RCW 50.20.180 shall become final, in absence of timely appeal therefrom: PROVIDED, That the commissioner may reconsider and redetermine such determinations at any time within one year from delivery or mailing to correct an error in identity, omission of fact, or misapplication of law with respect to the facts.

(3) A determination of allowance of benefits shall become final, in absence of a timely appeal therefrom: PROVIDED, That the commissioner may redetermine such allowance at any time within two years following the benefit year in which such allowance was made in order to recover any benefits improperly paid and for which recovery is provided under the provisions of RCW 50.20.190: AND PROVIDED FURTHER, That in the absence of fraud, misrepresentation, or nondisclosure, this provision or the provisions of RCW 50.20.190 shall not be construed so as to permit redetermination or recovery of an allowance of benefits which having been made after consideration of the provisions of RCW 50.20.010(~~(3)~~) (1)(c), or the provisions of RCW 50.20.050, 50.20.060, 50.20.080, or 50.20.090 has become final.

(4) A redetermination may be made at any time: (a) To conform to a final court decision applicable to either an initial determination or a determination of denial or allowance of benefits; (b) in the event of a back pay award or settlement affecting the allowance of benefits; or (c) in the case of fraud, misrepresentation, or willful nondisclosure. Written notice of any such redetermination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial or allowance of benefits and any new interested party or parties who, pursuant to such regulation as the commissioner may prescribe, would be an interested party.

Sec. 33. RCW 50.32.040 and 1989 c 175 s 117 are each amended to read as follows:

In any proceeding before an appeal tribunal involving a dispute of an individual's initial determination, all matters covered by such initial determination shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal.

In any proceeding before an appeal tribunal involving a dispute of an individual's claim for waiting period credit or claim for benefits, all matters and provisions of this title relating to the individual's right to receive such credit or benefits for the period in question, including but not limited to the question and nature of the claimant's availability for work within the meaning of RCW 50.20.010(~~(3)~~) (1)(c) and 50.20.080, shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal in single claimant cases. The claimant's availability for work shall be determined apart from all other matters.

In any proceeding before an appeal tribunal involving an individual's right to benefits, all parties shall be afforded an opportunity for hearing after not less than seven days' notice in accordance with RCW 34.05.434.

In any proceeding involving an appeal relating to benefit determinations or benefit claims, the appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall render its decision affirming, modifying, or setting aside the determination or decisions of the unemployment compensation division. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor, which shall be deemed to be the final decision on the initial determination or the claim for waiting period credit or the claim for benefits unless, within thirty days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this title relating to review by the commissioner.

Sec. 34. RCW 28B.50.030 and 1997 c 367 s 13 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education.

(2) "Board" shall mean the work force training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges created by this chapter.

(4) "Director" shall mean the administrative director for the state system of community and technical colleges.

(5) "District" shall mean any one of the community and technical college districts created by this chapter.

(6) "Board of trustees" shall mean the local community and technical college board of trustees established for each college district within the state.

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean a public school district board of directors.

(10) "Community college" shall include those higher education institutions that conduct education programs under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four year public institution of higher education.

(13) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the ((business's) business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(14) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025((6)(e)) (3).

(15) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(16) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

(17) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (18) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (18) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (18) of this section.

(18) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of

financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

NEW SECTION. Sec. 35. The commissioner of the employment security department may adopt such rules as are necessary to implement this act.

NEW SECTION. Sec. 36. The following acts or parts of acts are each repealed:

(1) RCW 50.20.015 (Person with marginal labor force attachment) and 1986 c 106 s 1, 1985 c 285 s 3, & 1984 c 205 s 9;

(2) RCW 50.20.045 (Employee separated from employment due to wage garnishment not disqualified) and 1969 ex.s. c 264 s 35;

(3) RCW 50.20.125 (Maximum amount payable weekly) and 2002 c 149 s 3; and

(4) RCW 50.29.045 (Contribution rate--Insolvency surcharge) and 2002 c 149 s 9.

NEW SECTION. Sec. 37. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. Section 30 of this act expires January 1, 2004.

NEW SECTION. Sec. 40. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

PARLIAMENTARY INQUIRY

Senator Keiser: "A parliamentary inquiry, Mr. President. I see before me two striking amendments, one from Senator Honeyford and one from me and I have a question. If we take further action on the striking amendment by Senator Honeyford, does that preclude action on my striking amendment?"

REPLY BY THE PRESIDENT

President Owen: "Once, the action is completed on the striking amendment by Senator Honeyford and the amendments are completed and the vote is taken and if it passes, then the other striking amendment would be out of order. You can only adopt one striking amendment."

Senator Keiser: "Thank you."

MOTION

Senator Brown moved that the following amendment by Senators Brown, Franklin, Spanel, Kohl-Welles, Keiser, Eide and McAuliffe to the striking amendment by Senator Honeyford be adopted:

On page 6, line 28, beginning with "(A)" strike everything through "move" on line 33 and insert the following: "has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senators Brown, Franklin, Spanel, Kohl-Welles, Keiser, Eide and McAuliffe to the striking amendment by Senator Honeyford to the striking amendment to Senate Bill No. 6097.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 19.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli- 26.

Excused: Senators Deccio, McCaslin, Shin and West - 4.

MOTION

Senator Brown moved that the following amendments to the striking amendment by Senator Honeyford be considered simultaneously and be adopted:

On page 11, line 29, strike all of section 11 and insert the following: "Sec. 11. RCW 50.20.120 and 2002 c 149 s 4 are each amended to read as follows:

(1) (a) For claims with an effective date before January 4, 2004, subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount ((determined hereinafter)), as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title: PROVIDED, That as to any week ((beginning on and after March 31, 1981,)) which falls in an extended benefit period as defined in RCW 50.22.010(1), ((as now or hereafter amended,)) an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020((, as now or hereafter amended)).

(b) With respect to claims that have an effective date on or after January 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to claims that have an effective date on or after January 4, 2004, an individual's weekly benefit amount shall be an amount equal to three and nine-tenths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. ((Except as provided in RCW 50.20.125,))

(a)(i) With respect to claims that have an effective date on or after January 4, 2004, and before January 4, 2009, the maximum amount payable weekly shall be ((seventy percent of the "average weekly wage" for the calendar year preceding such June 30th))four hundred ninety-six dollars.

(ii) With respect to claims that have an effective date on or after January 4, 2009, the maximum amount payable weekly shall be four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar."

On page 13, line 12, strike all of sections 12, 13, and 14 and insert the following: "NEW SECTION. Sec. 12. A new section is added to chapter 50.20 RCW to read as follows:

With respect to claims with an effective date on or after January 2, 2005 an otherwise eligible individual may not be denied benefits for any week because the individual is a part-time worker and is available for, seeks, applies for, or accepts only work of twenty or fewer hours per week by reason of the application of RCW 50.20.010(1)(c), 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work commensurate with the worker's employment history."

On page 35, line 18, strike all of subsection d.

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendments by Senator Brown on page 11, line 29; page 13, line 12; and page 35, line 18; to the striking amendment by Senator Honeyford to the striking amendment to Senate Bill No. 6097.

The motion by Senator Brown failed and the amendments were not adopted.

ROLL CALL

The Secretary called the roll and the amendments to the striking amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 19.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli- 26.

Excused: Senators Deccio, McCaslin, Shin and West - 4.

MOTION

Senator Honeyford moved that the following amendments to the striking amendment by Senator Honeyford be considered simultaneously and be adopted:

On page 13, line 16, after "(2)" strike "With" and insert "Except as provided in subsection (3) and subsection (2)(a) of this section, with"

On page 13, line 18, after "(a)", strike "An" and insert "With respect to claims that have an effective date on or after January 4, 2009, an"

On page 14, line 24, after "(3)" insert:

"With respect to claims that have an effective date on or after January 2, 2005, but before January 4, 2009, for a claimant who is a seasonal worker under subsection (2)(b)(i) of this section, the denial of benefits under subsection (2)(b)(i) of this section for weeks that do not correspond to calendar weeks within a seasonal work period designated by the commissioner does not apply to that seasonal worker if he or she earned less than the state average wage in his or her base year and if he or she receives his or her benefits within this state. Benefits paid pursuant to this subsection shall be charged to money credited to the account of this state in the unemployment trust fund pursuant to section 903 of the social security act, as amended. If there is no money credited pursuant to section 903 of the social security act, as amended, remaining in this state's account in the unemployment trust fund, other money in this state's account may be used for the payment of such benefits.

(4)"

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Honeyford on page 13, lines 16 and 18, and page 14, line 24, to the striking amendment by Senator Honeyford to Senate Bill No. 6097.

The motion by Senator Honeyford carried and the amendments to the striking amendment were adopted.

MOTION

Senator Keiser moved that the following amendment to the striking amendment by Senator Honeyford be adopted:

On page 1, after line 28, Strike the remainder of the bill and insert the following:

"PART I - UNEMPLOYMENT COMPENSATION BENEFITS

Sec. 1. RCW 50.04.030 and 1991 c 117 s 1 are each amended to read as follows:

(1) "Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual next files an application for an initial determination after the expiration of the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

(2) An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

(3)(a) No benefit year will be established unless it is determined that:

(i) The individual earned wages in "employment" in not less than six hundred eighty hours of the individual's base year (PROVIDED, HOWEVER, That); or

(ii) Beginning with claims that have an effective date on or after January 4, 2004, the individual earned wages in "employment" in not less than six hundred eighty hours of the individual's base year and also earned wages in "employment" in at least two quarters of the individual's base year. If sections 9 and 10 of this act are not enacted by July 1, 2003, this subsection (3)(a)(ii) is null and void.

(b) A benefit year ~~(cannot)~~ may not be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual worked and earned wages since the last separation from employment immediately before the application for initial determination in the previous benefit year if the applicant was an unemployed individual at the time of application, or since the initial separation in the previous benefit year if the applicant was not an unemployed individual at the time of filing an application for initial determination for the previous benefit year, of not less than six times the weekly benefit amount computed for the individual's new benefit year.

(c) If an individual's prior benefit year was based on the last four completed calendar quarters, a new benefit year shall not be established until the new base year does not include any hours used in the establishment of the prior benefit year.

(4) If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 2. RCW 50.20.120 and 2002 c 149 s 4 are each amended to read as follows:

(1)(a) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount ~~((determined hereinafter))~~, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title: PROVIDED, That as to any week ~~((beginning on and after March 31, 1984,))~~ which falls in an extended benefit period

as defined in RCW 50.22.010(1), (~~as now or hereafter amended,~~) an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020(~~, as now or hereafter amended~~).

(b) With respect to claims that have an effective date on or after January 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title. If sections 9 and 10 of this act are not enacted by July 1, 2003, this subsection (1)(b) is null and void.

(2)(a) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest. The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. ((Except as provided in RCW 50.20.125,))

(b) The maximum amount payable weekly shall be:

(i) Except as provided in (b)(ii) of this subsection, seventy percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) Beginning with claims that have an effective date on or after January 4, 2004, the maximum amount payable weekly shall be sixty-six and two-thirds percent of the "average weekly wage" for the calendar year preceding such June 30th or four hundred ninety-six dollars, whichever is greater. If sections 9 and 10 of this act are not enacted by July 1, 2003, this subsection (2)(b) is null and void.

(c) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th. If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

(3)(a) In addition to the amount payable weekly under subsection (2) of this section, an individual shall be paid a dependent allowance of ten dollars weekly for: (i) Each child who is a dependent of the individual for federal income tax exemptions; and (ii) each child for whom the individual owes child support obligations and for whom no other person is receiving dependent allowances under this subsection. The dependent allowance may not exceed thirty dollars weekly.

(b) For the purposes of this subsection:

(i) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (A) Under eighteen years of age; (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability; or (c) under twenty-four years of age, enrolled as a student, and regularly attending classes, or is between two successive academic years or terms, at an institution of higher education.

(ii) "Institution of higher education" means an educational institution that: (A) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; (B) is legally authorized to provide a program of education beyond high school; (c) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or offers a program of training to prepare students for gainful employment in a recognized occupation; and (D) is a public or other nonprofit institution.

(4) The sum of the amount payable weekly under subsection (2) of this section and the dependent allowance payable weekly under subsection (3) of this section may not exceed the maximum amount payable weekly specified in subsection (2) of this section.

Sec. 3. RCW 50.04.293 and 1993 c 483 s 1 are each amended to read as follows:

(1) "Misconduct" means an employee's act or failure to act in willful disregard of his or her employer's interest where the effect of the employee's act or failure to act is to harm the employer's business.

(2) "Gross misconduct" means a felony or gross misdemeanor by the employee that is connected with the employee's work which results in harm to the employer's business.

Sec. 4. RCW 50.20.065 and 1993 c 483 s 11 are each amended to read as follows:

(1) An individual who has been discharged from his or her work because of ((a felony or gross misdemeanor)) gross misconduct of which he or she has been convicted, or has admitted committing to a competent authority, ((and that is connected with his or her work)) shall have all hourly wage credits based on that employment or six hundred eighty hours of wage credits, whichever is greater, canceled.

(2) The employer shall notify the department of such an admission or conviction, not later than six months following the admission or conviction.

(3) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(4) All benefits that are paid in error based on wage/hour credits that should have been removed from the claimant's base year are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

NEW SECTION. Sec. 5. A new section is added to chapter 50.20 RCW to read as follows:

An individual is disqualified for benefits for any day during which he or she is incarcerated in any federal, state, or municipal penal institution, jail, medical facility, public or private hospital, or in any other place because of a criminal violation of a federal, state, or municipal law or ordinance. For purposes of this section, "incarceration" includes any time spent in the custody of law enforcement authorities upon adjudication or conviction by a court of competent jurisdiction.

NEW SECTION. Sec. 6. A new section is added to chapter 50.20 RCW to read as follows:

An otherwise eligible individual may not be denied benefits for any week because the individual is available for, seeks, applies for, or accepts only work of at least fifteen hours per week by reason of the application of RCW 50.20.010(3), 50.20.015, 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

Sec. 7. RCW 50.20.150 and 1970 ex.s. c 2 s 7 are each amended to read as follows:

(1) The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has

been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If, during his benefit year, the applicant becomes unemployed after having accepted subsequent work, and reports for the purpose of reestablishing his eligibility for benefits, a similar notice shall be given promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes.

(2) Each base year employer shall be promptly notified of the filing of any application for initial determination which may result in a charge to his account.

(3) Any employer who receives a notice under this section and has information which might make the applicant ineligible or disqualify the applicant for benefits shall report this information to the employment security department at the address indicated on the notice within ten days of the date the notice was mailed. If the employer reports this information to the department more than ten days after the date the notice was mailed:

(a) The applicant may not be determined to be ineligible or disqualified based on the information for a claim period compensated before receipt of the information by the department; and

(b) The applicant is entitled to a rebuttable presumption of eligibility for a claim period after receipt of the information by the department.

Sec. 8. RCW 50.20.240 and 2002 c 8 s 3 are each amended to read as follows:

(1) To ensure that following the initial application for benefits, an individual is actively engaged in searching for work, ((effective July 1, 1999,)) the employment security department shall implement a job search monitoring program. Except for those individuals with employer attachment or union referral, individuals who qualify for unemployment compensation under RCW 50.20.050(2)(d), and individuals in commissioner-approved training, an individual who has received five or more weeks of benefits under this title must provide evidence of seeking work, as directed by the commissioner or the commissioner's agents, for each week beyond five in which a claim is filed. The evidence must demonstrate contacts with at least three employers per week or documented in-person job search activity at the local reemployment center. In developing the requirements for the job search monitoring program, the commissioner or the commissioner's agents shall utilize an existing advisory committee having equal representation of employers and workers.

(2) During any extended benefit period as defined in RCW 50.22.010, the department may: (a) Suspend the job search monitoring program under subsection (1) of this section; and (b) shift funding and staff from job search monitoring activities to eligibility determination and benefit payment activities.

PART II - UNEMPLOYMENT COMPENSATION CONTRIBUTIONS

Sec. 9. RCW 50.29.020 and 2002 c 149 s 6 and 2002 c 8 s 4 are each reenacted and amended to read as follows:

(1)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to ((any)) an eligible individual((s)) shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) Benefits paid to an eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under: (i) RCW 50.20.050(2)(a) and became unemployed after having worked and earned wages in the bona fide work; or (ii) RCW 50.20.050(3).

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Individuals who qualify for benefits under RCW 50.20.050(2)(d) shall not have their benefits charged to the experience rating account of any contribution paying employer.

(f) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

(3)(a) A contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, work site, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 10. RCW 50.29.025 and 2003 c 4 (SHB 1832) s 1 are each amended to read as follows:

The contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year, except that during rate year 2004 tax schedule B shall be in effect unless a lower tax schedule is determined to be in effect by the interval of the fund balance ratio. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
((2.90)) <u>2.86 and above</u>	AA
((2.10 to 2.89)) <u>2.06 to 2.85</u>	A
((1.70 to 2.09)) <u>1.66 to 2.05</u>	B
1.40 to ((1.69)) <u>1.65</u>	C
1.00 to 1.39	D
0.70 to 0.99	E
Less than 0.70	F

(3) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (a) Identification number; (b) benefit ratio; (c) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (d) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (e) the percentage equivalent of the cumulative total of taxable payrolls.

(4) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in subsection (5) of this section: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(5)(a) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under subsection (4) of this section, within the tax schedule which is to be in effect during the rate year:

**Schedules of Contributions Rates
for Effective Tax Schedule**

**((Percent of
Cumulative
Taxable Payrolls**

<i>From</i>	<i>To</i>	<i>Rate Class</i>	<i>AA</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>
0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20.00	4	0.57	0.73	1.11	1.51	1.90	2.40	2.98
20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54

70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40))

**Percent of
Cumulative
Taxable Payrolls**

**Schedules of Contributions Rates
for Effective Tax Schedule**

<u>From</u>	<u>To</u>	<u>Rate Class</u>	<u>AA</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>
<u>0.00</u>	<u>5.00</u>	<u>1</u>	<u>0.54</u>	<u>0.55</u>	<u>0.63</u>	<u>1.00</u>	<u>1.50</u>	<u>1.90</u>	<u>2.50</u>
<u>5.01</u>	<u>10.00</u>	<u>2</u>	<u>0.54</u>	<u>0.55</u>	<u>0.82</u>	<u>1.25</u>	<u>1.70</u>	<u>2.10</u>	<u>2.70</u>
<u>10.01</u>	<u>15.00</u>	<u>3</u>	<u>0.60</u>	<u>0.60</u>	<u>1.05</u>	<u>1.45</u>	<u>1.80</u>	<u>2.30</u>	<u>2.90</u>
<u>15.01</u>	<u>20.00</u>	<u>4</u>	<u>0.70</u>	<u>0.80</u>	<u>1.17</u>	<u>1.57</u>	<u>1.93</u>	<u>2.43</u>	<u>3.01</u>
<u>20.01</u>	<u>25.00</u>	<u>5</u>	<u>0.72</u>	<u>0.92</u>	<u>1.30</u>	<u>1.70</u>	<u>2.09</u>	<u>2.59</u>	<u>3.08</u>
<u>25.01</u>	<u>30.00</u>	<u>6</u>	<u>0.91</u>	<u>1.03</u>	<u>1.44</u>	<u>1.89</u>	<u>2.29</u>	<u>2.69</u>	<u>3.18</u>
<u>30.01</u>	<u>35.00</u>	<u>7</u>	<u>1.00</u>	<u>1.17</u>	<u>1.61</u>	<u>2.08</u>	<u>2.48</u>	<u>2.88</u>	<u>3.27</u>
<u>35.01</u>	<u>40.00</u>	<u>8</u>	<u>1.19</u>	<u>1.35</u>	<u>1.79</u>	<u>2.27</u>	<u>2.67</u>	<u>3.07</u>	<u>3.47</u>
<u>40.01</u>	<u>45.00</u>	<u>9</u>	<u>1.37</u>	<u>1.52</u>	<u>1.97</u>	<u>2.47</u>	<u>2.87</u>	<u>3.27</u>	<u>3.66</u>

<u>45.01</u>	<u>50.00</u>	<u>10</u>	<u>1.56</u>	<u>1.69</u>	<u>2.15</u>	<u>2.66</u>	<u>3.06</u>	<u>3.46</u>	<u>3.86</u>
<u>50.01</u>	<u>55.00</u>	<u>11</u>	<u>1.84</u>	<u>1.95</u>	<u>2.33</u>	<u>2.85</u>	<u>3.25</u>	<u>3.66</u>	<u>3.95</u>
<u>55.01</u>	<u>60.00</u>	<u>12</u>	<u>2.03</u>	<u>2.12</u>	<u>2.51</u>	<u>3.04</u>	<u>3.44</u>	<u>3.85</u>	<u>4.15</u>
<u>60.01</u>	<u>65.00</u>	<u>13</u>	<u>2.22</u>	<u>2.29</u>	<u>2.69</u>	<u>3.23</u>	<u>3.64</u>	<u>4.04</u>	<u>4.34</u>
<u>65.01</u>	<u>70.00</u>	<u>14</u>	<u>2.40</u>	<u>2.47</u>	<u>2.87</u>	<u>3.43</u>	<u>3.83</u>	<u>4.24</u>	<u>4.54</u>
<u>70.01</u>	<u>75.00</u>	<u>15</u>	<u>2.64</u>	<u>2.68</u>	<u>3.05</u>	<u>3.62</u>	<u>4.02</u>	<u>4.43</u>	<u>4.63</u>
<u>75.01</u>	<u>80.00</u>	<u>16</u>	<u>2.81</u>	<u>2.87</u>	<u>3.25</u>	<u>3.81</u>	<u>4.22</u>	<u>4.53</u>	<u>4.73</u>
<u>80.01</u>	<u>85.00</u>	<u>17</u>	<u>3.27</u>	<u>3.47</u>	<u>3.77</u>	<u>4.17</u>	<u>4.57</u>	<u>4.87</u>	<u>4.97</u>
<u>85.01</u>	<u>90.00</u>	<u>18</u>	<u>3.67</u>	<u>3.87</u>	<u>4.17</u>	<u>4.57</u>	<u>4.87</u>	<u>4.97</u>	<u>5.17</u>
<u>90.01</u>	<u>95.00</u>	<u>19</u>	<u>4.10</u>	<u>4.30</u>	<u>4.60</u>	<u>5.00</u>	<u>5.10</u>	<u>5.20</u>	<u>5.40</u>
<u>95.01</u>	<u>100.00</u>	<u>20</u>	<u>5.40</u>	<u>5.40</u>	<u>5.40</u>	<u>5.45</u>	<u>5.50</u>	<u>5.55</u>	<u>5.60</u>
		<u>20A</u>		<u>5.45</u>	<u>5.50</u>	<u>5.55</u>	<u>5.60</u>	<u>5.65</u>	<u>5.70</u>
		<u>20B</u>	<u>5.40</u>						
		<u>20C</u>	<u>5.50</u>	<u>5.55</u>	<u>5.60</u>	<u>5.65</u>	<u>5.70</u>	<u>5.75</u>	<u>5.80</u>

5.60 5.65 5.70 5.75 5.80 5.85 5.90

20D

5.70 5.75 5.80 5.85 5.90 5.95 6.00

20E

- (b) Employers assigned to rate class 20 shall be assigned to one of the rate classes 20A through E as follows:
(i) Employers with a benefit ratio of less than 0.054000 shall be assigned to rate class 20A;
(ii) Employers with a benefit ratio of at least 0.054000 but less than 0.063000 shall be assigned to rate class 20B;
(iii) Employers with a benefit ratio of at least 0.063000 but less than 0.068000 shall be assigned to rate class 20C;
(iv) Employers with a benefit ratio of at least 0.068000 but less than 0.075000 shall be assigned to rate class 20D;

and

(v) Employers with a benefit ratio of 0.075000 or higher shall be assigned to rate class 20E.

(6) The contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20E for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20E for the applicable rate year; and

(b) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner, plus fifteen percent; however, the rate may not be less than one percent or more than the rate in rate class 20E for the applicable rate year. Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the ("Standard Industrial Classification Manual") North American industry classification system issued by the federal office of management and budget ((to the third digit provided in the standard industrial classification code, or in the North American industry classification system code)).

Sec. 11. RCW 50.29.062 and 1996 c 238 s 1 are each amended to read as follows:

Predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer, as defined in RCW 50.04.080, at the time of the transfer, its contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs. From and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on its experience with payrolls and benefits including the experience of the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

(2) For transfers before January 1, 2004, if the successor is not an employer at the time of the transfer, it shall pay contributions at the lowest rate determined under either of the following:

(a)(i) For transfers before January 1, 1997, the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year and continuing until the successor qualifies for a different rate in its own right;

(ii) For transfers on or after January 1, 1997, the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor. Beginning with the January 1 following the transfer, the successor's contribution rate shall be based on the transferred experience of the acquired business and the successor's experience after the transfer; or

(b) The contribution rate equal to the average industry rate as determined by the commissioner, but not less than one percent, and continuing until the successor qualifies for a different rate in its own right. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, must be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification system code.

(3) For transfers before January 1, 2004, if the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, its rate from the date the transfer occurred until the end of that rate year and until it qualifies in its own right for a new rate, shall be the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition, but not less than one percent.

(4) For transfers on or after January 1, 2004, the following applies if the successor is not an employer at the time of the transfer:

(a) Except as provided otherwise in this subsection, the successor shall pay contributions at the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. On and after January 1st following the transfer, the successor's contribution rate for each rate year shall be based on its experience with payrolls and benefits including the experience of the acquired business or portion of the business from the date of transfer.

(b) If the successor simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, the successor's contribution rate from the date the transfer occurred until the end of that rate year shall be the rate in the highest rate class applicable at the time of the acquisition to any predecessor employer who is a

party to the acquisition, but not less than one percent. On and after January 1st following the transfer, the successor's contribution rate for each rate year shall be based on its experience with payrolls and benefits including the experience of the acquired businesses from the date of transfer.

(c)(i) If there is a substantial continuity of ownership, control, or management by the successor of the business of the predecessor, the successor shall pay contributions at the contribution rate determined for the predecessor employer at the time of the transfer and continuing until such time as the successor satisfies the requirements of a "qualified employer" under RCW 50.29.010.

(ii) For purposes of this subsection:

(A) "Substantial continuity of ownership" means that a shareholder, officer, or other owner of a legal or equitable interest in the predecessor employer, or the spouse or a person within the first degree of consanguinity or affinity of the shareholder, officer, or other owner: (I) Is a shareholder, officer, or other owner of a legal or equitable interest in the successor; or (II) holds an option to purchase a legal or equitable interest in the successor.

(B) "Substantial continuity of control" exists if one or more persons, entities, or other organizations controlling the business remain in control of the business after an acquisition or change in form. Evidence of continuity of control shall include, but not be limited to: (I) Changes of an individual proprietorship to a corporation, partnership, limited liability company, association, or estate; (II) a partnership to an individual proprietorship, corporation, limited liability company, association, estate, or the addition, deletion, or change of partners; (III) a limited liability company to an individual proprietorship, partnership, corporation, association, estate, or to another limited liability company; and (IV) a corporation to an individual proprietorship, partnership, limited liability company, association, estate, or to another corporation or from any form to another form.

(5) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

((5)) (6) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on its experience with payrolls and benefits as of the regular computation date for that rate year including the experience of the acquired business or portion of business up to the date of transfer: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until it satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010.

Sec. 12. RCW 50.12.220 and 1987 c 111 s 2 are each amended to read as follows:

(1) If an employer fails to file in a timely and complete manner a report required by RCW 50.12.070 ((as now or hereafter amended)) or the rules adopted pursuant thereto, the employer shall be subject to a minimum penalty of ten dollars per violation.

(2) If contributions are not paid on the date on which they are due and payable as prescribed by the commissioner, there shall be assessed a penalty of five percent of the amount of the contributions for the first month or part thereof of delinquency; there shall be assessed a total penalty of ten percent of the amount of the contributions for the second month or part thereof of delinquency; and there shall be assessed a total penalty of twenty percent of the amount of the contributions for the third month or part thereof of delinquency. No penalty so added shall be less than ten dollars. These penalties are in addition to the interest charges assessed under RCW 50.24.040.

(3) If any part of the delinquency for which an assessment is made is due to fraud or an intent to evade or defeat any contributions payable under this title, including any violation of RCW 50.12.070, a penalty of fifty percent of the amount of the contributions shall be added to the assessment. This penalty is in addition to other penalties provided by law.

(4) If any part of the delinquency for which an assessment is made is due to an intent to evade the successorship provisions of RCW 50.29.062, the department shall assign to the employer, and to any business found to be promoting the evasion of such provisions, the maximum tax rate provided for in RCW 50.29.025(5) for five calendar quarters, beginning with the calendar quarter in which the intent to evade such provisions is found.

(5) Penalties shall not accrue on contributions from an estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer subsequent to the date when such receiver, executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer qualifies as such, but contributions accruing with respect to employment of persons by a receiver, executor, administrator, trustee in bankruptcy, common law assignee, or other liquidating officer shall become due and shall be subject to penalties in the same manner as contributions due from other employers.

((4)) (6) Where adequate information has been furnished to the department and the department has failed to act or has advised the employer of no liability or inability to decide the issue, penalties shall be waived by the commissioner. Penalties may also be waived for good cause if the commissioner determines that the failure to timely file reports or pay contributions was not due to the employer's fault.

((5)) (7) Any decision to assess a penalty as provided by this section shall be made by the chief administrative officer of the tax branch or his or her designee.

((6)) (8) Nothing in this section shall be construed to deny an employer the right to appeal the assessment of any penalty. Such appeal shall be made in the manner provided in RCW 50.32.030.

PART III - MISCELLANEOUS

Sec. 13. RCW 50.22.140 and 2002 c 149 s 1 are each amended to read as follows:

(1) The employment security department is authorized to pay training benefits under RCW 50.22.150, but may not obligate expenditures beyond the limits specified in this section or as otherwise set by the legislature. For the fiscal year ending June 30, 2000, the commissioner may not obligate more than twenty million dollars for training benefits. For the two fiscal years ending June 30, 2002, the commissioner may not obligate more than sixty million dollars for training benefits. Any funds not obligated in one fiscal year may be carried forward to the next fiscal year. For each fiscal year beginning after June 30, 2002, the commissioner may not obligate more than twenty million dollars annually in addition to

any funds carried forward from previous fiscal years. The department shall develop a process to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

(2) After June 30, 2002, in addition to the amounts that may be obligated under subsection (1) of this section, the commissioner may obligate up to thirty-four million dollars for training benefits under RCW 50.22.150 for individuals in the aerospace industry assigned (~~the standard industrial classification code "372" or~~) the North American industry classification system code "336411" whose claims are filed before January 5, 2003. The funds provided in this subsection must be fully obligated for training benefits for these individuals before the funds provided in subsection (1) of this section may be obligated for training benefits for these individuals. Any amount of the funds specified in this subsection that is not obligated as permitted may not be carried forward to any future period.

Sec. 14. RCW 50.22.150 and 2002 c 149 s 2 are each amended to read as follows:

(1) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits and who:

(a) Is a dislocated worker as defined in RCW 50.04.075;

(b) Except as provided under subsection (2) of this section, has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process;

(c) Is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job-related training to find suitable employment in his or her labor market. Beginning July 1, 2001, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the local work force development councils, in cooperation with the employment security department and its labor market information division, under subsection (10) of this section;

(d) Develops an individual training program that is submitted to the commissioner for approval within sixty days after the individual is notified by the employment security department of the requirements of this section;

(e) Enters the approved training program by ninety days after the date of the notification, unless the employment security department determines that the training is not available during the ninety-day period, in which case the individual enters training as soon as it is available; and

(f) Is enrolled in training approved under this section on a full-time basis as determined by the educational institution, and is making satisfactory progress in the training as certified by the educational institution.

(2) Until June 30, 2002, the following individuals who meet the requirements of subsection (1) of this section may, without regard to the tenure requirements under subsection (1)(b) of this section, receive training benefits as provided in this section:

(a) An exhaustee who has base year employment in the aerospace industry assigned (~~the standard industrial classification code "372" or~~) the North American industry classification system code "336411";

(b) An exhaustee who has base year employment in the forest products industry, determined by the department, but including the industries assigned the (~~major group standard industrial classification codes "24" and "26" or any~~) equivalent codes in the North American industry classification system code, and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment; or

(c) An exhaustee who has base year employment in the fishing industry assigned the (~~standard industrial classification code "0912" or any~~) equivalent codes in the North American industry classification system code.

(3) An individual is not eligible for training benefits under this section if he or she:

(a) Is a standby claimant who expects recall to his or her regular employer;

(b) Has a definite recall date that is within six months of the date he or she is laid off; or

(c) Is unemployed due to a regular seasonal layoff which demonstrates a pattern of unemployment consistent with the provisions of RCW 50.20.015. Regular seasonal layoff does not include layoff due to permanent structural downsizing or structural changes in the individual's labor market.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410, including equivalent educational institutions in other states.

(b) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base year and at least two of the four twelve-month periods immediately preceding the base year.

(c) "Training benefits" means additional benefits paid under this section.

(d) "Training program" means:

(i) An education program determined to be necessary as a prerequisite to vocational training after counseling at the educational institution in which the individual enrolls under his or her approved training program; or

(ii) A vocational training program at an educational institution:

(A) That is targeted to training for a high demand occupation. Beginning July 1, 2001, the assessment of high demand occupations authorized for training under this section must be substantially based on labor market and employment information developed by local work force development councils, in cooperation with the employment security department and its labor market information division, under subsection (10) of this section;

(B) That is likely to enhance the individual's marketable skills and earning power; and

(c) That meets the criteria for performance developed by the work force training and education coordinating board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220.

"Training program" does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(5) Benefits shall be paid as follows:

(a)(i) Except as provided in (a)(iii) of this subsection, for exhaustees who are eligible under subsection (1) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(ii) For exhaustees who are eligible under subsection (2) of this section, for claims filed before June 30, 2002, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(iii) For exhaustees eligible under subsection (1) of this section from industries listed under subsection (2)(a) of this section, for claims filed on or after June 30, 2002, but before January 5, 2003, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.

(c) Training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(6) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(7)(a) Except as provided in (b) of this subsection, individuals who receive training benefits under this section or under any previous additional benefits program for training are not eligible for training benefits under this section for five years from the last receipt of training benefits under this section or under any previous additional benefits program for training.

(b) With respect to claims that are filed before January 5, 2003, an individual in the aerospace industry assigned ~~((the standard industrial code "372" or))~~ the North American industry classification system code "336411" who received training benefits under this section, and who had been making satisfactory progress in a training program but did not complete the program, is eligible, without regard to the five-year limitation of this section and without regard to the requirement of subsection (1)(b) of this section, if applicable, to receive training benefits under this section in order to complete that training program. The total training benefit amount that applies to the individual is seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits paid, or deemed paid, with respect to the benefit year in which the training program resumed and, if applicable, reduced by the amount of training benefits paid, or deemed paid, with respect to the benefit year in which the training program commenced.

(8) An individual eligible to receive a trade readjustment allowance under chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to receive emergency unemployment compensation, so called, under any federal law, shall not be eligible to receive benefits under this section for each week the individual receives such compensation.

(9) All base year employers are interested parties to the approval of training and the granting of training benefits.

(10) By July 1, 2001, each local work force development council, in cooperation with the employment security department and its labor market information division, must identify occupations and skill sets that are declining and occupations and skill sets that are in high demand. For the purposes of RCW 50.22.130 through 50.22.150 and section 9, chapter 2, Laws of 2000, "high demand" means demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area. Local work force development councils must use state and locally developed labor market information. Thereafter, each local work force development council shall update this information annually or more frequently if needed.

(11) The commissioner shall adopt rules as necessary to implement this section.

Sec. 15. RCW 50.44.053 and 2001 c 99 s 2 are each amended to read as follows:

(1) The term "reasonable assurance," as used in RCW 50.44.050, means a written, verbal, or implied agreement that the employee will perform services in the same capacity during the ensuing academic year or term as in the first academic year or term. A person shall not be deemed to be performing services "in the same capacity" unless those services are rendered under the same terms or conditions of employment in the ensuing year as in the first academic year or term.

(2) An individual who is tenured or holds tenure track status is considered to have reasonable assurance, unless advised otherwise by the college. For the purposes of this section, tenure track status means a probationary faculty employee having an opportunity to be reviewed for tenure.

(3) In the case of community and technical colleges assigned ~~((the standard industrial classification code 8222 or))~~ the North American industry classification system code 611210 for services performed in a principal administrative, research, or instructional capacity, a person is presumed not to have reasonable assurance under an offer that is conditioned on enrollment, funding, or program changes. It is the college's burden to provide sufficient documentation to overcome this presumption. Reasonable assurance must be determined on a case-by-case basis by the total weight of evidence rather than the existence of any one factor. Primary weight must be given to the contingent nature of an offer of employment based on enrollment, funding, and program changes.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 50.20.125 (Maximum amount payable weekly) and 2002 c 149 s 3; and

(2) RCW 50.29.045 (Contribution rate--Insolvency surcharge) and 2002 c 149 s 9.

NEW SECTION. Sec. 17. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. (1) Section 9 of this act applies to benefits charged to the experience rating accounts of employers with respect to claims that have an effective date on or after January 4, 2004.

(2) Section 10 of this act applies to rate years beginning on or after January 1, 2004.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

POINT OF ORDER

Senator Sheahan: "A point of order, Mr. President. We have two amendments before by us Senator Keiser, one a striking amendment and the amendment on page 1, after line 28, where the 'strike everything after the enacting clause' language has been scratched out. I would suggest that this amendment that Senator Keiser just moved to the striking amendment by Senator Honeyford is actually a striking amendment since every single area of substantive law is the same in the striking amendment, so I would ask the President for a ruling as to whether the amendment before us is appropriate before the body."

REMARKS BY SENATOR KEISER

Senator Keiser: "Mr. President, earlier I asked you for advice when I inquired with a parliamentary inquiry on the two striking amendments before us. I was advised that you did not believe that we could consider the two striking amendments, so I worked with staff to redraft the proposal that I think merits discussion and that we can consider it as a body. I would urge us to move forward with that."

RULING BY THE PRESIDENT

President Own: "In ruling upon the point of order raised by Senator Sheahan, the President finds that the two amendments that you referred to--the striking amendment and the redrafted amendment by Senator Keiser--are not the same and, therefore, the amendment by Senator Keiser on page 1, line 28 is properly before us."

Further debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Keiser on page 1, line 28, to the striking amendment by Senator Honeyford to Senate Bill No. 6097.

ROLL CALL

The Secretary called the roll and the amendment to the striking amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 19.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli- 26.

Excused: Senators Deccio, McCaslin, Shin and West - 4.

The President declared the question to be the adoption of the striking amendment by Senator Honeyford, as amended, to Senate Bill No. 6097.

Debate ensued.

The motion by Senator Honeyford carried and the striking amendment, as amended, was adopted. There being no objection, the following title amendment was adopted.

On page 1, line 3 of the title, after "rates;" strike the remainder of the title and insert "amending RCW 50.01.010, 50.20.010, 50.20.050, 50.04.293, 50.20.060, 50.20.065, 50.20.240, 50.20.120, 50.20.100, 50.29.025, 50.04.355, 50.29.026, 50.29.062, 50.29.070, 50.12.220, 50.16.010, 50.16.015, 50.24.014, 50.20.190, 50.04.206, 50.20.140, 50.20.043, 50.20.160, 50.32.040, and 28B.50.030; reenacting and amending RCW 50.29.020; adding new sections to chapter 50.04 RCW; adding new sections to chapter 50.20 RCW; adding new sections to chapter 50.29 RCW; creating new sections; repealing RCW 50.20.015, 50.20.045, 50.20.125, and 50.29.045; providing an expiration date; and declaring an emergency."

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Senate Bill No. 6097, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6097, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6097, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 33.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, Regala, Sheldon, B., Spanel and Thibaudeau - 12.

Excused: Senators Deccio, McCaslin, Shin and West - 4.

ENGROSSED SENATE BILL NO. 6097, under suspension of the rules, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Senate Bill No. 6097 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, the Senate will immediately consider House Bill No. 2252.

SECOND READING

HOUSE BILL NO. 2252, by Representatives Sommers, Fromhold and Moeller

Revising eligibility requirements for general assistance.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, House Bill No. 2252 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2252, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2252, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 42; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Winsley and Zarelli - 42.

Voting nay: Senators Fraser, Reardon, and Thibaudeau - 3.

Excused: Senators Deccio, McCaslin, Shin and West - 4.

HOUSE BILL NO. 2252, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, House Bill No. 2252 was ordered to be immediately transmitted to the House of Representatives.

MOTION

At 4:50 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 7:14 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate returned to the fifth order of business.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6093, which was held on the Introduction and First Reading Calendar June 6, 2003, was advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Hewitt, Senator Zarelli was excused.

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, by Committee on Ways and Means (originally sponsored by Senators Reardon, Schmidt, Shin, Stevens and Rasmussen)

Revising business and occupation taxation for certain aviation businesses.

The bill was read the third time.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5071.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5071 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 10; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker and Winsley - 34.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Kastama, Kline, Poulsen, Regala, Spanel and Thibaudeau - 10.

Excused: Senators Deccio, McCaslin, Shin, West and Zarelli - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute Senate Bill No. 5071 was ordered to be immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Prentice: *“Mr. President, I rise to a point of personal privilege. I would like to thank everyone in the Senate and all my colleagues and staff for all the support I have received in the past couple of months. As you know, the last several weeks of session were very difficult and I could certainly feel your support--as you could see what was going on. One of the things that has helped sustain me is to know that I am surrounded by such good friends--good thoughtful friends. There is one thing that I would like to say and that is please show and tell your spouses and significant others how much you love them. Truly, it is important. Don't leave unsaid the things you should be saying now. Thank you all very much.”*

PERSONAL PRIVILEGE

Senator Brandland: *“A point of personal privilege, Mr. President. Today, this has been kind of unusual for me. We have had a Call of the Senate. I have to tell you it feels a whole lot like being incarcerated and it is pretty uncomfortable for a man, who for twenty-seven years, was on the other end of putting people in custody. I have to tell you I felt very uncomfortable doing that. Now, that being said, I would like, in the future, if we have to do this again, I would like to volunteer my services. I do have a set of handcuffs and I would dearly love to put them on some people that I know. Thank you very much.”*

PERSONAL PRIVILEGE

Senator Benton: *“A point of personal privilege, Mr. President. The only thing that scares me more than having Senator Brandland put a pair of handcuffs on somebody is somebody dearly loving to want him to put them on them.”*

PERSONAL PRIVILEGE

Senator Carlson: *“Mr. President, I rise to a point of personal privilege. Mr. President, and ladies and gentlemen of the Senate, as many of you know, there seems to be a dilemma of illness in legislative assistants, as well as legislators, during this particular session. My legislative assistant, Donna Sorrell, unfortunately, was diagnosed with cancer and was in the hospital last week for removal of a section of her colon for the cancer that she has. She is resting comfortably and recovering and will start chemotherapy soon. I appreciate the support that she has felt from the legislative assistants from the House and the Senate and from you who have cared about her. She is doing very well and has a terrific attitude. She is going to beat this thing and I thank you for your support for her.”*

MOTION

On motion of Senator Sheahan, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 5982, by Senators Prentice, Hewitt, Doumit, Horn and Reardon

Implementing the liquor control board's retail business plan.

MOTION

On motion of Senator Hewitt, Substitute Senate Bill No 5982 was substituted for Senate Bill No. 5982 and the substitute bill was placed on second reading and read the second time.

MOTION

On motion of Senator Hewitt, the following striking amendment by Senators Hewitt, Prentice, Zarelli and Doumit was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. *Sec. 1 A new section is added to chapter 66.08 RCW to read as follows:*

The legislature finds that the liquor control board has developed a retail services business plan to provide greater efficiency of operations and to maximize revenues to the state. The legislature intends to examine whether expanding liquor store operations to include Sundays would provide additional revenue and provide increased customer convenience.

NEW SECTION. *Sec. 2. A new section is added to chapter 66.08 RCW to read as follows:*

The board shall devise a retail business plan, or amend an existing retail business plan, to implement strategies to improve the efficiency of retail sales operations and maximize revenue-generating opportunities. Strategies to be implemented shall include, but are not limited to:

(1) Expanding store operations to include Sunday sales in selected liquor stores. Sunday sales are optional for liquor vendors operating agency stores;

(2) Implementing a plan of in-store liquor merchandising, including point-of-sale advertising, and product specific point-of-sale promotional displays and carousels, including displays designed and provided by vendors; and

(3) Implementing a plan for in-store liquor merchandising of brands. The plan may not include provisions for selling liquor-related items other than those items previously authorized.

NEW SECTION. Sec. 3. A new section is added to chapter 66.08 RCW to read as follows:

By September 1, 2003, the board shall expand operations in at least twenty state-operated retail stores to include Sundays. The board shall select the stores that are expected to gross the most revenues on Sunday by considering factors including, but not limited to, population density, proximity to shopping centers, and proximity to other businesses that are open on Sunday. The selected stores shall be open for retail business a minimum of five hours on Sunday. The board shall track gross sales and expenses of the selected stores and compare them to previous years' sales and projected sales and expenses before opening on Sunday. The board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings has reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2004.

Sec. 4. RCW 66.08.026 and 2001 c 313 s 1 are each amended to read as follows:

All administrative expenses of the board incurred on and after April 1, 1963, shall be appropriated and paid from the liquor revolving fund. These administrative expenses shall include, but not be limited to: The salaries and expenses of the board and its employees, the cost of establishing, leasing, maintaining, and operating state liquor stores and warehouses, legal services, pilot projects, annual or other audits, and other general costs of conducting the business of the board, and the costs of supplying, installing, and maintaining equipment used in state liquor stores and agency liquor vendor stores for the purchase of liquor ((by nonlicensees)) using debit or credit cards. The administrative expenses shall not, however, be deemed to include costs of liquor and lottery tickets purchased, the cost of transportation and delivery to the point of distribution, other costs pertaining to the acquisition and receipt of liquor and lottery tickets, packaging and repackaging of liquor, agency commissions for agency liquor vendor stores, transaction fees associated with credit or debit card purchases for liquor in state liquor stores and in the stores of agency liquor vendors pursuant to RCW 66.16.040 and 66.16.041, sales tax, and those amounts distributed pursuant to RCW 66.08.180, 66.08.190, 66.08.200, 66.08.210 and 66.08.220. Agency commissions for agency liquor vendor stores shall be established by the liquor control board after consultation with and approval by the director of the office of financial management. All expenditures and payment of obligations authorized by this section are subject to the allotment requirements of chapter 43.88 RCW.

Sec. 5. RCW 66.08.060 and 1933 ex.s. c 62 s 43 are each amended to read as follows:

(1) The board shall not advertise liquor in any form or through any medium whatsoever.

(2) In-store liquor merchandising is not advertising for the purposes of this section.

(3) The board shall have power to adopt any and all reasonable ((regulations)) rules as to the kind, character, and location of advertising of liquor.

Sec. 6. RCW 66.16.041 and 1998 c 265 s 3 are each amended to read as follows:

(1) The state liquor control board shall accept bank credit card and debit cards ((from nonlicensees)) for purchases in state liquor stores, under such rules as the board may adopt. The board shall authorize liquor vendors appointed under RCW 66.08.050 to accept bank credit cards and debit cards for liquor purchases under this title, under such rules as the board may adopt.

(2) If a liquor vendor operating an agency store chooses to use credit or debit cards for liquor purchases ((by nonlicensees)), the board shall provide equipment and installation and maintenance of the equipment necessary to implement the use of credit and debit cards. Any equipment provided by the board to an agency liquor vendor store for this purpose may be used only for the purchase of liquor.

(3) If the revenues and expenditures associated with implementing the use of credit and debit cards for the purchase of alcohol ((by nonlicensees)) from state liquor stores and agency stores operated by liquor vendors results in a reduction of the liquor revolving fund balance for fiscal year 1999 and the 1999-01 biennium, the board shall consider increasing the price of alcohol products to offset the reduction.

~~((4) The board shall provide a report evaluating the implementation of this section, including revenue and expenditures, to the appropriate committees of the legislature by December 1, 1998.))~~

NEW SECTION. Sec. 7. A new section is added to chapter 66.08 RCW to read as follows:

In addition to the criteria stated in section 3 of this act, when choosing which stores to open on Sundays, the board shall follow the same criteria and procedures with respect to places of worship as established in RCW 66.24.010(9) for retail licensees.

NEW SECTION. Sec. 8. The sum of nine hundred sixty-one thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2005, from the liquor revolving account to the liquor control board for the purposes of implementing this act.

NEW SECTION. Sec. 9. RCW 66.16.080 (Sunday closing) and 1988 c 101 s 1 & 1933 ex.s. c 62 s 11 are each repealed.

NEW SECTION. Sec. 10.. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003."

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

On page 1, line 2 of the title, after "plan;" strike the remainder of the title and insert "amending RCW 66.08.026, 66.08.060, and 66.16.041; adding new sections to chapter 66.08 RCW; creating a new section; repealing RCW 66.16.080; making an appropriation; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Hewitt, the rules were suspended, Engrossed Substitute Senate Bill No. 5982 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued

POINT OF INQUIRY

Senator Doumit: "Senator Hewitt, does this striking amendment contemplate a use for any increased revenues from Sunday liquor sales?"

Senator Hewitt: "Thank you, Senator Doumit. While the amendment does not specify the use of increase revenues, if increases are sufficient, they could be used as a source of funding for rural counties to use when carrying out state mandated programs."

Senator Doumit: "If increased revenues were to be earmarked for use by rural counties, would this take additional legislation?"

Senator Hewitt: "Yes."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5982.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5982 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 18; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Esser, Fairley, Finkbeiner, Hale, Hewitt, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Poulsen, Prentice, Rasmussen, Reardon, Rossi, Schmidt, Sheahan, Sheldon, T., Spanel and Thibaudeau - 26.

Voting nay: Senators Eide, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, McAuliffe, Morton, Mulliken, Oke, Parlette, Regala, Roach, Sheldon, B., Stevens, Swecker and Winsley - 18.

Excused: Senators Deccio, McCaslin, Shin, West and Zarelli - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute Senate Bill No. 5982 was ordered to be immediately transmitted to the House of Representative.

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, by Committee on Government Operations and Elections (originally sponsored by Senators Winsley, Kastama, Oke, Franklin, Swecker, Rasmussen, Regala and Kohl-Welles)

Authorizing additional funding for local governments.

MOTION

On motion of Senator Winsley, the rules were suspended, Engrossed Substitute Senate Bill No. 5659 was returned to second reading and read the second time.

MOTION

Senator Winsley moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. *The legislature finds that local governments in the state of Washington face enormous challenges in the area of criminal justice and public health. It is the legislature's intent to allow general local governments to raise revenues in order to better protect the health and safety of Washington state and its residents. It is further the intent of the legislature to provide such local governments relief from regulatory burdens that do not harm the public health and safety of the citizens of the state as a means of minimizing the need to generate new revenues authorized under this act.*

NEW SECTION. Sec. 2. *A new section is added to chapter 82.14 RCW to read as follows:*

(1) *A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. Funds raised under this tax shall not supplant existing funds used for these purposes. The rate of tax under this section shall not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.*

(2) *The tax authorized in this section is in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.*

(3) *The retail sale or use of new motor vehicles, and the lease of new motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.*

(4) *One-third of all money received under this section shall be used solely for criminal justice purposes. For the purposes of this subsection, "criminal justice purposes" means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities.*

(5) *Money received under this section shall be shared between the county and the cities as follows: Sixty percent shall be retained by the county and forty percent shall be distributed on a per capita basis to cities in the county.*

Sec. 3. *RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read as follows:*

(1)(a) *Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. A county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. A county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.*

(b) *Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.*

(2)(a) *Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section. Amendments may be considered more frequently than once per year under the following circumstances:*

(i) *The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;*

(ii) *The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and*

(iii) *The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.*

(b) *Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.*

(3) *Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.*

(4) *The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the*

requirements of this chapter. The schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for ((Clallam,)) Clark, ((Jefferson,)) King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, Clallam, Jefferson, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section shall have the requisite authority to receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. Only those counties and cities in compliance with the schedules in this section shall receive preference for grants or loans subject to the provisions of RCW 43.17.250.

Sec. 4. RCW 84.55.050 and 1989 c 287 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (3)(b) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state any conditions which are applicable under subsection (3) of this section.

(2) After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, except as provided in subsections (3) and (4) of this section.

(3) A proposition placed before the voters under this section may:

(a) Limit the period for which the increased levy is to be made;

(b) Subject to statutory dollar limitations in RCW 84.52.043, authorize annual increases in levies for any county, city, or town for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the specific purposes for which the proposed levy increase shall be used, and funds raised under this levy shall not supplant existing funds used for these purposes;

(c) Limit the purpose for which the increased levy is to be made, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

((e)) (d) Set the levy at a rate less than the maximum rate allowed for the district;

(e) Provide that the maximum allowable dollar amount of the final annual levy of the period specified in the measure shall be used to compute the limitations provided for in this chapter on levy increases occurring after the expiration of the period; or

((e)) (f) Include any combination of the conditions in this subsection.

(4) Except as otherwise provided in an approved ballot measure under this section, after the expiration of a limited period or the satisfaction of a limited purpose, whichever comes first, subsequent levies shall be computed as if:

(a) The limited proposition under subsection (3) of this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the limited proposition.

Sec. 5. RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read as follows:

(1)(a) Each county that has both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, on or after May 16, 1995, has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall conform with all of the requirements of this chapter. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a

resolution removing the county, and the cities located within the county, from the requirements of adopting comprehensive land use plans and development regulations under this chapter if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection ~~((5))~~ (6) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

(b) Once a county meets either of these sets of criteria and the county has not removed itself from the requirement to plan under this section pursuant to subsection (3) of this section, the requirement to conform with all of the requirements of this chapter remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention to have subsection (1) of this section apply to the county. Each city, located in a county that chooses to plan under this subsection, shall conform with all of the requirements of this chapter. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this chapter unless the county removes itself from the requirement to plan under this section pursuant to subsection (3) of this section.

(3) A county that meets the requirements of this subsection, and a city located within the county, may be relieved from the requirement to plan under this section.

(a) A county may be relieved from the planning requirement of this section only if the county: (i) Has a population of less than ten thousand; (ii) has a privately owned taxable land base of less than twenty percent; and (iii) includes no more than one incorporated city.

(b) To be relieved from the planning requirement of this section, a county shall adopt a resolution that removes the county and the city from the requirement to plan and shall file the resolution with the department. Removal shall be deemed to occur on the date the resolution is filed with the department.

(4) Any county or city that is initially required to conform with all of the requirements of this chapter under subsection (1) of this section and has not removed itself under subsection (3) of this section shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((4))~~ (5) Any county or city that is required to conform with all the requirements of this chapter, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section and the county has not removed itself pursuant to subsection (3) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((5))~~ (6) If the office of financial management certifies that the population of a county that previously had not been required to plan under subsection (1) or (2) of this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a county-wide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

~~((6))~~ ~~(7)~~ A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

~~((7))~~ ~~(8)~~ Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2003.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Mulliken moved that the following amendment by Senators Mulliken, Winsley and Prentice to the striking amendment be adopted:

On page 1, strike lines 28 through 30 and insert "(3) The county legislative authority may exempt the retail sale or use of new or used motor vehicles, and the lease of new or used motor vehicles for up to the first thirty-six months of the lease, from tax imposed under this section."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Mulliken, Winsley and Prentice on page 1, line 28, to the striking amendment by Senator Winsley to Engrossed Substitute Senate Bill No. 5659.

The motion by Senator Mulliken carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Winsley, as amended, to Engrossed Substitute Senate Bill No. 5695.

The motion by Senator Winsley carried and the striking amendment, as amended, was adopted.

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

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "amending RCW 36.70A.130, 84.55.050, and 36.70A.040; adding a new section to chapter 82.14 RCW; creating a new section; providing an effective date; and declaring an emergency."

MOTION

On motion of Senator Winsley, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5659, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5659, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5659, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Senators Brandland, Brown, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Schmidt, Sheahan, Sheldon, B., Spanel, Swecker, Thibaudeau, West and Winsley - 36.

Voting nay: Senators Benton, Esser, Finkbeiner, Johnson, Parlette, Roach, Rossi, Sheldon, T. and Stevens - 9.

Excused: Senators Deccio, McCaslin, Shin and Zarelli - 4.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Second Engrossed Substitute Senate Bill No. 5659 was ordered to be immediately transmitted to the House of Representatives.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 6093, by Senators Kohl-Welles, Sheahan, Hale, Brown, T. Sheldon, Spanel, Rossi, Zarelli, Benton, B. Sheldon and Shin

Allowing soliciting to host official legislative conferences.

The bill was read the second time.

MOTION

Senator Kohl-Welles moved that the following amendment by Senator Kohl-Welles and Sheahan be adopted:

On page 3, on line 5, after "(l)", strike the remainder of line 5 and all of lines 6-8 and insert the following: "Gifts, grants, conveyances, bequests and devises of real or personal property, or both, solicited on behalf of a national legislative association or host committee for the purpose of hosting an official conference under the circumstances specified in section 1 of this act. Anything solicited or accepted may only be received by the national association or host committee and may not be commingled with any funds or accounts that are the property of any person;"

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Kohl-Welles and Sheahan on page 3, line 5, to Senate Bill No. 6093.

The motion by Senator Kohl-Welles carried and the amendment was adopted.

MOTION

On motion of Senator Sheahan, the rules were suspended, Engrossed Senate Bill No. 6093, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6093, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6093, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Thibaudeau and Winsley - 44.

Voting nay: Senator West - 1.

Excused: Senators Deccio, McCaslin, Shin and Zarelli - 4.

ENGROSSED SENATE BILL NO. 6093, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Senate Bill No. 6093 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

June 10, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2294, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6098 by Senator Benton

“AN ACT Relating to transportation and financing; amending RCW 46.16.070, 46.68.035, 82.08.020, and 82.12.045; providing effective dates; and providing expiration dates.

Referred to Committee on Highways and Transportation.

SJM 8026 by Senators Roach, Benton, Mulliken, Oke, Rasmussen, Johnson, Morton, Honeyford, Swecker, Schmidt and Stevens

Asking local governments to recognized the yellow flag with thr4ee red stripes as the official flag of the Vietnamese American Community.

Referred to Committee on Government Operations and Elections.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2294 by Representatives Pettigrew, Priest, Morris and Hinkle (by request of Governor Locke)

Providing tax incentives for the retention and expansion of the aerospace industry in Washington State.

MOTION

On motion of Senator Sheahan, House Bill No. 2294 was held at the desk.

MOTION

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

MOTION

On motion of Senator Schmidt, the following resolution was adopted:

SENATE RESOLUTION 8684

By Senators Schmidt, Oke, Mulliken, Horn, Haugen, Fairley, B. Sheldon, Spanel, Rasmussen, T. Sheldon, Hargrove, Brandland, Fraser, Thibaudeau, Roach, Parlette, McAuliffe, Kohl-Welles, Regala, Hewitt, Sheahan and Stevens

WHEREAS, The U.S.S. Abraham Lincoln left Naval Station Everett for deployment to the Persian Gulf July 20, 2002; and

WHEREAS, The U.S.S. Abraham Lincoln and her crew left behind family and friends in Washington; and

WHEREAS, The U.S.S. Abraham Lincoln played a critical role in the campaign known as Operation Iraqi Freedom, with 12,700 takeoffs and landings during its voyage of 102,800 nautical miles; and

WHEREAS, The valiant efforts of the personnel aboard the U.S.S. Abraham Lincoln, the many support staff assigned to Naval Station Everett, their families, the United States Navy, and every branch of the Armed Forces protecting the citizens of this county inspire pride and patriotism in the residents of Washington State; and

WHEREAS, The return of the brave men and women of the U.S.S. Abraham Lincoln, after more than nine months of service to the American people, was met with immense joy by their families, friends, and loved ones; and

WHEREAS, Nearly 30,000 spectators, waving yellow pom poms and American flags, awaited the U.S.S. Abraham Lincoln as it arrived at Naval Station Everett May 6, 2003;
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate welcome home the U.S.S. Abraham Lincoln and honor the crew and their families for the sacrifices they made; and
BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Captain Kendall Card and Executive Officer Ron Horton of the U.S.S. Abraham Lincoln and Captain Daniel Squires, Commander Naval Station Everett.

Senators Schmidt, Reardon and Haugen spoke to Senate Resolution 8684.

MOTION

At 8:12 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 9:00 p.m. by President Owen.

MOTION

On motion of Senator Hewitt, Senator West was excused.

MOTION

There being no objection, the President returned the Senate to the fifth order of business.

MOTION

On motion of Senator Sheahan, the rules were suspended, Second Engrossed Second Substitute House Bill No. 1336 and Second Engrossed Second Substitute House Bill No. 1338, which were held on the Introduction and First Reading Calendar June 5, 2003, were advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, by House Committee on Appropriations (originally sponsored by Representatives Linville, Kirby, Grant, Rockefeller, Quall, Hunt, Shabro, Jarrett, Delvin, Morris and Conway) (by request of Governor Locke)

Concerning watershed planning

The bill was read the second time.

MOTION

On motion of Senator Morton, the rules were suspended, Second Engrossed Second Substitute House Bill No. 1336, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Second Substitute House Bill No. 1336, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1336, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 13; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Poulsen, Rasmussen, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker and Winsley - 31.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Reardon, Spanel and Thibaudeau - 13.

Excused: Senators Deccio, McCaslin, Shin, West and Zarelli - 5.

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336, under suspension of the Rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Second Engrossed Second Substitute House Bill No. 1336 was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338 (originally sponsored by Representatives Linville, Kirby, Lantz, Rockefeller, Shabro, Jarrett, Quall, Hunt, Delvin, Wallace, Woods, Benson, Morris and Conway) (by request of Governor Locke)

Providing additional certainty for municipal water rights.

The bill was read the second time.

MOTION

Senator Fraser moved that the following amendment be adopted:

On page 19, after line 32, insert the following:

"NEW SECTION. Sec. 19. A new section is added to chapter 43.21A RCW to read as follows:

Nothing in this act may be interpreted or administered in a manner that impairs or diminishes a water right."

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Fraser on page 19, after line 32, to Second Engrossed Second Substitute House Bill No. 1338.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 19; Nays, 25; Absent, 0; Excused, 5.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 19.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker and Winsley - 25.

Excused: Senators Deccio, McCaslin, Shin, West and Zarelli - 5.

MOTION

On motion of Senator Morton, the rules were suspended, Second Engrossed Second Substitute House Bill No. 1338, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Second Substitute House Bill No. 1338.

POINT OF INQUIRY

Senator Hargrove: "Senator Honeyford, does this bill allow an automatic change in use to take place when a municipal water supplier acquires additional water rights that have a difference purpose of use?"

Senator Honeyford: "Thank you, Senator. The short answer to your question is 'no.' The provision you are speaking about is found in Section 3 of the bill. This section is crafted to make it clear that when a

municipal water supplier acquires additional water rights, the water supplier must apply to the Department of Ecology for a change or transfer of the right and receive such approval before the purpose of use is changed. The simple act of acquisition does not change the purpose of a water right. The purpose of a right may only be made through the change or transfer process."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Second Substitute House Bill No. 1338, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Second Substitute House Bill No. 1338, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 11; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker and Winsley - 33.

Voting nay: Senators Brown, Fairley, Franklin, Fraser, Keiser, Kline, McAuliffe, Reardon, Regala, Spanel and Thibaudeau - 11.

Excused: Senators Deccio, McCaslin, Shin, West and Zarelli - 5.

SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Second Engrossed Second Substitute Senate Bill No. 1338 was ordered to be immediately transmitted to the House of Representatives.

MOTION

At 9:13 p.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 10:01 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5364, by Senate Committee on Ways and Means (originally sponsored by Senators Zarelli, T. Sheldon, Regala, B. Sheldon, Winsley, McAuliffe, Hale and Rasmussen) (by request of Governor Locke)

MOTION

On motion of Senator Zarelli, the rules were suspended, Second Substitute Senate Bill No. 5364 was returned to second reading and read the second time.

MOTION

Senator Zarelli moved that the following striking amendment by Senators Zarelli and Tim Sheldon be adopted:

Strike everything after the enacting clause and insert the following:

"PART I COMMUNITY REVITALIZATION FINANCING--GENERAL PROVISIONS

NEW SECTION. *Sec. 101. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic development. Public investment stimulates business activity and helps create jobs; stimulates the redevelopment of brownfields and blighted areas in the inner city; lowers the*

cost of housing; and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax to those local governments that can demonstrate the expected returns to the state.

Sec. 102. RCW 39.89.020 and 2001 c 212 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Assessed value of real property" means the valuation of real property as placed on the last completed assessment roll.

(2) "Department" means the department of revenue.

(3) "Increment area" means the geographic area from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(4) "Increment value" means seventy-five percent of any increase in the assessed value of real property in an increment area that is placed on the assessment rolls after the increment area is created. There is no increment value if the assessed value of real property in an increment area is less than or equal to the assessed value of real property in the increment area for taxes levied in the year in which the increment area was created for collection in the following year.

(5) "Local government" means any city, town, county, port district, or any combination thereof.

(6) "Ordinance" means any appropriate method of taking legislative action by a local government.

(7) "Participating taxing authority" means a taxing authority that has entered into a written agreement with a local government for the use of community revitalization financing to finance all or a portion of the costs of designated public improvements.

(8) "Participating taxing district" means all taxing districts within an increment area where a local government has obtained written agreement for the use of community revitalization financing to finance all or a portion of the costs of designated public improvements as provided in RCW 39.89.030(8). However, a fire protection district is not a participating taxing district unless it has entered into a signed, written agreement with a local government to provide limited funding under community revitalization financing as provided in RCW 39.89.030(8)(a).

(9) "Public improvements" means:

(a) Infrastructure improvements within the increment area that include:

- (i) Street and road construction and maintenance;
- (ii) Water and sewer system construction and improvements;
- (iii) Sidewalks and streetlights;
- (iv) Parking, terminal, and dock facilities;
- (v) Park and ride facilities of a transit authority;
- (vi) Park facilities and recreational areas; and
- (vii) Storm water and drainage management systems; and

(b) Expenditures for any of the following purposes:

- (i) Providing environmental analysis, professional management, planning, and promotion within the increment area, including the management and promotion of retail trade activities in the increment area;
- (ii) Providing maintenance and security for common or public areas in the increment area; or
- (iii) Historic preservation activities authorized under RCW 35.21.395.

(10) "Public improvement costs" means the costs of: (a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the tax allocation base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and (f) administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of community revitalization financing to fund the costs of the public improvements.

(11) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (and) (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes levied under the authority of RCW 84.55.050 that are limited to a specific purpose as provided in RCW 84.55.050(3)(b). Regular property taxes do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(12) "Tax allocation base value" means the ~~(true and fair)~~ assessed value of real property located within an increment area for taxes ~~(imposed)~~ levied in the year in which the increment area is created for collection in the following year, plus twenty-five percent of any increase in the ~~(true and fair)~~ assessed value of real property located within an increment area that is placed on the assessment rolls after the increment area is created.

(13) "Tax allocation revenues" means those tax revenues derived from the ~~(imposition of)~~ receipt of excess excise taxes under section 202 of this act and from regular property taxes levied on the increment value and distributed to finance public improvements.

"Increment area" means the geographic area from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(14) "Increment value" means seventy-five percent of any increase in the true and fair value of real property in an increment area that is placed on the tax rolls after the increment area is created.

(14) "Taxing authority" means a governmental entity that imposes a sales or use tax under chapter 82.14 RCW upon the occurrence of any taxable event within a proposed or approved increment area.

~~(15)~~ "Taxing district((s))" means a governmental entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved increment area.

~~((12))~~ ~~(16)~~ "Value of taxable property" means the value of the taxable property as defined in RCW 39.36.015. Sec. 103. RCW 39.89.030 and 2002 c 12 s 1 are each amended to read as follows:

A local government may finance public improvements using community revitalization financing subject to the following conditions:

(1) The local government adopts an ordinance designating an increment area within its boundaries and specifying the public improvements proposed to be financed in whole or in part with the use of community revitalization financing;

(2) The public improvements proposed to be financed in whole or in part using community revitalization financing are expected to encourage private development within the increment area and to increase the fair market value of real property within the increment area;

(3) The local government has entered or expects to enter into a contract with a private developer relating to the development of private improvements within the increment area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the increment area;

(4) Private development that is anticipated to occur within the increment area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

~~((4) Taxing districts, in the aggregate, that levy at least seventy-five percent of the regular property tax within which the increment area is located approves the community revitalization financing of the project under RCW 39.89.050(1); and~~

~~(5) In an increment area that includes any portion of a fire protection district as defined in Title 52 RCW, the fire protection district must agree to participate in the community revitalization financing of the project under chapter 212, Laws of 2001, for the project to proceed. Approval by the fire protection district shall be considered as part of the required participation by taxing districts under subsection (4) of this section)) (5) The local government may not use community revitalization financing to finance the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of public facilities funded with taxes collected under RCW 82.14.048;~~

(6) The governing body of the local government must make a finding that community revitalization financing: (a) Will not be used for the purpose of relocating a business from outside the increment area, but within this state, into the increment area; and (b) will improve the viability of existing business entities within the increment area; and (c) will be used exclusively in areas within the jurisdiction of the local government deemed in need of economic development and/or redevelopment and absent the financing available under this act that the proposed economic development and/or redevelopment would not occur;

(7) The governing body of the local government finds that the public improvements proposed to be financed in whole or in part using community revitalization financing are reasonably likely to:

(a) Increase private investment within the increment area;

(b) Increase employment within the increment area; and

(c) Generate, over the period of time that the local sales and use tax will be imposed under section 301 of this act, state and local property, sales, and use tax revenues that are equal to or greater than the respective state and local contributions made under this chapter;

(8) The local government obtains written agreement for the use of community revitalization financing to finance all or a portion of the costs of the designated public improvements from taxing districts that in the aggregate levy at least sixty percent of the regular property taxes on property within the increment area. The agreement must be authorized by the governing body of taxing districts that in the aggregate levy at least sixty percent of the regular property taxes on property within the increment area.

(a) A signed, written agreement from taxing districts that in the aggregate levy at least sixty percent of the regular property taxes within the increment area constitutes concurrence by all taxing districts in the increment area in the public improvements and participation in the public improvements to the extent of providing limited funding under community revitalization financing authorized under this chapter. However, a fire protection district may choose not to participate in the public improvements by providing written notice to the local government of its decision not to provide limited funding under community revitalization financing.

(b) For purposes of this subsection (8), "regular property taxes" means regular property taxes defined in RCW 84.04.140, except: (i) Regular property taxes levied by the state; and (ii) regular property taxes levied by a fire protection district if the fire protection district has not entered into a signed, written agreement with a local government to provide limited funding under community revitalization financing as provided in (a) of this subsection.

Sec. 104. RCW 39.89.050 and 2001 c 212 s 5 are each amended to read as follows:

(1) Before adopting an ordinance creating the increment area, a local government must:

~~((1))~~ (a) Obtain written agreement for the use of community revitalization financing to finance all or a portion of the costs of the designated public improvements from taxing districts ((that, in the aggregate, levy at least seventy-five percent of the regular property tax on property within the increment area. A signed, written agreement from taxing districts that in the aggregate levy at least seventy-five percent of the regular property tax within the increment area, constitutes concurrence by all taxing districts in the increment area in the public improvement and participation in the public improvement to the extent of providing limited funding under community revitalization financing authorized under this chapter. The agreement must be authorized by the governing body of taxing districts that in the aggregate levy at least seventy-five percent of the regular property tax on property within the increment area)) as provided in RCW 39.89.030(8); and

~~((2))~~ (b) Hold a public hearing on the proposed financing of the public improvement in whole or in part with community revitalization financing.

(l) Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed increment area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed increment area.

(ii) Notice must also be sent by United States mail to the property owners and the business enterprises located within the proposed increment area at least thirty days prior to the hearing. In implementing provisions under this act, the local governing body may also consult with business organizations, including the local chamber of commerce, and the office of minority and women's business enterprises to assist with providing appropriate notice to business enterprises and property owners for whom English is a second language.

(iii) Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by community revitalization financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed increment area, and estimate the period during which community revitalization financing is contemplated to be used. The public hearing may be held by either the governing body of the local government, or a committee of the governing body that includes at least a majority of the whole governing body(, and).

((3)) (2) In order to create an increment area, a local government must adopt an ordinance establishing the increment area that:

(a) Describes the public improvements(,);

(b) Describes the boundaries of the increment area(,);

(c) Estimates the cost of the public improvements and the portion of these costs to be financed by community revitalization financing(,);

(d) Estimates the time during which regular property taxes are to be apportioned(,) and, if applicable, excess excise taxes are to be used to finance public improvement costs associated with the public improvements financed in whole or in part by community revitalization financing;

(e) Estimates the average amount of tax revenue to be received in all fiscal years through the imposition of a sales and use tax under section 301 of this act;

(f) Provides the date when the apportionment of the regular property taxes and, if applicable, the use of excess excise taxes will commence(,); and

(g) Finds that the conditions of RCW 39.89.030 are met.

(3) For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June

30th.

Sec. 105. RCW 39.89.060 and 2001 c 212 s 6 are each amended to read as follows:

The local government shall:

(1) Publish notice in a legal newspaper of general circulation within the increment area that describes the public improvement, describes the boundaries of the increment area, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(2) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, and the governing body of each participating taxing district within which the increment area is located.

PART II

COMMUNITY REVITALIZATION FINANCING

USE OF TAX ALLOCATION REVENUES TO PAY THE COSTS OF PUBLIC IMPROVEMENTS

Sec. 201. RCW 39.89.070 and 2001 c 212 s 7 are each amended to read as follows:

(1) Commencing in the second calendar year following the passage of the ordinance creating an increment area and authorizing the use of community revitalization financing, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the increment area as follows:

(a) Each participating taxing district and the local government that created the increment area shall receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the tax allocation base value for that community revitalization financing project in the taxing district, or upon the total assessed value of real property in the taxing district, whichever is smaller; and

(b) The local government that created the increment area shall receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the increment value within the increment area. However, if there is no increment value, the local government shall not receive any additional regular property taxes under this subsection (1)(b). The local government that created the increment area may agree to receive less than the full amount of ((this)) the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that imposed regular property taxes, or have regular property taxes imposed for them, in the increment area for collection that year in proportion to their regular tax levy rates for collection that year. The local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by community revitalization financing.

(2) The county assessor shall allocate twenty-five percent of any increased real property value occurring in the increment area to the tax allocation base value and seventy-five percent to the increment value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The apportionment of increases in assessed valuation in an increment area, and the associated distribution to the local government of receipts from regular property taxes that are imposed on the increment value, must cease when tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any excess tax

allocation revenues derived from regular property taxes and earnings on ((the)) such tax allocation revenues, remaining at the time the apportionment of tax receipts terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the increment area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

NEW SECTION. Sec. 202. A new section is added to chapter 39.89 RCW to read as follows:

(1) A local government that creates an increment area and has received approval from the department of revenue under section 303 of this act to impose the local option sales and use tax authorized in section 301 of this act may use annually any excess excise taxes received by it from taxable activity within the increment area to finance public improvement costs associated with the public improvements financed in whole or in part by community revitalization financing. The use of excess excise taxes must cease when tax allocation revenues are no longer necessary or obligated to pay the costs of the public improvements. Any participating taxing authority is authorized to allocate excess excise taxes to the local government. The legislature declares that it is a proper purpose of a local government or participating taxing authority to allocate excess excise taxes for purposes of financing public improvements under this chapter.

(2) A local government consisting solely of a port district may use excess excise taxes as provided in this section only to the extent that any participating taxing authority allocates excess excise taxes to the local government.

(3) A local government consisting of a port district and any city, town, or county may use excess excise taxes as provided in this section only if:

(a) The city, town, or county realizes excess excise taxes from taxable activity within the increment area; or

(b) Any participating taxing authority allocates excess excise taxes to the local government.

(4) A local government shall provide the department accurate information describing the geographical boundaries of the increment area at least seventy-five days before the effective date of the ordinance creating the increment area. The local government shall ensure that the boundary information provided to the department is kept current.

(5) The department shall provide each local government that has provided boundary information to the department as provided in this section with the necessary information to calculate excess excise taxes.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base year" means the first calendar year following the creation of an increment area.

(b) "Excess excise taxes" means the amount of excise taxes received by the local government during the measurement year from taxable activity within the increment area over and above the amount of excise taxes received by the local government during the base year from taxable activity within the increment area. However, if a local government creates an increment area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the increment area within the boundaries of the area that became the increment area, "excess excise taxes" means the entire amount of excise taxes received by the local government during a calendar year period beginning with the calendar year immediately following the creation of the increment area and continuing with each measurement year thereafter.

(c) "Excise taxes" means local retail sales and use taxes authorized in RCW 82.14.030.

(d) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess excise taxes required to be used to finance public improvement costs associated with public improvements financed in whole or in part by community revitalization financing.

PART III COMMUNITY REVITALIZATION FINANCING--STATE CONTRIBUTION

NEW SECTION. Sec. 301. A new section is added to chapter 82.14 RCW to read as follows:

(1) A city, town, or county that creates an increment area and finances public improvements pursuant to chapter 39.89 RCW may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city, town, or county. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1) in the case of a sales tax or the rate provided in RCW 82.12.020(5) in the case of a use tax, less the aggregate rates of any other taxes imposed on the same events that are credited against the state taxes imposed under chapters 82.08 and 82.12 RCW.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the city, town, or county at no cost to the city, town, or county.

(3) No tax may be imposed under this section before July 1, 2005. Before imposing a tax under this section, the city, town, or county shall first have received tax allocation revenues derived from either regular property taxes or excess excise taxes, or both, during the preceding calendar year. The tax imposed under this section shall expire when the bonds issued under the authority of chapter 39.89 RCW are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a city, town, or county imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year.

(b) The amount of tax received by the local government in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be imposed for the remainder of any fiscal year in which either:

(i) The amount of tax receipts totals the amount of the state contribution;

(ii) The amount of tax receipts totals the amount of "local public sources," as that term is used in section 302 of this act, dedicated in the previous calendar year to finance public improvements authorized under chapter 39.89 RCW; or

(iii) The amount of revenue from taxes imposed under this section by all cities, towns, and counties totals the annual state credit limit as provided in section 303(3) of this act;

(d) The tax shall be reimposed, should it cease to be imposed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) Any revenue generated by the tax in excess of the amounts specified in (a), (b), and (c) of this subsection shall belong to the state of Washington.

(5) If both a county and a city or town impose a tax under this section, the tax imposed by the city, town, or county shall be credited as follows:

(a) If the county has created an increment area before the city or town, the tax imposed by the county shall be credited against the tax imposed by the city or town, the purpose of such credit is to give priority to the county tax; and

(b) If the city or town has created an increment area before the county, the tax imposed by the city or town shall be credited against the tax imposed by the county, the purpose of such credit is to give priority to the city or town tax.

(6) The department shall determine the amount of tax receipts attributable to each city, town, and county imposing a sales and use tax under this section and shall advise a city, town, or county when it must cease imposing the tax for the remainder of the fiscal year as provided in subsection (4)(c) of this section. Determinations by the department of the amount of taxes attributable to a city, town, or county are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(a), (b), and (c) of this section to the state treasurer who shall deposit the moneys in the general fund.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Base year" means the first calendar year following the creation of an increment area.

(b) "Excess state excise taxes" means the amount of excise taxes received by the state during the measurement year from taxable activity within the increment area over and above the amount of excise taxes received by the state during the base year from taxable activity within the increment area. However, if a local government creates an increment area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the increment area within the boundaries of the area that became the increment area, "excess state excise taxes" means the entire amount of excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the creation of the increment area and continuing with each measurement year thereafter.

(c) "Excise taxes" means the state retail sales and use taxes imposed under chapters 82.08 and 82.12 RCW.

(d) "Fiscal year" has the same meaning as in RCW 39.89.050(3).

(e) "Increment area" has the same meaning as in RCW 39.89.020.

(f) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess excise taxes required to be used to finance public improvement costs associated with public improvements financed in whole or in part by community revitalization financing.

(g) "State contribution" means the lesser of one million dollars or an amount equal to:

(i) State property tax allocation revenues received by the state during the preceding calendar year; and

(ii) Excess state excise taxes received by the state during the preceding calendar year.

(h) "State property tax allocation revenues" means those tax revenues derived from the imposition of property taxes levied by the state on the increment value as defined in RCW 39.89.020.

(i) "Tax allocation revenues" has the same meaning as in RCW 39.89.020.

NEW SECTION. Sec. 302. A new section is added to chapter 82.14 RCW to read as follows:

(1) Moneys collected from the taxes imposed under section 301 of this act shall be used only for the purpose of principal and interest payments on bonds issued under the authority of RCW 39.89.080 and must be matched with an amount from local public sources dedicated through December 31st of the previous calendar year to finance public improvements authorized under chapter 39.89 RCW. Such local public sources include but are not limited to private monetary contributions and tax allocation revenues. Local public sources are dedicated to finance public improvements if they are actually expended to pay public improvement costs or are required by law or an agreement to be used exclusively to pay public improvement costs.

(2) A local government shall inform the department by the first day of March of the amount of:

(a) Local public sources dedicated in the preceding calendar year to finance public improvements authorized under chapter 39.89 RCW; and

(b) Tax allocation revenues derived in the preceding calendar year from the imposition of regular property taxes on the increment value and distributed to finance public improvements. Upon request of a local government, the county assessor shall assist the local government in determining the amount of tax allocation revenues derived in the preceding calendar year and distributed to finance public improvements.

(3) If a local government fails to comply with subsection (2) of this section, no tax may be imposed under section 301 of this act in the subsequent fiscal year.

(4) A local government shall provide a report to the department by March 1st of each year. The report shall contain the following information:

(a) The amount of tax allocation revenues, taxes under section 301 of this act, and local public sources received by the local government during the preceding calendar year, and a summary of how these revenues were expended;

(b) The names of any businesses locating within the increment area as a result of the public improvements undertaken by the local government and financed in whole or in part with community revitalization financing;

(c) The total number of permanent jobs created as a result of the public improvements undertaken by the local government and financed in whole or in part with community revitalization financing;

(d) The average wages and benefits received by all employees of businesses locating within the increment area as a result of the public improvements undertaken by the local government and financed in whole or in part with community revitalization financing;

(e) That the local government is in compliance with RCW 39.89.030(6)(c).

(5) The department shall make a report available to the public and the legislature by June 1st of each year. The report shall include a list of public improvements undertaken by local governments and financed in whole or in part with community revitalization financing, and it shall also include a summary of the information provided to the department by local governments under subsection (4) of this section.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Public improvement costs" has the same meaning as in RCW 39.89.020.

(b) "Tax allocation revenues" has the same meaning as in RCW 39.89.020.

NEW SECTION. Sec. 303. A new section is added to chapter 82.32 RCW to read as follows:

(1) As a condition to imposing a sales and use tax under section 301 of this act, a city, town, or county must apply to the department at least seventy-five days before the effective date of any such tax. The application shall be in a form and manner prescribed by the department and shall include but is not limited to information establishing that the applicant is eligible to impose such a tax, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. For purposes of this section, "fiscal year" means the year beginning July 1st and ending the following June 30th. The department shall make available forms to be used for this purpose. As part of the application, a city, town, or county must provide to the department a copy of the ordinance creating the increment area as required in RCW 39.89.050. The department shall rule on completed applications within sixty days of receipt. No new applications shall be considered by the department after the thirtieth day of September of the third year following the year in which the first application was received.

(2) The authority to impose the local option sales and use taxes under section 301 of this act is on a first-come basis. Priority for collecting the taxes authorized under section 301 of this act among approved applicants shall be based on the date that the approved application was received by the department. As a part of the approval of applications under this section, the department shall approve the amount of tax under section 301 of this act that an applicant may impose. The amount of tax approved by the department shall not exceed the lesser of one million dollars or the average amount of tax revenue that the applicant estimates that it will receive in all fiscal years through the imposition of a sales and use tax under section 301 of this act. A city, town, or county shall not receive, in any fiscal year, more revenues from taxes imposed under section 301 of this act than the amount approved by the department. The department shall not approve the receipt of more credit against the state sales and use tax than is authorized under subsection (3) of this section.

(3) The amount of credit against the state sales and use tax is limited as follows:

(a) Except as provided in this subsection (3), no more than five million dollars of credit against the state sales and use tax may be received by all cities, towns, and counties imposing a tax under section 301 of this act.

(b) During the fiscal years beginning July 1, 2006, through June 30, 2009, the total amount of credit against the state sales and use tax that may be received by all cities, towns, and counties imposing a tax under section 301 of this act shall be increased as follows:

(i) In the fiscal year beginning July 1, 2006, the limit in (a) of this subsection shall be increased by the same percentage as the percentage increase in the assessed value of all property within this state from calendar year 2003 through calendar year 2004, as determined by the department;

(ii) In the fiscal year beginning July 1, 2007, the limit in (a) of this subsection shall be increased by the same percentage as the percentage increase in the assessed value of all property within this state from calendar year 2003 through calendar year 2005, as determined by the department;

(iii) In the fiscal year beginning July 1, 2008, and for each subsequent fiscal year, the limit in (a) of this subsection shall be increased by the same percentage as the percentage increase in the assessed value of all property within this state from calendar year 2003 through calendar year 2006, as determined by the department.

(4) The credit against the state sales and use tax shall be available to any city, town, or county imposing a tax under section 301 of this act only as long as the city, town, or county has outstanding indebtedness under RCW 39.89.080.

(5) The department may adopt any rules under chapter 34.05 RCW it considers necessary for the administration of sections 202 through 303 of this act.

PART IV BOND AUTHORIZATION

Sec. 401. RCW 39.89.080 and 2001 c 212 s 8 are each amended to read as follows:

(1) A local government designating an increment area and authorizing the use of community revitalization financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from tax allocation revenues it receives, subject to the following requirements:

(a) The ordinance adopted by the local government creating the increment area and authorizing the use of community revitalization financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The local government includes this statement of the intent in all notices required by RCW 39.89.050.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a local government designating an increment area and authorizing the use of community revitalization financing may require the nonpublic participant to provide adequate security to protect the public investment in the public improvement within the increment area.

(4) Bonds issued under this section shall be authorized by ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption with or without premium, be secured in such manner, and have such other characteristics, as may be provided by such ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any tax allocation revenues derived from property or business activity within the increment area containing the public improvements funded by the bonds, such payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 301 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 301 of this act are subject to the use restriction in section 302 of this act.

(6) In case any of the public officials of the local government whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 402. A new section is added to chapter 39.89 RCW to read as follows:

A local government that issues bonds under RCW 39.89.080 to finance public improvements may pledge for the payment of such bonds all or part of any tax allocation revenues derived from the public improvements. The local government may also pledge all or part of any revenues derived from taxes imposed under section 301 of this act and held in connection with the public improvements. All of such tax revenues are subject to the use restriction in section 302 of this act.

NEW SECTION. Sec. 403. A new section is added to chapter 39.89 RCW to read as follows:

The bonds issued by a local government under RCW 39.89.080 to finance public improvements shall not constitute an obligation of the state of Washington, either general or special.

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 502. Part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 503. Nothing in this act shall be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Zarelli and Tim Sheldon to Second Substitute Senate Bill No. 5364, under suspension of the rules.

The motion by Senator Zarelli carried and the striking amendment, under suspension of the rules, was adopted.

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

On page 1, line 1 of the title, after "revitalization;" strike the remainder of the title and insert "amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections."

MOTION

On motion of Senator Zarelli, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5364, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Jacobsen: "Senator Zarelli, I am curious to know what impact this legislation is going to have on the counties and cities incorporated, using this type of taxing authority."

Senator Zarelli: "First of all, the increment that we are talking about to finance bonds for these improvements would be the increase in the economic activity due to sales tax collection. It would recoup

seventy-five percent of that to retire the bonds in the increment district and the other twenty-five percent would go to the spread on the other levy tax base, whether it be cities or counties. The bill is very clear, Senator Jacobsen, that they must demonstrate--the entity that is trying to put the increment together--that there is no other way, and there would be no other way, to accomplish this economic development. So, in the end, counties, cities, whomever, would gather together and the increment district would see an improvement in their tax base from the economic growth at twenty-five percent, but the other seventy-five percent would go towards the bonds on the increment that is being suggested."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 5364, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5364, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 39; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 39.

Voting nay: Senators Brown, Esser, Honeyford, Jacobsen, Parlette, Roach and Stevens - 7.

Excused: Senators Deccio, McCaslin and Shin - 3.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5364, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Second Substitute Senate Bill No. 5364 was ordered to be immediately transmitted to the House of Representatives.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5012, by Senate Committee on Education (originally sponsored by Senators Johnson, Finkbeiner, Esser and Oke)

Authorizing charter schools

MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute Senate Bill No. 5012 was returned to second reading and read the second time.

MOTION

Senator Johnson moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. **INTENT.** The legislature intends to authorize the establishment of public charter schools within the general and uniform system of public schools for the primary purpose of providing more, high quality learning environments to assist educationally disadvantaged students and other students in meeting the state's academic standards. The legislature intends for charter schools to function as an integral element of the public school system maintained at public expense, free from discrimination, and open to all students in the state, and to be subject to the same academic standards and performance outcomes as other public schools. The legislature intends to encourage school districts to consider using the chartering process as an optional tool for achieving state and federal accountability goals. The legislature finds that in addition to providing more, high quality public school choices for families, teachers, and students, public charter schools may be a tool for the improvement of schools in which significant numbers of students persistently fail to meet state standards. The legislature also intends to authorize the use of the chartering process as a state intervention strategy, consistent with the provisions of the federal no child left behind act of 2001, to provide assistance to schools in which significant numbers of students persistently fail to meet state standards.

NEW SECTION. Sec. 2. **DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternate sponsor" means either: (a) The board of directors of the educational service district in which the proposed charter school will be located; or (b) the governing board of a state or regional university as defined in RCW 28B.10.016 or of The Evergreen State College, when such board has approved a charter.

(2) "Applicant" means a nonprofit corporation that has submitted an application to a sponsor or an alternate sponsor to obtain approval to operate a charter school. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax-exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under section 12 of this act.

(3) "Board of directors" means the board of directors appointed or elected by the applicant to manage and operate the charter school.

(4) "Charter" means a five-year contract between an applicant and a sponsor or an alternate sponsor. The charter establishes, in accordance with this chapter, the terms and conditions for the management, operation, and educational program of the charter school.

(5) "Charter school" means a public school managed by an applicant's board of directors and operating independently of any school district board under a charter approved in accordance with this chapter.

(6) "Conversion charter school" means a public school converted to a charter public school through the chartering process in accordance with this chapter.

(7) "Educationally disadvantaged students" includes students with limited English proficiency; students with special needs, including students with disabilities; economically disadvantaged students, including students who qualify for free and reduced priced meals; students exercising choice options under the federal no child left behind act of 2001; and other students who may be at risk of failing to meet state and federal academic performance standards.

(8) "Sponsor" means the board of directors of the school district in which the proposed charter school will be located, when such board has approved a charter.

NEW SECTION. Sec. 3. CHARTER SCHOOLS--POWERS. (1) In carrying out its duty to manage and operate the charter school, the board of directors of a charter school may:

(a) Hire, manage, and discharge any charter school employee in accordance with the terms of this chapter and that school's charter;

(b) Enter into a contract with any school district, or any other public or private entity, also empowered to enter into contracts, for any and all real property, equipment, goods, supplies, and services, including educational instructional services;

(c) Rent, lease, or own property, but may not acquire property by eminent domain. All charters and charter school contracts with other public and private entities must include provisions regarding the disposition of the property if the charter school fails to open as planned, closes, or the charter is revoked or not renewed;

(d) Issue secured and unsecured debt to manage cash flow, improve operations, or finance the acquisition of real property or equipment. Such an issuance does not constitute an obligation, either general, special, or moral of the state, the charter school sponsor, the school district in which the charter school is located or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, the charter school sponsor, the school district in which the charter school is located, or any other political subdivision or agency of the state may be pledged for the payment of such debt;

(e) Accept and administer for the benefit of the charter school and its students gifts, grants, and donations from other governmental and private entities, excluding sectarian or religious organizations. Charter schools may not accept any gifts or donations the conditions of which violate this chapter.

(2) A charter school may not charge tuition, levy taxes, or issue tax-backed bonds, however it may charge fees for optional noncredit extracurricular events.

(3) Neither a charter school sponsor, an alternate sponsor, nor the school district in which the charter school is located is liable for acts or omissions of a charter school, including but not limited to acts or omissions related to the application, the charter, the operation, the performance, and the closure of the charter school.

NEW SECTION. Sec. 4. LEGAL STATUS. A charter school is a public school including one or more of grades kindergarten through twelve, operated by a board of directors appointed or elected by a charter school applicant, according to the terms of a renewable five-year contract granted by a sponsor or an alternate sponsor. A charter school may offer any program or course of study that another public school may offer.

NEW SECTION. Sec. 5. CHARTER SCHOOLS--EXEMPTIONS. (1) A charter school shall operate independently of any school district board, under a charter approved by a sponsor or an alternate sponsor under this chapter.

(2) Charter schools are exempt from all state statutes and rules applicable to school districts and school district boards of directors except those statutes and rules as provided for and made applicable to charter schools in accordance with this chapter and in the school's approved charter.

(3) A charter school's board of directors is encouraged to implement a quality management system and to conduct an annual self-assessment.

(4) All approved charter schools shall:

(a) Comply with state and federal health, safety, parents' rights, civil rights, and nondiscrimination laws, including, but not limited to, chapter 28A.640 RCW (sexual equality) and Title IX of the education amendments of 1972 (20 U.S.C. Sec. 1681 et seq.) applicable to school districts, and to the same extent as school districts;

(b) Participate in free and reduced priced meal programs to the same extent as is required for other public schools;

(c) Participate in nationally normed standardized achievement tests as required in RCW 28A.230.190, 28A.230.193, and 28A.230.230 and the elementary, middle school, and high school standards, requirements, and assessment examinations as required in chapter 28A.655 RCW;

(d) Employ certificated instructional staff as required in RCW 28A.410.010, however charter schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.260;

(e) Comply with the employee record check requirements in RCW 28A.400.303;

(f) Be subject to the same financial and audit requirements as a school district, as determined by the state auditor, including annual audits for legal and fiscal compliance;

(g) Be subject to periodic independent performance audits conducted by or at the direction of a competent state authority to the same extent as other public agencies, however, a charter school is not required to bear the expense of such a performance audit;

(h) Comply with the annual performance report under RCW 28A.655.110;

(i) Follow the performance improvement goals and requirements adopted by the academic achievement and accountability commission by rule under RCW 28A.655.030;

(j) Be subject to the accountability requirements of the federal no child left behind act of 2001, including Title I requirements;

(k) Comply with and be subject to the requirements under the individuals with disabilities education act, as amended in 1997;

(l) Report at least annually to the board of directors of the school district in which the charter school is located, to the school's alternate sponsor if the school is not sponsored by a school district, and to parents of children enrolled at the charter school on progress toward the student performance goals specified in the charter;

(m) Comply with the open public meetings act in chapter 42.30 RCW and open public records requirements in RCW 42.17.250; and

(n) Be subject to and comply with legislation enacted after the effective date of this section governing the operation and management of charter schools.

(5) A member of a board of directors of a charter school shall be considered the equivalent of a board member of a school district for the purposes of public disclosure requirements and must comply with the reporting requirements in RCW 42.17.240.

NEW SECTION. Sec. 6. ADMISSION REQUIREMENTS. (1) To effectuate the primary purpose for which the legislature established charter schools, a charter school must be willing to enroll educationally disadvantaged students and may not limit admission on any basis other than age group and grade level. Consistent with the legislative intent of this chapter, a charter school shall conduct timely outreach and marketing efforts to educationally disadvantaged students in the school district in which the charter school will be located.

(2) A conversion charter school must be structured to provide sufficient capacity to enroll all students who wish to remain enrolled in the school after its conversion to a charter school, and may not displace students enrolled before the chartering process. If, after enrollment of these students, capacity is insufficient to enroll all other students remaining who have submitted a timely application, the charter school must give enrollment priority to siblings of students who are currently enrolled in the school. Students selected to fill any remaining spaces must be selected only through an equitable selection process, such as a lottery.

(3) A new charter school must enroll all students who submit a timely application if capacity is sufficient. If capacity is insufficient to enroll all students who apply, students must be selected to fill any remaining spaces only through an equitable selection process, such as a lottery. Siblings of enrolled students and of students selected through an equitable selection process must be given priority in enrollment if requested by a parent.

NEW SECTION. Sec. 7. CHARTER APPLICATION--CHARTERING PROCESS.

(1) An applicant may apply to a sponsor or an alternate sponsor to establish a charter school in accordance with this section.

(2) An application for a charter school must be submitted first to the board of directors of the school district in which the proposed charter school will be located, allowing for the board's consideration of the application in accordance with subsections (3) and (4) of this section, before the application may be submitted to an alternate sponsor.

(3) The school district board of directors must decide, within forty-five days of receipt of the application, whether to hold a public hearing in the school district for the purpose of taking public comment on the application and, if a hearing is to be held, must schedule such a hearing within seventy-five days of receipt of the application. If the school board intends to accept the application, one or more public hearings must be held prior to the granting of a charter; however a school board is not required to hold a public hearing prior to rejecting an application. The school board must either accept or reject the application within one hundred five days after receipt of the application. The one hundred five-day deadline for acceptance or rejection of the charter school application may be extended for an additional thirty days if both parties agree in writing.

(4) If the school board elects not to hold a public hearing or rejects the application after holding one or more public hearings, the school board must notify the applicant in writing of the reasons for that decision. The applicant may submit a revised application for the school board's reconsideration and the school board may provide assistance to improve the application. If the school board rejects the application after submission of a revised application, the school board must notify the applicant in writing of the reasons for the rejection.

(5) Applications for the conversion of a public school to a charter public school may not be submitted to an alternate sponsor without the prior consent of the school district board of directors. At the request of the applicant, the sponsor, or the alternate sponsor, the superintendent of public instruction may review the charter application and provide technical assistance.

(6) Alternate sponsors must comply with the procedures in subsections (1) through (4) of this section for consideration of the charter application. An alternate sponsor is not bound by a school district's or another alternate sponsor's findings or decision to deny the application.

(7) The governing board of an institution of higher education that has approved a charter application may, after exercising due diligence, assign authority for the administration of the charter and the oversight and monitoring of the charter school to an agency or official designated by and accountable to the governing board of the institution. In all cases, the governing board of the institution is responsible for ensuring that the duties of the alternate sponsor under this chapter are fulfilled.

(8) The superintendent of public instruction shall maintain copies of all approved charter applications. An applicant may obtain copies of those applications from the office of the superintendent of public instruction.

(9) Educational service districts and the superintendent of public instruction are encouraged to assist schools and school districts in which significant numbers of students persistently fail to meet state standards with completing the

chartering process. Assistance from an educational service district or from the superintendent of public instruction may include, but is not limited to, identifying potential eligible applicants and assisting with the charter application and approval processes.

(10) Consistent with the corrective action provisions in the federal no child left behind act of 2001, the superintendent of public instruction may use the chartering process as an intervention strategy for the purpose of meeting federal student achievement and accountability requirements. The superintendent may require a local school district board of directors to convert a public school to a charter public school or, if the superintendent determines it would be more appropriate, may require a local school district board of directors to consent to conversion of the school to a charter school by the board of directors of the local educational service district.

NEW SECTION. Sec. 8. APPLICATION REQUIREMENTS. The charter school application is a proposed contract and must include:

(1) The identification and description of the nonprofit corporation submitting the application, including the names, descriptions, curriculum vitae, and qualifications, which shall be subject to verification and review, of the individuals who will operate the school;

(2) The nonprofit corporation's proposed articles of incorporation, bylaws, and most recent financial statement and balance sheet;

(3) A mission statement for the proposed school, consistent with the description of legislative intent in this chapter, including a statement of whether the proposed charter school's primary purpose is to serve educationally disadvantaged students;

(4) A description of the school's educational program, curriculum, and instructional strategies, including but not limited to how the charter school will assist its students, including educationally disadvantaged students, in meeting the state's academic standards;

(5) A description of the school's admissions policy and marketing program, and its deadlines for applications and admissions, including its program for community outreach to families of educationally disadvantaged students;

(6) A description of the school's student performance standards and requirements that must meet those determined under chapter 28A.655 RCW, and be measured according to the assessment system determined under chapter 28A.655 RCW;

(7) A description of the school's plan for evaluating student performance and the procedures for taking corrective action in the event that student performance at the charter school falls below standards established in its charter;

(8) A description of the financial plan for the school. The plan shall include: (a) A proposed five-year budget of projected revenues and expenditures; (b) a plan for starting the school; (c) a five-year facilities plan; (d) evidence supporting student enrollment projections of at least twenty students; and (e) a description of major contracts planned for administration, management, equipment, and services, including consulting services, leases, improvements, purchases of real property, and insurance;

(9) A description of the proposed financial management procedures and administrative operations, which shall meet or exceed generally accepted standards of management and public accounting;

(10) An assessment of the school's potential legal liability and a description of the types and limits of insurance coverage the nonprofit corporation plans to obtain. For purposes of this subsection, a liability insurance policy of five million dollars is required;

(11) A description of the procedures to discipline, suspend, and expel students;

(12) A description of procedures to assure the health and safety of students, employees, and guests of the school and to comply with applicable federal and state health and safety laws and regulations;

(13) A description of the school's program for parent involvement in the charter school;

(14) Documentation sufficient to demonstrate that the charter school will have the liquid assets available to operate the school on an ongoing and sound financial basis; and

(15) Supporting documentation for any additional requirements that are appropriate and reasonably related to the operation of a charter school that a sponsor or alternate sponsor may impose as a condition of approving the charter.

NEW SECTION. Sec. 9. APPROVAL CRITERIA. A sponsor or alternate sponsor may approve an application for a charter school, if in the sponsor's or alternate sponsor's reasonable judgment, after exercising due diligence and good faith, the sponsor or alternate sponsor finds:

(1) The applicant is an eligible public benefit nonprofit corporation and the individuals it proposes to manage and operate the school are qualified to operate a charter school and implement the proposed educational program that is free from religious or sectarian influence;

(2) The public benefit nonprofit corporation has been approved or conditionally approved by the internal revenue service for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3));

(3) The mission statement is consistent with the description of legislative intent and restrictions on charter school operations in this chapter. The sponsor or alternate sponsor must make a finding of whether or not the charter school's primary purpose is to serve educationally disadvantaged students;

(4) The school's educational program, including its curriculum and instructional strategies, is likely to assist its students, including its educationally disadvantaged students, in meeting the state's academic standards;

(5) The school's admissions policy and marketing program is consistent with state and federal law, and includes community outreach to families of educationally disadvantaged students;

(6) The school's proposed educational program includes student academic performance standards and requirements that meet those determined under chapter 28A.655 RCW and are measured according to the assessment system determined under chapter 28A.655 RCW;

(7) The application includes a viable plan for evaluating pupil performance and procedures for taking appropriate corrective action in the event that pupil performance at the charter school falls below standards established in its charter;

(8) The financial plan for the school is designed to reasonably support the charter school's educational program based on a review of the proposed five-year budget of projected revenues, expenditures, and facilities;

(9) The school's financial and administrative operations, including its audits, meet or exceed generally accepted standards of accounting and management;

(10) The assessment of the school's potential legal liability, and the types and limits of insurance coverage the school plans to obtain, are adequate. For purposes of this subsection, a liability insurance policy of five million dollars is required;

(11) The procedures the school plans to follow for discipline, suspension, and expulsion of students are reasonable and comply with state and federal law;

(12) The procedures the school plans to follow to assure the health and safety of students, employees, and guests of the school comply with applicable state and federal health and safety laws and regulations;

(13) The school has developed a program for parent involvement in the charter school;

(14) The charter school will have the liquid assets available to operate the school on an ongoing and sound financial basis; and

(15) The applicant has met any additional requirements that are appropriate and reasonably related to the operation of a charter school that a sponsor or alternate sponsor imposed as a condition for approval of the charter.

NEW SECTION. Sec. 10. CHARTER AGREEMENT--AMENDMENT. (1) A charter application approved by a sponsor or an alternate sponsor with any changes or additions, and signed by an authorized representative of the applicant and the sponsor or alternate sponsor, constitutes a charter. A charter for the conversion of a public school must include provisions for the disposition, including assignment or reassignment, of the employees of the school prior to its conversion and after conversion.

(2) A charter may be amended during its term at the request of the charter school board of directors and on the approval of the sponsor or alternate sponsor.

(3) A charter may not prohibit and must provide for application of laws applicable to charter schools or to charter school boards of directors enacted after the effective date of this section.

NEW SECTION. Sec. 11. CHARTER RENEWAL AND REVOCATION. (1) An approved plan to establish a charter school is effective for five years from the first day of operation. At the conclusion of the first three years of operation, the charter school may apply to the original sponsor or alternate sponsor for renewal. A request for renewal must be submitted no later than six months before the expiration of the charter.

(2) A charter school renewal application must include:

(a) A report on the progress of the charter school in achieving the goals; student performance standards, including the student performance standards adopted by rule by the academic achievement and accountability commission in accordance with RCW 28A.655.030; the number and percentage of educationally disadvantaged students served; and other terms of the charter;

(b) A financial statement that discloses the costs of administration, instruction, and other expenditure objects and activities of the charter school; and

(c) All audit information from independent sources regarding the charter school, if available.

(3) The sponsor or alternate sponsor shall reject the application for renewal if the academic progress of students in the charter school, as measured by the standards and assessments in chapter 28A.655 RCW, is inferior, for the most recent two consecutive years, to the average progress of students in the district in which the charter school is located when similar student populations are compared.

(4) The sponsor or alternate sponsor may reject the application for renewal if any of the following occurred:

(a) The charter school materially violated its charter with the sponsor or alternate sponsor;

(b) The students enrolled in the charter school failed to meet student performance standards identified in the charter, including the student performance standards adopted by rule by the academic achievement and accountability commission in accordance with RCW 28A.655.030;

(c) The charter school failed to meet generally accepted standards of fiscal management; or

(d) The charter school violated provisions in law that have not been waived in accordance with this chapter.

(5) A sponsor or alternate sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school within three months of the request for renewal to allow the charter school an opportunity to correct identified deficiencies in its operation. At the request of the board of directors of the charter school, the sponsor or alternate sponsor shall review its decision for nonrenewal within forty-five days of receiving a request for review and supporting documentation sufficient to demonstrate that any deficiencies have been corrected from the board of directors of the charter school.

(6)(a) The sponsor or alternate sponsor may revoke a previously approved charter before the expiration of the term of the charter, and before application for renewal, if any of the following occurred:

(i) The charter school materially violated its charter with the sponsor or alternate sponsor;

(ii) The charter school failed to meet generally accepted standards of fiscal management; or

(iii) The charter school violated provisions in law that have not been waived in accordance with this chapter.

(b) Except in cases of emergency where the health and safety of children are at risk, a charter may not be revoked unless the sponsor or alternate sponsor first provides:

(i) Written notice to the charter school of the specific violations alleged;

(ii) One or more public hearings in the school district in which the charter school is located; and

(iii) A reasonable opportunity and a sufficient period of time for the charter school to correct the identified deficiencies.

(c) If, after following the procedures in (b) of this subsection, the sponsor or alternate sponsor determines that revocation of the charter is necessary to further the intent of this chapter, the sponsor or alternate sponsor may revoke the charter. The sponsor or alternate sponsor shall provide for an appeal process upon such a determination.

(d) If a sponsor or alternate sponsor elects to revoke the charter, the sponsor or alternate sponsor, upon a request by the charter school, shall provide technical assistance to the charter school in completing the plan required and carrying out the tasks identified in subsection (7) of this section.

(7) A charter school planning to close or anticipating revocation or nonrenewal of its charter shall provide a plan setting forth a timeline and the responsible parties for disposition of students and student records and disposition of finances.

(a) Immediately following the decision to close a school, the school must:

(i) Submit to the sponsor or alternate sponsor a list of parent addresses and proof that the school has communicated the impending closure of the school to all parents and staff;

(ii) Assign staff responsible for transition of student records and for providing assistance to students and parents in transferring from the charter school to the district public, private, or home school chosen by the family;

(iii) Provide the names and contact information for staff responsible for transfer of student records, as well as the projected transition tasks and timelines to the sponsor or alternate sponsor, and upon completion of student transition, provide a list of students and a brief description of the disposition of their student records to the sponsor or alternate sponsor.

(b) Prior to closing the charter school the charter school board of directors shall:

(i) Identify a trustee who will, through the process of closing the school and for a term of ten years thereafter, assume responsibility for school and student records, and notify the sponsor or alternate sponsor of the name and contact information for the trustee;

(ii) Determine the amount of anticipated revenue due to the school as well as anticipated liabilities, and provide a complete asset and liability report to the sponsor or alternate sponsor;

(iii) Create a current and projected payroll and payroll benefits commitment;

(iv) List each employee, job, and the funds necessary to complete the educational calendar balance of the year, the transition of students and records, and the administrative close-down tasks;

(v) Determine the total moneys required to complete contracts;

(vi) Schedule an audit and set aside funds to cover costs; and

(vii) Provide the sponsor or alternate sponsor with a plan for the closure of the school and final disposition of all property owned by the charter school.

NEW SECTION. Sec. 12. FUNDING. (1) For charter schools sponsored by a school district:

(a) For purposes of funding, students in charter schools shall be considered students of the sponsoring district for state apportionment purposes. Without violating section 13 of this act, the sponsoring school district shall provide prompt and timely funding for charter schools in amounts the schools would have generated if the students were enrolled in a noncharter public school in the district except that a charter school shall not generate eligibility for small school assistance. Funding for charter schools shall include regular apportionment, categorical, student achievement, and nonbasic education moneys, as appropriate and shall be based on enrollment, staffing, and other financial information submitted by the charter school to the school district as required to determine state apportionment amounts;

(b) Local levy moneys approved by the voters before the effective date of a charter between a school district and an applicant shall not be allocated to a new charter school; however, the school district shall allocate levy moneys to a conversion charter school. For levies approved after the effective date of a charter, charter schools shall be included in levy planning, budgets, and funding distribution in the same manner as other district-sponsored public schools in the district; and

(c) A charter school is eligible for state matching funds for common school construction if a sponsoring school district determines it has received voter approval of local capital funds for the project.

(2) For charter schools sponsored by an educational service district or an institution of higher education:

(a) For purposes of funding, the charter school shall be considered a separate school district only for state apportionment purposes and safety net eligibility. Without violating section 13 of this act, the superintendent of public instruction shall provide prompt and timely funding for charter schools through the apportionment funding formulas in amounts the schools would have generated if the students were enrolled in a school district except that a charter school shall not generate eligibility for small school assistance. The funding shall include regular apportionment, categorical, student achievement, and nonbasic education moneys and shall be based on enrollment, staffing, and other financial information submitted by the charter school to the superintendent of public instruction, as required to determine state apportionment amounts. Those allocations to charter schools that are included in RCW 84.52.0531(3) (a) through (c) shall be included in the levy base of the district in which the charter school is located.

(b) No local levy money may be allocated to a charter school if the charter school is sponsored by an educational service district or an institution of higher education.

(3) To be eligible to receive state categorical program funding, a charter school must serve students who would be eligible for program funding if served by the school district.

(4) Sponsors and alternate sponsors shall submit, by November 1st of each year, to the office of the superintendent of public instruction annual year-end financial information, as prescribed by the superintendent, for each charter school sponsored in the previous school year.

(5) A conversion charter school shall be entitled to the continued rent-free use of its existing facility, regardless of whether the conversion school is sponsored by the local school district, or by an alternate sponsor if the district has consented to such alternate sponsorship. The district shall remain responsible for major repairs and safety upgrades that may be required for the continued use of the facility as a public school. The charter school shall be responsible for routine maintenance of the facility, including but not limited to cleaning, painting, gardening, and landscaping.

NEW SECTION. Sec. 13. ADMINISTRATION FEE. To offset costs of oversight and administering the charter, a sponsor or an alternate sponsor may retain up to three percent of state funding and local excess levy funding, if applicable, that is being driven to the charter school. Except for the administration fee in this section, no other offsets or deductions are allowed, whether for central administration or other off-site support services, from a charter school's per-pupil share of state appropriations, local levies, or other funds, unless the charter school has contracted with a school district to obtain specific additional services.

NEW SECTION. Sec. 14. LEAVES OF ABSENCE. If a school district employee makes a written request for an extended leave of absence to work at a charter school, the school district shall grant the request. The school district may

require that the request for a leave be made up to ninety days before the employee would otherwise have to report for duty. The leave shall be granted for any request for up to two years. If the employee returns to the school district within the two-year period, the employee shall be hired before the district hires anyone else with fewer years of statewide service, with respect to any position for which the returning employee is certificated or otherwise qualified.

NEW SECTION. Sec. 15. STUDY OF CHARTER SCHOOLS. Subject to funding, the Washington institute for public policy shall study the implementation and effectiveness of this act. The institute shall report to the legislature on the effectiveness of charter schools in raising student achievement and the impact of charter schools. The institute also shall examine and discuss whether and how charter schools have enhanced education reform efforts and recommend whether relaxing or eliminating certain regulatory requirements for other public schools could result in improved school performance at those schools. The institute shall recommend changes to this chapter including improvements that could be made to the application and approval process. A preliminary report of the study is due to the legislature by March 1, 2006, and a final report is due September 1, 2007.

NEW SECTION. Sec. 16. NUMBER OF CHARTER SCHOOLS. (1) Applications for charter schools may begin on the effective date of this section. The maximum number of new charter schools that may be established under a charter approved in accordance with this chapter is:

(a) In the first year commencing July 1, 2003, and in the second year commencing July 1, 2004, not more than five per year; and

(b) In each of the next four years, commencing July 1st of each year beginning in 2005 and ending in 2008, not more than fifteen per year.

(2) These annual allocations shall be cumulative so that if the maximum number of allowable new charters is not reached in any given year the maximums shall be increased accordingly for the successive years.

(3) Consistent with the legislative intent of this chapter, a majority of the annual allowable new charter schools that may be established under subsection (1) of this section shall be reserved until the 31st day after the effective date of this section, and until April 1st of each year beginning in 2004 and ending in 2008, for the implementation of charter schools established for the primary purpose of serving educationally disadvantaged students, and that are located in, or accessible to students who live in, geographic areas in which a large proportion of the students have difficulty meeting state academic content and student achievement standards, or geographic areas, including urban and rural areas, in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under the federal no child left behind act of 2001.

(4) Sponsors and alternate sponsors shall promptly notify the superintendent of public instruction when a charter is approved, and shall indicate whether the charter school's primary purpose is to serve educationally disadvantaged students. In order to ensure compliance with the annual limits for the establishment of new charter schools, authorization from the superintendent of public instruction must be obtained before implementing an approved charter for a new school. If the maximum number of new charters under subsections (1) and (3) of this section has not been reached when the sponsor notifies the superintendent of the approval, the superintendent shall authorize the implementation of the approved charter and the establishment of the school. If the charters reserved under subsection (3) of this section are not authorized within thirty days of the effective date of this section, or by March 31st of each year thereafter and ending in 2008, the superintendent of public instruction shall notify the sponsors and alternate sponsors of any other approved charters for which authorization has not been granted, and shall authorize the implementation of those charters within the annual limits, regardless of whether those charters meet the requirements of subsection (3) of this section.

(5) The superintendent of public instruction shall notify eligible sponsors and eligible alternate sponsors when the maximum allowable number of new charters is approved each year. If the maximum number is not reached by the 31st day after the effective date of this section, or by March 31st of each year thereafter, the superintendent shall report on the number of charters approved.

(6) If the superintendent receives simultaneous notification of approved charters that exceed the annual allowable limits in subsections (1) and (3) of this section, the superintendent shall select approved charters for authorization under subsection (4) of this section through a lottery process, and shall assign implementation dates accordingly.

(7) The maximum number of charter schools allowed under this section does not include public schools converting to charter public schools; however, conversion charter schools shall be considered charter schools for the purpose of notice to the superintendent of public instruction required under subsection (4) of this section.

NEW SECTION. Sec. 17. A new section is added to chapter 41.56 RCW to read as follows:

This section applies to charter schools as defined in section 2 of this act and the charter school's employees included in the bargaining unit. The bargaining unit of employees of charter schools must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district unless the charter school is a public school that has converted to a charter school. The employees of public schools that have converted to a charter school shall remain members of the bargaining units in the school district.

This section, designating charter schools as employers and charter school employees as members under the teachers' retirement systems, the school employees' retirement systems, and the public employees' retirement systems, applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

NEW SECTION. Sec. 18. A new section is added to chapter 41.59 RCW to read as follows:

(1) This section applies to collective bargaining agreements between charter schools and the employees of charter schools included in the bargaining unit.

(a) The bargaining unit of employees of conversion charter schools must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district for at least the first five years of operation of the charter school, after which the employees of a conversion charter school may

indicate by a majority vote they desire to become members of the bargaining unit in the school district in which the charter school is located.

(b) The bargaining unit of employees of new charter schools must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district for at least the first five years of operation of the charter school, after which the employees of a new charter school may indicate by a majority vote they desire to become members of the bargaining unit in the school district in which the charter school is located.

(2) This section, designating charter schools as employers and charter school employees as members under the teachers' retirement systems, the school employees' retirement systems, and the public employees' retirement systems, takes effect only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that such participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

Sec. 19. RCW 41.59.080 and 1998 c 244 s 11 are each amended to read as follows:

The commission, upon proper application for certification as an exclusive bargaining representative or upon petition for change of unit definition by the employer or any employee organization within the time limits specified in RCW 41.59.070(3), and after hearing upon reasonable notice, shall determine the unit appropriate for the purpose of collective bargaining. In determining, modifying or combining the bargaining unit, the commission shall consider the duties, skills, and working conditions of the educational employees; the history of collective bargaining; the extent of organization among the educational employees; and the desire of the educational employees; except that:

(1) A unit including nonsupervisory educational employees shall not be considered appropriate unless it includes all such nonsupervisory educational employees of the employer; and

(2) A unit that includes only supervisors may be considered appropriate if a majority of the employees in such category indicate by vote that they desire to be included in such a unit; and

(3) A unit that includes only principals and assistant principals may be considered appropriate if a majority of such employees indicate by vote that they desire to be included in such a unit; and

(4) A unit that includes both principals and assistant principals and other supervisory employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(5) A unit that includes supervisors and/or principals and assistant principals and nonsupervisory educational employees may be considered appropriate if a majority of the employees in each category indicate by vote that they desire to be included in such a unit; and

(6) A unit that includes only employees in vocational-technical institutes or occupational skill centers may be considered to constitute an appropriate bargaining unit if the history of bargaining in any such school district so justifies; and

(7) Notwithstanding the definition of collective bargaining, a unit that contains only supervisors and/or principals and assistant principals shall be limited in scope of bargaining to compensation, hours of work, and the number of days of work in the annual employment contracts; and

(8) The bargaining unit of certificated employees of school districts, educational service districts, or institutions of higher education that are education providers under chapter 28A.193 RCW must be limited to the employees working as education providers to juveniles in each adult correctional facility maintained by the department of corrections and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education; and

(9) Except as provided in sections 17 and 18 of this act, the bargaining unit for employees of charter schools as defined in section 2 of this act must be limited to the employees of the charter school and must be separate from other bargaining units in the school district or educational service district.

Sec. 20. RCW 28A.150.010 and 1969 ex.s. c 223 s 28A.01.055 are each amended to read as follows:

Public schools shall mean the common schools as referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense, including charter schools under chapter 28A.-- RCW (sections 1 through 16 and 21 of this act).

NEW SECTION. Sec. 21. CAPTIONS NOT LAW. Captions used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 22. Sections 1 through 16 and 21 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

Senators Sheahan, Hale, and Hewitt demanded the previous question and the demand was sustained

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried on a rising vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Johnson to Engrossed Substitute Senate Bill No. 5012.

The motion by Senator Johnson carried and the amendment was adopted on a rising vote.

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

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 41.59.080 and 28A.150.010; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; and adding a new chapter to Title 28A RCW."

MOTION

On motion of Senator Johnson, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5012, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5012, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5012, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Kohl-Welles, Morton, Mulliken, Oke, Parlette, Poulsen, Reardon, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, McAuliffe, Prentice, Rasmussen, Regala, Sheldon, B., Spanel and Thibaudeau - 19.

Excused: Senators Deccio, McCaslin and Shin - 3.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5012, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Second Engrossed Substitute Senate Bill No. 5012 was ordered to be immediately transmitted to the House of Representatives.

THIRD READING

SENATE BILL NO. 5271, by Senators Honeyford, Hewitt and Parlette (by request of Department of Labor and Industries)

Regarding industrial insurance hearing loss.

MOTION

Senator Keiser moved that the rules be suspended and Senate Bill No. 5271 be returned to second reading and read the second time.

OBJECTION

Senator Sheahan objected to returning Senate Bill No. 5271 to second reading.

The President declared the question before the Senate to be the motion by Senator Keiser to suspend the rules and return Senate Bill No. 5271 to second reading.

The motion by Senator Keiser to suspend the rules and return Senate Bill No. 5271 to second reading carried on a rising vote, the President voting 'aye.'

POINT OF ORDER

Senator Carlson: "A point of order, Mr. President. I thought we were under the Call of the Senate and you said the vote was 23 to 23. That is three short."

REPLY BY THE PRESIDENT

President Owen: "There are three excused, Senator."

Senator Carlson: "Thank you."

MOTION

Senator Keiser moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 51.28.055 and 1984 c 159 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, claims for occupational disease or infection to be valid and compensable must be filed within two years following the date the worker had written notice from a physician: (((+))) (a) Of the existence of his or her occupational disease, and (({2})) (b) that a claim for disability benefits may be filed. The notice shall also contain a statement that the worker has two years from the date of the notice to file a claim. The physician shall file the notice with the department. The department shall send a copy to the worker and to the self-insurer if the worker's employer is self-insured. However, a claim is valid if it is filed within two years from the date of death of the worker suffering from an occupational disease.

(2)(a) To be valid and compensable, claims for hearing loss due to occupational noise exposure must be filed within the earlier of the following:

(i) The time limits specified in subsection (1) of this section; or

(ii) The later of two years after the date that the worker retires or one year after the effective date of this section.

A worker is deemed retired when he or she no longer receives income, salary, or wages from any employment that is regular, continuous, and gainful.

(b) A claim for hearing loss due to occupational noise exposure that is not timely filed under (a) of this subsection may be allowed only for medical aid benefits under chapter 51.36 RCW.

(3) For purposes of this section, hearing loss is due to occupational noise exposure when the hearing loss results from prolonged exposure to injurious noise in employment. A part of such exposure may not be construed to be a sudden and tangible traumatic happening for purposes of RCW 51.28.050.

(4) The department may adopt rules to implement this section.

Sec. 2. RCW 51.36.020 and 1999 c 395 s 1 are each amended to read as follows:

(1) When the injury to any worker is so serious as to require his or her being taken from the place of injury to a place of treatment, his or her employer shall, at the expense of the medical aid fund, or self-insurer, as the case may be, furnish transportation to the nearest place of proper treatment.

(2) Every worker whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes and every worker, who suffers an injury to an eye producing an error of refraction, shall be once provided proper and properly equipped lenses to correct such error of refraction and his or her disability rating shall be based upon the loss of sight before correction.

(3) Every worker whose accident results in damage to or destruction of an artificial limb, eye, or tooth, shall have same repaired or replaced.

(4) Every worker whose hearing aid or eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced. The department or self-insurer shall be liable only for the cost of restoring damaged hearing aids or eyeglasses to their condition at the time of the accident.

(5)(a) All mechanical appliances necessary in the treatment of an injured worker, such as braces, belts, casts, and crutches, shall be provided and all mechanical appliances required as permanent equipment after treatment has been completed shall continue to be provided or replaced without regard to the date of injury or date treatment was completed, notwithstanding any other provision of law.

(b) The department shall assess the benefits to workers and the costs of emerging technologies in determining which hearing devices are provided to workers under this title. Such new technology shall be made available to workers requiring new or replacement devices as deemed appropriate based on the department's assessment.

(6) A worker, whose injury is of such short duration as to bring him or her within the time limit provisions of RCW 51.32.090, shall nevertheless receive during the omitted period medical, surgical, and hospital care and service and transportation under the provisions of this chapter.

(7) Whenever in the sole discretion of the supervisor it is reasonable and necessary to provide residence modifications necessary to meet the needs and requirements of the worker who has sustained catastrophic injury, the department or self-insurer may be ordered to pay an amount not to exceed the state's average annual wage for one year as determined under RCW 50.04.355, as now existing or hereafter amended, toward the cost of such modifications or construction. Such payment shall only be made for the construction or modification of a residence in which the injured worker resides. Only one residence of any worker may be modified or constructed under this subsection, although the supervisor may order more than one payment for any one home, up to the maximum amount permitted by this section.

(8)(a) Whenever in the sole discretion of the supervisor it is reasonable and necessary to modify a motor vehicle owned by a worker who has become an amputee or becomes paralyzed because of an industrial injury, the supervisor may order up to fifty percent of the state's average annual wage for one year, as determined under RCW 50.04.355, to be paid by the department or self-insurer toward the costs thereof.

(b) In the sole discretion of the supervisor after his or her review, the amount paid under this subsection may be increased by no more than four thousand dollars by written order of the supervisor.

(9) The benefits provided by subsections (7) and (8) of this section are available to any otherwise eligible worker regardless of the date of industrial injury.

Sec. 3. RCW 51.32.080 and 1993 c 520 s 1 are each amended to read as follows:

(1)(a) Until July 1, 1993, for the permanent partial disabilities here specifically described, the injured worker shall receive compensation as follows:

LOSS BY AMPUTATION

Of leg above the knee joint with short
thigh stump (3" or less below the

\$54,000.00

tuberosity of ischium)

<i>Of leg at or above knee joint with functional stump</i>	<i>48,600.00</i>
<i>Of leg below knee joint</i>	<i>43,200.00</i>
<i>Of leg at ankle (Syme)</i>	<i>37,800.00</i>
<i>Of foot at mid-metatarsals</i>	<i>18,900.00</i>
<i>Of great toe with resection of metatarsal bone</i>	<i>11,340.00</i>
<i>Of great toe at metatarsophalangeal joint</i>	<i>6,804.00</i>
<i>Of great toe at interphalangeal joint</i>	<i>3,600.00</i>
<i>Of lesser toe (2nd to 5th) with resection of metatarsal bone</i>	<i>4,140.00</i>
<i>Of lesser toe at metatarsophalangeal joint</i>	<i>2,016.00</i>
<i>Of lesser toe at proximal interphalangeal joint</i>	<i>1,494.00</i>
<i>Of lesser toe at distal interphalangeal joint</i>	<i>378.00</i>
<i>Of arm at or above the deltoid insertion or by disarticulation at the shoulder</i>	<i>54,000.00</i>
<i>Of arm at any point from below the deltoid insertion to below the elbow joint at the insertion of the biceps tendon</i>	<i>51,300.00</i>
<i>Of arm at any point from below the elbow joint distal to the insertion of the biceps tendon to and including mid-metacarpal amputation of the hand</i>	<i>48,600.00</i>
<i>Of all fingers except the thumb at metacarpophalangeal joints</i>	<i>29,160.00</i>
<i>Of thumb at metacarpophalangeal joint or with resection of carpometacarpal bone</i>	<i>19,440.00</i>
<i>Of thumb at interphalangeal joint</i>	<i>9,720.00</i>
<i>Of index finger at metacarpophalangeal joint or with resection of metacarpal bone</i>	<i>12,150.00</i>

<i>Of index finger at proximal interphalangeal joint</i>	9,720.00
<i>Of index finger at distal interphalangeal joint</i>	5,346.00
<i>Of middle finger at metacarpophalangeal joint or with resection of metacarpal bone</i>	9,720.00
<i>Of middle finger at proximal interphalangeal joint</i>	7,776.00
<i>Of middle finger at distal interphalangeal joint</i>	4,374.00
<i>Of ring finger at metacarpophalangeal joint or with resection of metacarpal bone</i>	4,860.00
<i>Of ring finger at proximal interphalangeal joint</i>	3,888.00
<i>Of ring finger at distal interphalangeal joint</i>	2,430.00
<i>Of little finger at metacarpophalangeal joint or with resection of metacarpal bone</i>	2,430.00
<i>Of little finger at proximal interphalangeal joint</i>	1,944.00
<i>Of little finger at distal interphalangeal joint</i>	972.00

MISCELLANEOUS

<i>Loss of one eye by enucleation</i>	21,600.00
<i>Loss of central visual acuity in one eye</i>	18,000.00
<i>Complete loss of hearing in both ears</i>	43,200.00
<i>Complete loss of hearing in one ear</i>	7,200.00

(b) Beginning on July 1, 1993, compensation under this subsection shall be computed as follows:
(1) Beginning on July 1, 1993, the compensation amounts for the specified disabilities listed in (a) of this subsection shall be increased by thirty-two percent; and
(ii) Beginning on July 1, 1994, and each July 1 thereafter, the compensation amounts for the specified disabilities listed in (a) of this subsection, as adjusted under (b)(1) of this subsection, shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30 immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(2) Compensation for amputation of a member or part thereof at a site other than those specified in subsection (1) of this section, and for loss of central visual acuity and loss of hearing other than complete, shall be in proportion to that which such other amputation or partial loss of visual acuity or hearing most closely resembles and approximates.

Compensation shall be calculated based on the adjusted schedule of compensation in effect for the respective time period as prescribed in subsection (1) of this section. However, beginning with claims filed on or after the effective date of this section, compensation for permanent partial disabilities for hearing loss due to occupational noise exposure shall be paid at an amount equal to seventy-five percent of the monetary value of such disability under this section.

(3)(a) Compensation for any other permanent partial disability not involving amputation shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to the disabilities specified in subsection (1) of this section, which most closely resembles and approximates in degree of disability such other disability, and compensation for any other unspecified permanent partial disability shall be in an amount as measured and compared to total bodily impairment. To reduce litigation and establish more certainty and uniformity in the rating of unspecified permanent partial disabilities, the department shall enact rules having the force of law classifying such disabilities in the proportion which the department shall determine such disabilities reasonably bear to total bodily impairment. In enacting such rules, the department shall give consideration to, but need not necessarily adopt, any nationally recognized medical standards or guides for determining various bodily impairments.

(b) Until July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be deemed to be ninety thousand dollars. Beginning on July 1, 1993, for purposes of calculating monetary benefits under (a) of this subsection, the amount payable for total bodily impairment shall be adjusted as follows:

(i) Beginning on July 1, 1993, the amount payable for total bodily impairment under this section shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the amount payable for total bodily impairment prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(c) Until July 1, 1993, the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of ninety thousand dollars. Beginning on July 1, 1993, total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed a sum calculated as follows:

(i) Beginning on July 1, 1993, the sum shall be increased to one hundred eighteen thousand eight hundred dollars; and

(ii) Beginning on July 1, 1994, and each July 1 thereafter, the sum prescribed in (b)(i) of this subsection shall be adjusted as provided in subsection (1)(b)(ii) of this section.

(4) If permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured worker if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured worker and his or her monthly compensation payments shall be reduced accordingly.

(5) Should a worker receive an injury to a member or part of his or her body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such worker, his or her compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

(6) When the compensation provided for in subsections (1) through (3) of this section exceeds three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, payment shall be made in monthly payments in accordance with the schedule of temporary total disability payments set forth in RCW 51.32.090 until such compensation is paid to the injured worker in full, except that the first monthly payment shall be in an amount equal to three times the average monthly wage in the state as computed under the provisions of RCW 51.08.018, and interest shall be paid at the rate of eight percent on the unpaid balance of such compensation commencing with the second monthly payment. However, upon application of the injured worker or survivor the monthly payment may be converted, in whole or in part, into a lump sum payment, in which event the monthly payment shall cease in whole or in part. Such conversion may be made only upon written application of the injured worker or survivor to the department and shall rest in the discretion of the department depending upon the merits of each individual application. Upon the death of a worker all unpaid installments accrued shall be paid according to the payment schedule established prior to the death of the worker to the widow or widower, or if there is no widow or widower surviving, to the dependent children of such claimant, and if there are no such dependent children, then to such other dependents as defined by this title.

(7) Except as otherwise provided in this section, awards payable under this section are governed by the schedule in effect on the date of injury.

NEW SECTION. Sec. 4. Section 1 of this act applies to all claims filed on or after the effective date of this section for hearing loss due to occupational noise exposure regardless of the date of injurious exposure."

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senator Keiser to Senate Bill No. 5271.

ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote:
Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 21.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Excused: Senators Deccio, McCaslin and Shin - 3.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5271, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5271, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5271, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Esser, Finkbeiner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 27.

Voting nay: Senators Brown, Eide, Fairley, Franklin, Fraser, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Spanel and Thibaudeau - 19.

Excused: Senators Deccio, McCaslin and Shin - 3.

SENATE BILL NO. 5271, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5271 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, Senators Honeyford, West, Brown, Keiser were excused.

MOTION

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

INTRODUCTION AND FIRST READING

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6094, Engrossed House Bill No. 1989 and Second Engrossed Substitute House Bill No. 2195, which were held on the Introduction and First Reading Calendar June 6, 2003, were advanced to second reading and placed on the second reading calendar.

MOTION

At 11:01 p.m. on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 11:08 p.m. by President Owen.

There being no objection, the President advanced the Senate to the sixth order of business

SECOND READING

SENATE BILL NO. 6094, by Senators Carlson and Jacobsen

Changing the school district levy base calculation

The bill was read the second time.

MOTION

Senator Carlson moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection ((4)) (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection ((4)) (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior

school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; ((and))

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes;

(d) Beginning with calendar year 2005 calculations, the federal allocations received directly by a district for purposes of this subsection (3) shall be the allocations from the second prior school year. The federal revenues shall be adjusted by inflation as determined by the office of the superintendent of public instruction. For purposes of this subsection, "second prior school year" means the school year completed two years prior to the year in which the levies are to be collected; and

(e) Beginning with calendar year 2005 calculations, revenues included in the levy base shall be reduced for revenues received as a fiscal agent. The office of the superintendent of public instruction shall adopt rules defining "revenues received as a fiscal agent".

(4) For excess levies for collection in calendar years 2004 and 2005, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the difference between the state allocations under subsection (3)(a) and (b) of this section and the amount the district would have received if (a) the district's base salary for certificated instructional staff for purposes of determining state basic education allocations had been the same as the highest base salary for that school year on the supporting LEAP salary document referenced in the omnibus appropriations act; and (b) the district's salaries for certificated administrators and classified staff for purposes of determining state basic education allocations had been the same as the highest certificated administrator and classified staff salaries for that school year on the supporting LEAP salary document referenced in the omnibus appropriations act. For calendar years 2004 and 2005, the additional amounts provided under this subsection shall not be used in the calculation of levy base for the purpose of determining local effort assistance allocations under chapter 28A.500 RCW.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection **(3)** of this section;

(ii) Reduce the result of **(b)(i)** of this subsection by any levy reduction funds as defined in subsection ~~((5))~~ **(6)** of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of **(b)(ii)** of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in **(b)(iii)** of this subsection.

~~((5))~~ **(6)** "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections **(3)** and **(4)** of this section: **(a)** That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and **(b)** that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((6))~~ **(7)** For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((7))~~ **(8)** For the purposes of this section, "current school year" means the year immediately following the prior school year.

~~((8))~~ **(9)** Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

~~((9))~~ **(10)** The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section."

Debate ensued.

POINT OF INQUIRY

Senator Spanel: "Senator McAuliffe, does this bill have any affect on levy equalization?"

Senator McAuliffe: "No, it does not."

Senator Spanel: "It mentions that. Maybe the other proponent knows. It mentions levy equalization in the summary and that is why I wanted to know."

Senator McAuliffe: "To my knowledge, it does not affect levy equalization."

POINT OF INQUIRY

Senator Spanel: "Senator Carlson, does this bill affect levy equalization? I ask, because usually that is the mediation for those districts --the haves and have nots. I am wondering if the have nots are going to gain anything and they probably won't, because we don't have any state dollars to do it."

Senator Carlson: "That is correct. Thank you, Senator Spanel, for the question. The answer is found on page 3, lines 20 to 22, where it specifically says, 'the subsection shall not be used for the calculation of levy base for the purpose of determining local effort assistance allocation under Chapter 28A.500 RCW.' The House, which understood this particularly--especially--in our rural areas asked that this be included in an amendment that they had in a bill that was originally called 2044. This bill, in fact, is a response, by the striker, to not deal with levy equalization."

Senator Spanel: "Thank you."

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Carlson to Senate Bill No. 6094.

The motion by Senator Carlson carried and the striking amendment was adopted.

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

On page 1, line 1 of the title, after "calculations;" strike the remainder of the title and insert "amending RCW 84.52.0531."

MOTION

On motion of Senator Carlson, the rules were suspended, Engrossed Senate Bill No. 6094, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6094, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6094, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 33; Nays, 9; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kline, Kohl-Welles, Mulliken, Oke, Parlette, Poulsen, Prentice, Reardon, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, Thibaudeau, Winsley and Zarelli - 33.

Voting nay: Senators Hargrove, Kastama, McAuliffe, Morton, Rasmussen, Regala, Sheldon, B., Sheldon, T. and Spanel - 9.

Excused: Senators Brown, Deccio, Honeyford, Keiser, McCaslin, Shin and West - 7.

ENGROSSED SENATE BILL NO. 6094, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Senate Bill No. 6094 was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, by House Committee on Education (originally sponsored by Representatives McDermott, Talcott, Quall, Hunter, Kenney and Rockefeller) (by request of Governor Locke)

Learning Assistance Program

The bill was read the second time.

MOTION

On motion of Senator Johnson, the following amendment was adopted:

On page 2, line 7, after "grade", strike "twelve" and insert "eleven".

Renumber the sections consecutively and correct any internal references accordingly.

MOTION

Senator Johnson moved that the following amendment be adopted:

On page 4, line 23, after "only." strike all material down and through "factor."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Johnson on page 4, line 23, to Engrossed Substitute House Bill No. 1989.

MOTION

On motion of Senator Johnson, the rules were suspended, Engrossed Substitute House Bill No. 1989, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1989, as amended by the Senate under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1989, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote :Yeas, 40; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens, Swecker, Winsley and Zarelli - 40.

Voting nay: Senators Kline and Thibaudeau - 2.

Excused: Senators Brown, Deccio, Honeyford, Keiser, McCaslin, Shin and West - 7.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1989, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Engrossed Substitute House Bill No. 1989 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

June 10, 2003

MR. PRESIDENT:

The House has passed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659 with the following amendment(s)

On page 2, after line 12, strike all of subsection (3) and insert the following:

"(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Sheahan moved that the Senate concur in the House amendment to Second Engrossed Substitute Senate Bill No. 5659.

Debate ensued.

POINT OF INQUIRY

Senator Benton: "Senator Winsley, the version that we are voting to concur on, is that exactly the same as the bill that we sent over with the exception of the new car--or used car--amendment?"

Senator Winsley: "Yes."

Senator Benton: "Or are there other provisions that were changed, as well?"

Senator Winsley: "This is the only one--the used cars."

Senator Benton: "So, the only change to the bill is the used card amendment?"

Senator Winsley: "Yes, just the amendment on page 2, line 12 by Representatives Ericksen and others. That's it."

Senator Benton: "His amendment removed the used cars?"

Senator Winsley: "Exempted the used cars--removed the word 'may' that was in Senator Mulliken's amendment."

Senator Benton: "Okay."

Senator Winsley: "So they have equal status with new cars."

Senator Benton: "Oh, Okay. Thank you."

The President declared the question before the Senate to be the adoption of the House amendment on page 2, after line 12, to Second Engrossed Substitute Senate Bill No. 5659.

The motion by Senator Sheahan carried and the Senate concurred in the House amendment to Second Engrossed Substitute Senate Bill No. 5659.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5659, as amended by the House.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5659, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; Nays, 10; Absent, 0; Excused, 7.

Voting yea: Senators Brandland, Carlson, Doumit, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Poulsen, Prentice, Rasmussen, Reardon, Regala, Schmidt, Sheahan, Sheldon, B., Spanel, Swecker, Thibaudeau and Winsley - 32.

Voting nay: Senators Benton, Esser, Finkbeiner, Johnson, Parlette, Roach, Rossi, Sheldon, T., Stevens and Zarelli - 10.

Excused: Senators Brown, Deccio, Honeyford, Keiser, McCaslin, Shin and West - 7.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Second Engrossed Substitute Senate Bill No. 5659 was ordered to be immediately transmitted to the House of Representatives.

MESSAGES FROM THE HOUSE

June 10, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5028, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 10, 2003

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 10, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6093, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 10, 2003

MR. PRESIDENT:

**The Speaker has signed:
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336,
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338,
HOUSE BILL NO. 2252,
HOUSE BILL NO. 2266, and the same are herewith transmitted.**

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659.

SIGNED BY THE PRESIDENT

The President signed:

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5028,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,
ENGROSSED SENATE BILL NO. 6093.**

SIGNED BY THE PRESIDENT

*The President signed:
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1336,
SECOND ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1338,
HOUSE BILL NO. 2252,
HOUSE BILL NO. 2266.*

*At 11:46 p.m., the President declared the Senate to be at ease.
The Senate was called to order at 12:02 a.m. by President Owen.*

PARLIAMENTARY INQUIRY

Senator Jacobsen: "A point of parliamentary inquiry, Mr. President. Now, that we have gone after midnight, is the Call of the Senate still on?"

REPLY BY THE PRESIDENT

*President Owen: "No."
Senator Jacobsen: "Thank you, Mr. President."*

At 12:08 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 12:51 a.m. by President Owen.

MOTION

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

MOTIONS

On motion of Senator Sheahan, the following bills, which were held on the Introduction and First Reading Calendar were referred to the following committees: Senate Bill No. 6095, Referred to Committee on Education; Senate Bill No. 6085, Referred to Committee on Technology and Communications; Senate Concurrent Resolution 8412, Referred to Committee on Government Operations and Elections; Senate Concurrent Resolution 8413, Referred to Committee on Ways and Means.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

June 10, 2003

MR. PRESIDENT:

The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4410, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4410 By Representatives Kessler and DeBolt

Adjourning SINE DIE.

MOTION

On motion of Senator Sheahan, the rules were suspended House Concurrent Resolution No. 4410 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4410, by Representatives Kessler and DeBolt

Adjourning SINE DIE

The concurrent resolution was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended House Concurrent Resolution No. 4410 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4410 was adopted by voice vote.

MESSAGES FROM THE HOUSE

June 10, 2003

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5028,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,

ENGROSSED SENATE BILL NO. 6093, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 10, 2003

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5908,

SENATE BILL NO. 6059,

SENATE BILL NO. 6087,

SENATE BILL NO. 6092, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 10, 2003,

MR. PRESIDENT: The Speaker has signed SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5659, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 10, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4410, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 10, 2003

MR. PRESIDENT:

On motion, the House herewith returns the following Senate Bills to the Senate:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5012,

SENATE BILL NO. 5271,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5364,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5982,

ENGROSSED SENATE BILL NO. 6084.
ENGROSSED SENATE BILL NO. 6097. CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed HOUSE CONCURRENT RESOLUTION NO. 4410.

MOTION

On motion of Senator Sheahan, the following House Bills were returned to the House of Representatives.

**SUBSTITUTE HOUSE BILL NO. 1013,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1053,
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2195,
HOUSE BILL NO 2294.**

MOTION

On motion of Senator Sheahan, the Senate Journal for the thirtieth day of the First Special Session of the Fifty-eighth Legislature was approved.

MOTION

At 12:56 a.m., on motion of Senator Sheahan, the 2003 First Special Session of the Fifty-eighth Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate
JOURNAL OF THE SENATE

THIRTIETH DAY, FIRST SPECIAL SESSION, JUNE 10, 2003

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FIRST DAY, SECOND SPECIAL SESSION

MORNING SESSION

Senate Chamber, Olympia, Tuesday, June 11, 2003

The Senate of the 2003 Second Special Session of the Fifty-eighth Legislature of the state of Washington was called to order at 12:58 a.m. by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Fairley, Hargrove, McCaslin, Poulsen, Reardon, Shin, Thibaudeau and West. On motion of Senator Eide, Senators Fairley, Hargrove, Poulsen, Reardon, Shin and Thibaudeau were excused. On motion of Senator Hewitt, Senators Deccio, McCaslin and West were excused.

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2003 special session on June 10, 2003, the 30th day of the first special session; and

WHEREAS, substantial work needs to be completed with respect to unemployment compensation reform, workers' compensation reform, tax incentives for the aerospace industry, and education;

NOW, THEREFORE, I Gary Locke, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in Olympia, immediately upon sine die of the 1st special session, on Wednesday, June 11, 2003 for no more than one day for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 11th day of June, A.D., two thousand and three.

SEAL Governor of Washington

GARY LOCKE

BY THE GOVERNOR:

SAM REED
Secretary of State

INTRODUCTION AND FIRST READING

SCR 8414 by Senators Sheahan, Finkbeiner and Betti Sheldon

Specifying the status of bills, memorials and resolutions for the 2003 second special session of the fifty-eight legislature.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Concurrent Resolution No. 8414 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8414, by Senators Sheahan, Finkbeiner and Betti Sheldon

Specifying the status of bills, memorials and resolutions for the 2003 second special session of the fifty-eighth legislature.

The concurrent resolution was read the second time.

SENATE CONCURRENT RESOLUTION NO. 8414

WHEREAS, Bills, joint resolutions, joint memorials, and concurrent resolutions introduced at the 2003 regular and 1st special sessions of the Fifty-eighth Legislature may require that they be considered at the 2003 second special session of the Fifty-eighth Legislature; and

WHEREAS, The public interest requires that the business of the 2003 second special session of the Fifty-eighth Legislature be considered and acted upon as efficiently and expeditiously as possible;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That all bills, joint resolutions, joint memorials, and concurrent resolutions introduced in the 2003 regular and 1st special sessions of the Fifty-eighth Legislature are reintroduced in the house in which they originated and shall retain the same number and be given the highest legislative status that they attained in the original house as shown by the official Senate and House dockets upon the adjournment SINE DIE of the 1st special session.

MOTION

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

The President declared the question before the Senate to be the adoption of Senate Concurrent Resolution No. 8414. SENATE CONCURRENT RESOLUTION NO. 8414, was adopted by voice vote.

MOTION

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

EDITOR'S NOTE: Pursuant to Senate Concurrent Resolution No. 8414, the following bills were placed on the Third Reading Calendar:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5012
SENATE BILL NO. 5271
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5364
ENGROSSED SUBSTITUTE SENATE BILL NO. 5982
ENGROSSED SENATE BILL NO. 6084
ENGROSSED SENATE BILL NO. 6094
ENGROSSED SUBSTITUTE SENATE BILL NO. 6097

At 1:12 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 1:21 a.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6097, by Senators Honeyford and Mulliken

Revising the unemployment compensation system.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Bill No. 6097 was returned to second reading and read the second time.

MOTION

Senator Honeyford moved that the following amendments, under suspension of the rules, be considered simultaneously and be adopted:

On page 13, beginning on line 23, strike all of section 12 and insert the following:

"NEW SECTION. Sec. 12. A new section is added to chapter 50.20 RCW to read as follows:

(1) With respect to claims that have an effective date on or after January 2, 2005, an otherwise eligible individual may not be denied benefits for any week because the individual is a part-time worker and is available for, seeks, applies for, or accepts only work of seventeen or fewer hours per week by reason of the application of RCW 50.20.010(1)(c), 50.20.080, or 50.22.020(1) relating to availability for work and active search for work, or failure to apply for or refusal to accept suitable work.

(2) For purposes of this section, "part-time worker" means an individual who: (a) Earned wages in "employment" in at least forty weeks in the individual's base year; and (b) did not earn wages in "employment" in more than seventeen hours per week in any weeks in the individual's base year."

On page 16, line 21, after "(3)" strike all material through "(4)" on line 26

On page 16, line 28, after "is for" strike "twenty" and insert "seventeen"

On page 16, at the beginning of line 29, strike "(5)" and insert "(4)"

On page 16, beginning on line 35, strike all of section 14

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 24, line 33, after "percent" insert "or, for employers whose standard industrial classification code is within major group "01," "02," "07," "091," "203," "209," or "5148," or the equivalent code in the North American industry classification system code, may not exceed six percent"

On page 35, beginning on line 29, strike all of subsection (d)

On page 36, beginning on line 28, strike all of subsection (f)

Debate ensued.

POINT OF INQUIRY

Senator Keiser: "Senator Honeyford, I am a little confused about the second portion of Section 12. Was it the intent that it means a 'part-time worker' should be working at least seventeen hours a week or is the intent that a 'part-time worker' should work no more than seventeen hours a week?"

Senator Honeyford: "Senator, that is a very good question. I believe it defines those temporary workers who are working no more than seventeen hours a week."

Senator Keiser: "I would like to take a closer look to that particular issue. I don't think we are quite in total agreement on that, because it does seem that it would be eliminating the vast, vast majority of part-time workers, if you limited any availability to those who work seventeen hours or less a week for forty weeks."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Honeyford on page 13, line 23; page 16, lines 21, 28, 29 and 35; page 24, line 33; page 35, line 29; and page 36, line 28, under suspension of the rules, to Senate Bill No. 6097.

The motion by Senator Honeyford carried and the amendments were adopted.

MOTION

Senator Brown moved that the following amendment, under suspension of the rules, be adopted:

On page 7, line 8, beginning with "(A)" strike everything through "move" on line 13 and insert the following: "has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move"

Debate ensued.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Brown on page 7, line 8, to Senate Bill No. 6097.

ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 13; Nays, 27; Absent, 0; Excused, 9.

Voting yea: Senators Brown, Doumit, Eide, Franklin, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B. and Spanel - 13.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 27.

Excused: Senators Deccio, Fairley, Hargrove, McCaslin, Poulsen, Reardon, Shin, Thibaudeau and West - 9.

MOTION

On motion of Senator Honeyford, the rules were suspended, Second Engrossed Senate Bill No. 6097, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Senate Bill No. 6097, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 6097, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 9; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 31.

Voting nay: Senators Brown, Franklin, Fraser, Keiser, Kline, Kohl-Welles, Regala, Sheldon, B. and Spanel - 9.

Excused: Senators Deccio, Fairley, Hargrove, McCaslin, Poulsen, Reardon, Shin, Thibaudeau and West - 9.

SECOND ENGROSSED SENATE BILL NO. 6097, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Second Engrossed Senate Bill No. 6097 was ordered to be immediately transmitted to the House of Representatives.

At 1:39 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 1:55 a.m. by President Owen.

MOTION

On motion of Senator Eide, Senator Haugen was excused.

PERSONAL PRIVILEGE

Senator Hewitt: "A point of personal privilege, Mr. President. You might have noticed that Senator West was here tonight. He made a gallant effort to get on an airplane and come over here and give us some very good votes tonight. You may disagree on whether they were good or not, but he was here. He is very sick, but he that; he had to leave because he was not feeling well. I asked Senator Jacobsen if he would give us his vote for Senator West and he agreed. We think that is a tremendous, tremendous gesture and we want to sincerely say, 'Thank you very much.'"

MOTION

On motion of Senator Sheahan, the Senate advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5271, by Senators Honeyford, Hewitt and Parlette (by request of Department of Labor and Industries)

Regarding industrial insurance hearing loss claims.

The bill was read the third time.

Senator Honeyford spoke to Senate Bill No. 5271.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5271.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5271 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 9; Absent, 0; Excused, 9.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Hale, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 31.

Voting nay: Senators Brown, Franklin, Fraser, Keiser, Kline, Kohl-Welles, Regala, Sheldon, B. and Spanel - 9.

Excused: Senators Deccio, Fairley, Hargrove, McCaslin, Poulsen, Reardon, Shin, Thibaudeau and West - 9.

SENATE BILL NO. 5271, having received the constitutional majority, was declared passed. There being no objection, the title will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senate Bill No. 5271 was ordered to be immediately transmitted to the House of Representatives.

At 2:00 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 4:29 a.m. by President Owen.

MOTION

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

MESSAGE FROM THE HOUSE

June 11, 2002

MR. PRESIDENT:

Under suspension of the rules, SECOND SUBSTITUTE SENATE BILL NO. 6097 was returned to second reading for an amendment.

The House passed the bill with the following amendment:

On page 12, beginning on line 25, strike all of subsection (2) and insert the following:

"(2)(a) With respect to claims that have an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to claims that have an effective date on or after January 4, 2004, an individual's weekly benefit amount shall be an amount equal to three and nine-tenths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

Senator Honeyford moved that the Senate do not concur in the House amendment to Second Engrossed Senate Bill No. 6097, adhere to its position and asks the House to recede therefrom.

MOTION

Senator Betti Sheldon moved that the Senate concur in the House amendment to Second Engrossed Senate Bill No. 6097.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Sheahan: "A parliamentary inquiry, Mr. President. If this motion fails, will the motion to adhere move with the do not concur to the House amendment?"

REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, the President believes that Senator Honeyford only made the motion to not concur, so the motion by Senator Sheldon--should it fail--then the bill would be automatically sent back to the House with a do not concur message, but since his motion was to adhere and to not concur, then, in fact, if Senator Sheldon's motion should fail, then we would take his motion following that."

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Betti Sheldon that the Senate do concur in the House amendment to Second Engrossed Senate Bill No. 6097.

ROLL CALL

The Secretary called roll and the Senate did not concur in the House amendment to Second Engrossed Senate Bill No. 6097 by the following vote: Yeas, 13; Nays, 26; Absent, 0; Excused, 10.

Voting yea: Senators Brown, Doumit, Eide, Franklin, Fraser, Keiser, Kline, Kohl-Welles, McAuliffe, Prentice, Regala, Sheldon, B. and Spanel - 13.

Voting nay: Senators Benton, Brandland, Carlson, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Morton, Mulliken, Oke, Parlette, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, T., Stevens, Swecker, Winsley and Zarelli - 26.

Excused: Senators Deccio, Fairley, Hargrove, Haugen, McCaslin, Poulsen, Reardon, Shin, Thibaudeau and West - 10.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate adhere to its position regarding the House amendment to Second Engrossed Senate Bill No. 6097 and asks the House to recede therefrom.

The motion by Senator Honeyford carried and the Senate adheres to its position regarding the House amendment to Second Engrossed Senate Bill No. 6097 and asks the House to recede therefrom.

At 4:46 a.m., the President declared the Senate to be at ease.

The Senate was called to order at 5:03 a.m. by President Owen.

MESSAGES FROM THE HOUSE

June 11, 2002

MR. PRESIDENT:

The House has passed SENATE BILL NO. 5271, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

June 11, 2002

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8414, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 5271.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8414.

MOTION

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

INTRODUCTION AND FIRST READING

SB 6099 by Senator Honeyford (by request of Governor Locke)

AN ACT Relating to making appropriations for the payment of expenses related to the implementation of 2ESB 6097; and making appropriations.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6099 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE BILL NO. 6099, by Senator Honeyford (by request of Governor Locke)

Making appropriations for the payment of expenses related to the implementation of 2ESB 6099.

The bill was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 6099, under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6099, under suspension of the rules.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6099, under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 31; Nays, 7; Absent, 1; Excused, 10.

Voting yea: Senators Benton, Brandland, Carlson, Doumit, Eide, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Prentice, Rasmussen, Roach, Rossi, Schmidt, Sheahan, Sheldon, B., Sheldon, T., Swecker and Zarelli - 31.

Voting nay: Senators Brown, Franklin, Fraser, Regala, Spanel, Stevens and Winsley - 7.

Absent: Senator Kline - 1.

Excused: Senators Deccio, Fairley, Hargrove, Haugen, McCaslin, Poulsen, Reardon, Shin, Thibaudeau and West - 10.

SENATE BILL NO. 6099, under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, Senate Bill No. 6099 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Eide, Senator Kline was excused.

MESSAGE FROM THE HOUSE

June 11, 2003

MR. PRESIDENT:

The House has receded from its amendment(s) to SECOND ENGROSSED SENATE BILL NO. 6097, and passed the bill without the House amendment(s), and the same is herewith transmitted.

CYNTHIA ZEHNDER

SIGNED BY THE PRESIDENT

The President signed:
SECOND ENGROSSED SENATE BILL NO. 6097.

MOTION

At 5:31 a.m., on motion of Senator Sheahan, the Senate was declared to be at ease.

The Senate was called to order at 7:52 p.m. by President Owen.

MOTION

On motion of Senator Sheahan, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE June 11, 2003

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6099, and the same is herewith transmitted.

CYNTHIA ZEHNDER

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 6099.

MESSAGE FROM THE HOUSE

June 11, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2294, and the same is herewith transmitted.

CYNTHIA ZEHNDER

MOTION

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

INTRODUCTION AND FIRST READING

SCR 8415 by Senators Tim Sheldon and Betti Sheldon

Returning bills to the house of origin.

SCR 8416 by Senators Sheahan and Betti Sheldon

Adjourning Sine Die.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2294 by Representatives Pettigrew, Priest, Morris and Hinkle (by request of Governor Locke)

Providing tax incentives for the retention and expansion of the aerospace industry in Washington State.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Concurrent Resolution No. 8415, Senate Concurrent Resolution No. 8416 and House Bill No. 2294 were placed on the second reading calendar.

MOTION

On motion of Senator Eide, Senator Franklin was excused.

MOTION

On motion of Senator Hewitt, Senators Schmidt and Winsley were excused.

MOTION

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

SECOND READING

HOUSE BILL NO. 2294, by Representatives Pettigrew, Priest, Morris and Hinkle (by request of Governor Locke)

Providing tax incentives for the retention and expansion of the aerospace industry in Washington State.

The bill was read the second time.

MOTION

On motion of Senator Rossi, the rules were suspended, House Bill No. 2294 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2294.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2294 and the bill passed the Senate by the following vote: Yeas, 42; Absent, 0; Nays, 1; Excused, 6.

Voting yea: Senators Benton, Brandland, Brown, Carlson, Doumit, Eide, Esser, Fairley, Finkbeiner, Fraser, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 42.

Voting nay: Senator Kline - 1.

Excused: Senators Deccio, Franklin, McCaslin, Schmidt, West and Winsley - 6.

HOUSE SENATE BILL NO. 2294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Sheahan, House Bill No. 2294 was ordered to be immediately transmitted to the House of Representatives.

MESSAGES FROM THE HOUSE

June 11, 2003

MR. PRESIDENT:

The Speaker has signed:
SENATE BILL NO. 5271,
SENATE CONCURRENT RESOLUTION NO. 8414, and the same are herewith transmitted.

MR. PRESIDENT:

The Speaker has signed SECOND ENGROSSED SENATE BILL NO. 6097, and the same is herewith transmitted.

CYNTHIA ZEHLER

June 11, 2003

MR. PRESIDENT:

The Speaker has signed SENATE BILL NO. 6099, and the same is herewith transmitted.

CYNTHIA ZEHLER

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8415, by Senators Tim Sheldon and Betti Sheldon

Returning bills to the house of origin.

The concurrent resolution was read the second time.

SENATE CONCURRENT RESOLUTION NO. 8415

BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That immediately before adjournment SINE DIE of this 2003 2nd special session of the Fifty-eighth Legislature:

(1) The Senate shall transmit to the House of Representatives all House bills, House joint resolutions, House concurrent resolutions, and House joint memorials in its possession that have not been passed by the Senate, and upon receipt by the House of Representatives of such measures they shall be assigned to the House Rules Committee for third reading; and

(2) The House of Representatives shall transmit to the Senate all Senate bills, Senate joint resolutions, Senate concurrent resolutions, and Senate joint memorials in its possession that have not been passed by the House of Representatives, and upon receipt by the Senate of such measures they shall be assigned to the Senate Rules Committee for third reading; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Chief Clerk of the House of Representatives shall retain in their possession and in the status that exists upon the adjournment SINE DIE of the 2003 2nd special session of the Fifty-eighth Legislature, all legislative measures including all bills, joint resolutions, concurrent resolutions, and joint memorials that may at that time be in their respective houses and all records, journals, dockets, and other documents pertaining thereto; and

BE IT FURTHER RESOLVED, That all measures introduced at any further special session of the Fifty-eighth Legislature shall be numbered as a continuation of the numbers assigned to measures of the 2003 2nd special session of the Fifty-eighth Legislature.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Concurrent Resolution No. 8415 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to the adoption of Senate Concurrent Resolution No. 8415.
SENATE CONCURRENT RESOLUTION NO. 8415 was adopted by voice vote.

MOTION

On motion of Senator Sheahan, Senate Concurrent Resolution No. 8415 was ordered to be immediately transmitted to the House of Representatives.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8416, by Senators Sheahan and Betti and Betti Sheldon

Adjourning SINE DIE.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Sheahan, the rules were suspended, Senate Concurrent Resolution No. 8416 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to the adoption of Senate Concurrent Resolution No. 8416. SENATE CONCURRENT RESOLUTION NO. 8416 was adopted by voice vote.

MOTION

On motion of Senator Sheahan, Senate Concurrent Resolution No. 8416 was ordered to be immediately transmitted to the House of Representatives.

At 8:15 p.m., the President declared the Senate to be at ease.

The Senate was called to order at 8:17 p.m. by President Owen.

MOTION

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

MESSAGES FROM THE HOUSE

June 11, 2003

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8415, and the same is herewith transmitted.
CYNTHIA ZEHNDER

June 11, 2003

MR. PRESIDENT:

The House has adopted SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.
CYNTHIA ZEHNDER

June 11, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 2294, and the same is herewith transmitted.
CYNTHIA ZEHNDER

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8415.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 8416.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 2294.

MESSAGES FROM THE HOUSE

June 11, 2003

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8415, and the same is herewith transmitted.
CYNTHIA ZEHNDER

June 11, 2003

MR. PRESIDENT:

The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 8416, and the same is herewith transmitted.
CYNTHIA ZEHNDER

MOTION

On motion of Senator Sheahan, the Senate Journal for the first day of the Second Special Session of the Fifty-eighth Legislature was approved.

MOTION

At 8:29 p.m., on motion of Senator Sheahan, the Second Special Session of the Fifty-eight Legislature adjourned
SINE DIE.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, SECOND SPECIAL SESSION, JUNE 11, 2003

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

FIRST DAY, THIRD SPECIAL SESSION

NOON SESSION

Senate Chamber, Olympia, Friday, December 5, 2003

The Senate of the 2003 Third Special Session of the Fifty-eighth Legislature of the state of Washington was called to order in the Joel M. Pritchard Building at 12:00 noon by Lieutenant Governor Brad Owen, President of the Senate. The Secretary called the roll and announced to the President that all Senators were present except Senator Carlson.

The Sergeant at Arms Color Guard, consisting of Ben Hollingsworth and Kelly McCalahan, presented the Colors. Senator Pat Hale offered the prayer.

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

I have attached a full, true and correct copy of the Proclamation by the Governor calling the Third Special Session of the Washington State Legislature to be convened at noon on Friday, December 5, 2003.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the state of Washington to be affixed at Olympia, this 5th day of November, A.D., 2003.

SAM REED
Secretary of State

PROCLAMATION BY THE GOVERNOR

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 Regular Session of the Legislature adjourned on April 27, 2003, the 105th day of the session; and

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 First Special Session of the Legislature adjourned June 10, 2003, the 30th day of the first special session; and

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the 2003 Second Special Session of the Legislature adjourned June 11, 2003, the 1st day of the second special session; and

WHEREAS, it is now necessary for me to convene a Third Special Session of the Legislature for the purpose of canceling the non-binding 2004 presidential primary:

NOW, THEREFORE, I Gary Locke, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session at the Capitol in Olympia at noon on Friday, December 5, 2003, for a period of not more than one week for the purpose of enacting legislation as described above.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia this 4th day of November, two thousand and three.

SEAL Governor of Washington

GARY LOCKE

BY THE GOVERNOR:

SAM REED
Secretary of State

STATE OF WASHINGTON

October 30, 2003

Statute Law Committee
P.O. Box 40551
Olympia, WA 98504-0551

Re: Resolution of Veto Litigation - Superior Court Stipulated Judgment

Dear Statute Law Committee Members:

We are writing to inform you that the Governor and the Legislature have settled, pursuant to a stipulated judgment, recent litigation arising from the veto of portions of Substitute House Bill 1059 (Laws of 2003, ch. 404), Substitute House Bill 1173 (Laws of 2003, ch. 346), and Engrossed Substitute House Bill 1827 (Laws of 2003, ch. 398). A copy of the entered judgment is enclosed for your review.

As the order makes clear, these bills are enacted in full force and effect as passed by the Legislature prior to the vetoes. The Governor will take steps to assure that agencies are advised of this disposition, and the Legislature will likewise take steps to ensure that its records reflect the judgment and status of the legislation. We believe it is important that the Revised Code of Washington reflect the law as originally passed with respect to these measures, and we therefore urge that future editions of the code--both printed and electronic--accurately reflect the law as determined by this agreed order and entered by a court of law.

Thank you for your attention and cooperation on this matter. If we may provide any additional information, please do not hesitate to contact us.

Very truly yours,

FOR THE GOVERNOR:

FOR THE SENATE:

FOR THE HOUSE OF
REPRESENTATIVES:

Tom Fitzsimmons
Chief of Staff

Milton H. Doumit, Jr.
Secretary of the Senate

Bill Wegeleben
Deputy Chief Clerk

MOTION

On motion of Senator Hale, the following resolution was adopted:

SENATE RESOLUTION 8685

By Senators Hale, Benton, Brandland, Brown, Carlson, Deccio, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Rasmussen, Reardon, Regala, Roach, Rossi, Schmidt, Sheahan, B. Sheldon, T. Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli

WHEREAS, Senator James E. West has proudly served the people of the Sixth Legislative District with honor and distinction since 1982, dedicating his life to making the state of Washington, especially the city of Spokane, a better place to live, work, and raise a family; and

WHEREAS, James E. West rose from humble beginnings in the Grant School neighborhood on the South Hill in Spokane to graduate from Lewis & Clark High School, attend the University of Nevada at Reno, Spokane Community College, and Spokane Falls Community College, and graduate from Gonzaga University with his B.A. in criminal justice; and

WHEREAS, James E. West has served his country as a paratrooper in the 82nd Airborne Division of the U.S. Army and most recently passed legislation to allow veterans of the Korean conflict who were drafted before graduation to finally receive their diplomas; and

WHEREAS, Throughout his career, outside of the Legislature, James E. West ran a retail scuba shop, worked as a licensed realtor, served the Spokane County Sheriff's office as a deputy sheriff, and first worked in the Legislature as a security guard; and

WHEREAS, James E. West committed much of his life to working with the Boy Scouts of America, both as a scoutmaster and director of Camp Cowles, touching thousands of lives, inspiring young people to greatness and winning the Inland Northwest District Award of Merit; and

WHEREAS, James E. West started his career in public service in 1979 as the then youngest person ever elected to the Spokane City Council, he then won election to the State House of Representatives in 1982, where he served until winning his seat in the Senate in 1986; and

WHEREAS, James E. West views his chairmanship of the Senate Health Care Committee as one of the most valuable experiences in his life, during which time he toured prisons, mental hospitals, facilities for people with developmental disabilities, and programs for troubled youth, and passed groundbreaking mental health legislation to expand

regional services for the mentally ill, create the State Department of Health, develop a statewide trauma network, and require motorcycle helmets to prevent serious brain injuries; and

WHEREAS, James E. West cultivated a wide network of political connections as both chairman and ranking member of the powerful Ways and Means Committee and both minority and majority leader of the Senate; and

WHEREAS, James E. West's budgeting and leadership principles provide a lasting framework from which future generations of legislators can learn for decades to come; and

WHEREAS, James E. West was named legislator of the year seven times throughout his career by groups ranging from the Association of Washington Business to the Washington State Medical Association, and from the Washington Ambulance Association to the Associated Builders and Contractors; and

WHEREAS, James E. West's colleagues and staff in the Legislature, the Third House, and the Fourth Estate will deeply miss the tough-talking former deputy sheriff, with his sharp wit, voracious appetite for new ideas, tenacious grasp of parliamentary procedure, and unmatched skill as a political strategist; and

WHEREAS, James E. West's devotion to the city of Spokane was unwavering during his twenty-five year tenure as a public servant, from his intense passion for Gonzaga basketball to his recent willingness to sacrifice one of the most powerful political positions in the state to serve as Mayor of the city that he loves;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate thank Senator James E. West for his many contributions to the state of Washington, to the legislative institution, and to all the people he has mentored since first taking legislative office more than two decades ago; and

BE IT FURTHER RESOLVED, That we wish James E. West the very best in his new role as Mayor of the city of Spokane; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to James E. West's father, brother, and two sisters in Washington and in California.

Senators Hale, Brown, Hewitt, Deccio, Hargrove, Oke, Haugen, Horn, Thibaudeau, Winsley, Tim Sheldon, Brandland, Kohl-Welles, Rasmussen and Stevens spoke to Senate Resolution 8685.

PERSONAL PRIVILEGE

Senator West: "A point of personal privilege, Mr. President. Thank you, Mr. President. Actually, I was going to rise to close debate. You know words can't express the feelings that I have for each and everyone of you. I think of the Senate as family--the Legislature as a family--my brothers and sisters. In some cases, you might be my mothers or fathers. I have to tell you that I have parents younger than you--so there.

"I have to confess that, one, if I knew that it was going to be this good, I would have quit a long time ago, and two, that I am eternally grateful to Our Father in Heaven and to all of you for your prayers that this was the moment that I could have and this wouldn't be my eulogy. I think that some of you thought in the spring, when you saw me, that might very well be the case.

"I am very glad to have you amongst me at this time, as I move from the Senate into a great challenge in my life and a great job that I am looking forward to. I listened to the praise and frankly I don't deserve it. You know there are really great majority leaders back in history and I have read about them. Of course, in recent times, Sid Snyder and Jeannette Hayner and others, who were absolutely great and I learned from them--and I learned from some that weren't so great--and I learned from each and everyone of you. I learned more from you than you learned from me. What I learned here is going to serve the citizens of Spokane so well. You know if I could find forty-nine jobs in Spokane for you, I would take everyone of you with me and we would have a great city for it.

"Senator Oke mentioned and others mentioned the prayers that did go out in behalf of my health. I thought that God sitting in Heaven there and all of a sudden it is like 'Hey, who is this Jim West guy?' Give me an angel and go find something out about him, because an awful lot of people are praying for him--and I appreciated that.

"You are in good hands. Senator Finkbeiner will do a good job for our caucus. Senator Brown will do a good job for your caucus. I hope that you work together. I hope that this body continues to be a body of ideas--a body that can disagree on solutions, but understanding that the problems have to be solved and folks that can disagree without being disagreeable--and I am sure you can.

"I look forward, frankly, to Spokane being a shining city on the hill, to being one of the best cities in the state of Washington. Again, taking what I have learned from you and what I have learned from my service in the Legislature and applying that in local government and seeing if we can't have some improvement in our economy and the way we care for people and the way we do things. I think we can--I really truly do.

"For that, I thank you, each and everyone. There is one member of the Senate--now trust me--there is no one here that is better than another. You are all great in my book and I am not better than anybody here. I consider myself actually lower in the quality, because you have allowed me to have this great job and you demonstrated through your hard work and through your efforts and through your caring that this state could be a better place. I really and truly appreciate that. I do have to publicly thank one person who--and again, you are great and rose to great occasions--but when I was sick, I went to one person on the floor and asked him to do a favor for me. I didn't tell anybody. I asked him in my absence if he would please vote as if he were me? It was, perhaps, against his political convictions to do so, but he agreed to do it and then he did it. That is Senator Ken Jacobsen, whom I will be forever grateful. Thank you, Ken.

"I think that actually demonstrates the brotherhood of the Senate, because in the Year 2000, Ken was over recruiting my opponent and working hard to defeat me. After the elections are over and after we have to get to work on policy and after we have to get to work to serve the citizens of this state, we can set all of that aside and we get to work.

"So now, thank you, Mr. President. Thank you for allowing me to serve with you all of these great years. You have been a great friend and colleague. To each and everyone of you, thank you. I am going to miss you all. I am going to try and not come back for a period of time with my tin cup. Thank you very much and now let's get to work."

REMARKS BY THE PRESIDENT

President Owen: "Senator West, the President would like to wish you the best of everything in your new job and hope you will come back and visit us. I do hope that you have passed your enthusiasm and knowledge of parliamentary procedure on to someone, as well, who is as gracious as you were when you were wrong."

PERSONAL PRIVILEGE

Senator Hewitt: "Mr. President, a point of personal privilege. When I came to the Senate in 2001, I had the honor to wish my Grandmother her hundredth birthday. We were actually on the floor that day and I thought it was a great privilege and I thought it might be the last time that I ever had the opportunity to do that. When I came back in 2002, I was able to wish her a happy one hundred and first birthday and we were on the floor the day it actually happened and I thought that would be the last. When I came back in 2003, I was able to wish her a happy one hundred and second birthday and we did that from the floor.

"Sadly, today, I have to tell you that she died on Tuesday. She is being buried today at two o'clock, but I don't say that to make you sad. My family believes so strongly in the process that we partake in over here, that they said, 'We don't want you to come home, we want you to stay there and do the people's business.'

"My Grandmother, I believe, is the epitome of what all of us would want every voter in this state to be. She was engaged, she knew the issues, she knew the candidates. I tell you it was great to be around a lady like that and have the influence of that. So, as my Grandmother is buried today at two o'clock, I am going to be here today doing what she would want me to do--doing the people's business.

"Grandma, I love you and I wish I were with you. Thank you for listening."

PERSONAL PRIVILEGE

Senator Rossi: "Mr. President, a point of personal privilege. This probably is the most difficult speech that I have ever made on this floor. Quite frankly, I am going to announce today my resignation from the State Senate. It is a red letter day for you Senator Brandland. You are moving up that ladder fast. A few more speeches and you are going to be the majority leader.

"Really, what I wanted to talk about to you today was to say 'thank you.' When I got sworn in as a State Senator, I sat on the floor of the Senate in that gorgeous building over there. I sat in my chair and leaned back and looked at the Tiffany chandeliers and all the marble and I broke out in a cold sweat and said 'Oh, my God, I am a Senator now.' Then I looked at all these people--of course, I was a freshman--sitting next to Don Benton in the back row and looked at these people in front of me who had been there for quite some time and I was wondering if I was really qualified to actually be here. I asked that question. So many of you were gracious, on both sides the aisle, to take me under your wing and give me some guidance and help me along and give me opportunities to succeed.

"What I thought, when I became a Senator was that I realized that there were forty-nine people from forty-nine different districts and I realized that every person has a value. You just don't know where it fits in to what you are trying to accomplish. I have already addressed my caucus and told them that I would like to talk to my friends on the other side of the aisle.

"When you think about what has happened over the last seven years--I have been here seven years now. I could have a story about each and everyone of you--a very positive story. Most of the stories are very positive with my interaction with you. Let's just start with Senator Kline. He and I are just ideologically twins. We all know that. That was a joke! But you know, when a woman in my district, was walking with her husband hand in hand--Mary Johnson--and a three-time drunk driver ripped her from her husband's hand, she died. I was in my second year in the Senate and I was looking at the bio's of all the Senators and I realized that Senator Kline had been involved with Mother's Against Drunk Driving. Who was number two on every bill I had for drunk driving--the Mary Johnson Act--well Adam Kline and I were joined at the head. Thank you, Adam, and we have made a difference with that.

"Then, there is Senator Jacobsen who came in at the same time. You truly are a man of your word and a man of conviction, as Senator West has already pointed out and I want to thank you for the help you have given me. Senator Hargrove, we have fought a lot of battles together. Sometimes we were successful and sometimes we weren't, but I always knew where you stood. We oftentimes stood together and I want to thank you for what you have done.

"You go down the list here--Senator Rasmussen, kids and cows--kids and cows. You truly, truly do have it in your heart and what you have done as a Senator is remarkable and you continue to do it. Senator Fairley, I am not going leave you out of this. Your passion and compassion for the developmentally disabled and for people who are vulnerable was demonstrated last year time and time again. Please don't ever stop--please don't every stop doing that, because they need our help. Senator Tim Sheldon, the rock--incredibly solid. Every time when you told me you were going to be somewhere, guess what, when I got there, there you were. I appreciate that.

"The decision was very difficult. I love this job. Last year, it ended up being the most enjoyable year that I have had in seven years in the State Senate. Towards the end of the session, Randy Hodgins on the Ways and Means staff came to me and said, 'You know, you are not suppose to be enjoying this.' I said, 'Well, we are going to do the best we can with what we have and I am going to make sure that we work across the aisle.' To show how you folks put policy above politics, last year we passed fifty bills that were necessary to implement the budget on the Senate floor and not a single one of them passed with a party line partisan vote. Why? Because everybody here actually cares about the entire state of Washington and that is why that happened.

"Yes, I am--you have probably heard the rumor--I am going to run for Governor. I have been trying to keep it quiet. To keep a secret, it is just the people I tell that can't. I think it is important for me to do this--to resign from the State Senate. Quite frankly, this is something I need to do now if we are going to restore the greatness that we once had. We are at a crossroads and I believe that I am in a position to do something about this.

“So, that is what I am going to do. Thank you, very much. The good news is that I’ll just be over on the second floor.”

PERSONAL PRIVILEGE

Senator Brown: “Mr. President, a point of personal privilege. We are losing someone on this side of the aisle, too, and we would like to like to wish him well. I wasn’t sure if he was going to stand up on his own behalf and say anything to us and so I just wanted to acknowledge that Senator Reardon has not been with us in the Senate for a long time, but we are going to miss him. He, also, has heard the call of moving on to serve his local community and successfully taken on this job of County Executive. Senator Hargrove has just stripped him of his title now.

“Aaron, we are going to miss you, too, and your sense of humor. Some of you remember the time when we had some difficulty in the Call of the Senate and had a tough time finding you. Thanks for calling in and thanks for coming back. We appreciate that. Really, we really appreciate the time that we have spent with you and wish you and your wife and daughter the very best in your job as Snohomish County Executive.”

PERSONAL PRIVILEGE

Senator Schmidt: “Mr. President, a point of personal privilege, if I may. I am going to continue that remark about Senator Reardon. When he had won the primary, I wanted to say, ‘Congratulations,’ but in behalf of our party, I wanted to say, ‘Darn you.’ I knew he was going to have a good shot at winning. I just want to make a few comments. I ran for office for the first time in 1992. At that time, he was the campaign manager for my opponent, who defeated me. I was hoping I would never see him again. Now, I know, I will be seeing him quite frequently.

“I just want to say, ‘Aaron, congratulations again.’ I know you are going to do a good job there. I know you are a man of your word. We can trust you. I think we are going to find ourselves agreeing on a lot of things, because you are very good at that. I know you will do very well in serving the citizens of Snohomish County and look forward to being with you some more. Thank you.”

PERSONAL PRIVILEGE

Senator Reardon: “A point of personal privilege, Mr. President. Thank you, Mr. President and members of the Senate. Thank you very much for the distinguished opportunity to serve as your colleague. I have been here for five years and only one year in the State Senate, but if I had it to do over again, I would have run for the Senate in 1998. This truly is a body that I think can make things happen and I think the brain power of the state is in this body. It was demonstrated last year with the difficult challenges that--I hate giving Senator Rossi any praise right now--but the leadership that was demonstrated in this body, I think, set the tone for the challenges that needed to be taken on for years to come. I think that the state will turn more back to the middle in years to come and not be so partisan. I think all of our citizens will benefit from that.

“The work you have ahead of you is indeed--it is a big challenge--and, of course, during my campaign for county executive, I often talked to the new Mayor of Spokane. We exchanged notes on leadership and on campaign tactics. The only challenge, I guess I will throw is this, Jim. ‘We have a hockey team and we will beat you.’ If you every want to come and watch, we have season tickets and Kay and I would love to have you down.

“Thank you very much for the opportunity to serve all of you and thank you for the honor.”

PERSONAL PRIVILEGE

Senator Kohl-Welles: A point of personal privilege, Mr. President. I would like to speak on the passing of a former Senate colleague, State Senator Ray Moore, who was my predecessor from the Thirty-sixth Legislative District. Most of you likely know that Senator Moore died last Saturday at the age of ninety-one. He followed the death of his beloved wife, Virginia, who died last April. Ray, frequently, was heard to say that he knew that Virginia would outlive him by twenty-five years. I spoke with him several times in the last few months, as I am sure many of you did, and one could not help but notice the difference. His voice was very fragile; He sounded very frail; He was very lonely. It was really anticipated that he would die shortly.

“In my conversations with him, what came through still was his very wicked sense of humor, which, I am sure, all of you who served with Senator Moore in the Senate, remember. His sense of humor was profound, but often times was very hard. Senator Moore served in the Senate for sixteen years from 1978 to 1994. I am sure, those of you who were here and heard his very moving and eloquent speech on the Senate floor, during the 1994 Legislative Session, will never forget that. It apparently brought tears to many eyes as he announced that he would retire at the end of the year. In fact, he ended up resigning from the Senate that following October.

“As you may have known, he had started out as a Republican and we have the *Seattle Times* article written by Ralph Turner on the desk. It goes into some detail on this that Senator Moore was a Republican PCO, starting off in the 1930’s. He was Chair of the King County Republican party and he ran for the Legislature four times unsuccessfully before finally winning--twice as a Republican and twice as a Democrat.

“Senator Moore’s public policy was true humanitarian. He always championed civil rights, championed the down trodden, championed the vulnerable. He co-founded the Queen Ann Help Line, the first of its kind in the state of Washington and talked me into taking his place on the board in 1993. He also championed small business owners. It was critically important to him.

“There are some things that some people may not have known about Ray. His humor, again, and his political shrewdness were significant about him, as were all of the issues he cared about as public policy. When I became a board member of the very, very large retirement home in my district, he sent me a note saying, ‘Congratulations, I wish I could have done that, because it is an entire precinct. It will help with your next election.’ He always thought, I think, on a double track--policy and politics.

“I wish I could share some of the antidotes that my husband and I know about with regards to his humor, but I dare not when we have, perhaps, TVW broadcasting this. I will share one thing sort of. I used to come over to the Senate floor to talk with Senator Moore in the wings. I was in the House and one time as we were talking, I glanced at the tie he was wearing. Some of you may remember his ties, but it took my breath away. I was aghast; I couldn’t take my eyes off of this tie. I would love to describe it, but I can’t in public. What I will say is that this was his stock broker tie and he always wore it, he told me, when there was going to be a vote or an issue taken up on the Senate floor that had somehow to do with taxes and businesses. The tie had figures of bulls and bears on it, but it was the way they were positioned that I cannot reveal to you. Perhaps your imagination, if you knew Ray, will lead you to understand what that tie was. It was quite a tie.

“Senator Moore was the champion above all legislators I have ever known or even heard about with regard to his constituent casework. He and Virginia were a team and they compiled a legendary card file of constituents. They didn’t have the computer; they didn’t have internet then, but they had a card on every single constituent they ever came into contact with. He sent people congratulations on their birthdays, on wedding anniversaries, on children’s birthdays, everything that they could possibly think of. I still run into constituents who say ‘I remember when Senator Moore learned about this issue and he was there for us.’

“I have missed Senator Moore a lot since he has been gone, but I will never forget his compassion, his dedication and his humor. I will always remember his yard signs--the best one--with a photo of him on the yard sign and the narrative said, ‘Moore than just a pretty face.’”

PERSONAL PRIVILEGE

Senator Fraser: “A point of personal privilege. Today is a day of many fond farewells, but truly the passing of Senator Ray Moore is a day of a sad farewell. I remember Senator Moore with so much respect and fondness that I just wanted to say a couple of words. I joined the Senate in 1993 and one of the first committees I served on was his committee. It was the Committee on Financial--it was a committee he had--you might say, amassed. It was a committee on Financial Institutions, Labor, Commerce, Economic Development, Housing, Regulatory Reform and probably a number of other subjects. It was probably the largest scoped committee in the Senate, which certainly shows that he was a master of the internal workings and relationships of the Senate.

“He also served on the committee that I chaired. I was fortunate to chair a committee, when I first arrived, on Committee on Ecology and Parks. I am pleased to recall that he was a very strong pro environment legislator and also took a very long range interest in water policy. Then, after he left the Senate, his staff member, Jim Hughes, came to work in my office. So, I have had a lot of association with Ray and Virginia. Ray and I really bonded early on, like the first year I was here over the State Employees bargaining issue. That was an extremely strenuous issue then. That just shows you how long that issue has been going on, like a decade or more, and we finally reached a decision on that a couple of years ago. Even then, it was extraordinarily strenuous within the Legislature and between the legislative and executive branches. We had a major bonding experience on that and were on the same side. That became a wonderful relationship between us, which I will forever treasure. I appreciated his friendship, his many insights, his long perspective--he did like to remind us of a lot of history on a lot of issues--which was very helpful. One other point of humor was, those of you who have been here a few years, may remember how he handled gubernatorial appointments, looking through the file and reporting on it. He has made many policy contributions to our state. These have many friendships in our state and I and many others will miss him.”

MOTION

At 1:05 p.m., Senator Esser moved that the Senate go at ease.

MOTION

Senator Brown moved that the Senate revert to the fourth order of business to consider the Message from the House regarding House Bill No. 2297.

RULING BY THE PRESIDENT

President Owen: “Senator Brown, the President believes that a motion to go at ease is a privileged motion and would take precedence, so it is necessary to vote on that motion first.”

Senator Brown objected and requested a roll call vote on the motion to advance to the fourth order of business.

PARLIAMENTARY INQUIRY

Senator Kastama: "A parliamentary inquiry, if this body goes at ease, is there any limit as far as how long that at ease can be?"

RULING BY THE PRESIDENT

President Owen: "Senator Kastama, Senator Esser has proposed that the Senate go at ease, subject to the call of the President. I suspect that the President could call you back at any time under that direction."

Senator Kastama: "Also, I would like to ask an additional question. Therefore, until we come back, this body cannot consider the presidential primary bill that just passed the House? We cannot consider the cancellation until we come back into these chambers? Am I correct, Mr. President?"

RULING BY THE PRESIDENT

President Owen: "That is correct, Senator. That would be a majority of the members coming back."

Senator Kastama: "Thank you."

The President declared the question before the Senate to be the roll call on the motion by Senator Brown to revert to the fourth order of business to consider the House Message on House Bill No. 2297.

Debate ensued.

FURTHER RULING BY THE PRESIDENT

President Owen: "One moment, please. Senator Kastama, in further review of the rules, the President believes that his previous ruling is incorrect, because a time certain was not established. There is no specific reference to going at ease, but only going at recess. So, the President has to believe that they are compatible, but the rule at going to recess, in order for it to be a privileged motion, must have a time certain. Therefore, Senator Brown's motion would be in order."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Brown: "A parliamentary inquiry, I am wondering if the Senator's resignation from the Fifth District has already taken place. If so, is it appropriate for him to vote?"

REPLY BY THE PRESIDENT

President Owen: "Senator Rossi, have you submitted your resignation letter to the Governor?"

Senator Rossi: "No, I haven't."

RULING BY THE PRESIDENT

President Owen: "Senator Brown, the answer to your question is the Senator must have submitted his resignation to the Governor before it takes effect. The question before the Senate is the roll on the motion by Senator Brown to revert to the fourth order of business."

ROLL CALL

The Secretary called the roll on the motion by Senator Brown to revert to the fourth order of business and the motion carried, the President voting 'aye', by the following vote: Yeas, 24; Nays, 24; Absent, 1; Excused, 0.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel and, Thibaudeau - 24.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 24.

Absent: Senator Carlson - 1.

MOTION

At 1:22 p.m., Senator Esser moved to recess until 2:30 p.m.

PARLIAMENTARY INQUIRY

Senator Kastama: "A point of parliamentary inquiry, Mr. President. If at this time of two-thirty--I believe--if a majority of members do not come back to the Senate floor, will we be able to vote on this piece of legislation, the presidential primary?"

RULING BY THE PRESIDENT

President Owen: "You would fail to have a quorum at that time."
Senator Kastama: "Thank you, Mr. President."

MOTION

On motion of Senator Schmidt, Senator Carlson was excused.

At 1:26 p.m., the Senate recessed until 2:30 p.m.

The Senate was called to order at 2:30 p.m. by President Owen.

MOTION

On motion of Senator Hewitt, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

December 5, 2003

MR. PRESIDENT:

The House has passed HOUSE BILL NO. 2297, and the same is herewith transmitted.

RICHARD NAFSZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 6100 by Senators Kastama, Shin, McAuliffe, Regala, Thibaudeau, Kline, Spanel, Brown, Doumit, Franklin, Keiser, Rasmussen, Eide, B. Sheldon, T. Sheldon and Fraser

Canceling the presidential primary in 2004.

SB 6101 by Senator T. Sheldon

Revising primary election law.

SB 6102 by Senators Kastama, Brown, Spanel, B. Sheldon, Franklin, Fraser, Doumit, Haugen, Reardon, T. Sheldon, Shin, Prentice, Regala, Fairley, McAuliffe, Keiser and Thibaudeau (by request of Governor Locke)

Canceling the presidential primary in 2004.

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 2297 by Representatives Haigh, Armstrong, Kagi, Nixon, Santos, Hinkle, Shabro, Tom, Fromhold, Delvin, Dickerson, Alexander, McCoy, Ahern, Simpson, Woods, Clibborn, McDonald, Kenney, Miloscia, Chase, Lantz, Bailey, Schual-Berke, Hudgins, Flannigan, Dunshee, Ruderman, Darneille, Upthegrove, Linville, Blake, Hunter, Quall, Hunt, Morris, Wallace, Kessler, Veloria, Hankins, Lovick, Eickmeyer, Berkey, Romero, Rockefeller, Morrell and Sullivan (by request of Governor Locke)

Canceling the presidential primary in 2004.

MOTIONS

Senator Esser moved that Senate Bill No. 6100, Senate Bill No. 6101 and Senate Bill No. 6102 and House Bill No. 2297 be referred to the to the Committee on Government Operation and Elections.

Senator Betti Sheldon demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Esser that all the bills on the Introduction and First Reading Calendar be referred to the Committee on Government Operations and Elections.

ROLL CALL

The Secretary called the roll and the motion to refer all the bills on the Introduction and First Reading Calendar to the Committee on Government Operations and Elections failed by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 23.

Voting nay: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel and Thibaudeau - 24.

Excused: Senators Carlson and McCaslin - 2.

MOTION

Senator Betti Sheldon moved that the rules be suspended and House Bill No. 2297 be advanced to second reading and placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Esser: "A parliamentary inquiry. How many votes are needed to suspend the rules and advance this bill?"

RULING BY THE PRESIDENT

President Owen: "Two thirds of the members present, which is thirty-two."

POINT OF ORDER

Senator Brown: "How many votes does it take to advance the bill tomorrow?"

RULING BY THE PRESIDENT

President Owen: "It would take a majority. Senator Brown, it would take a majority of those present to advance it to second reading."

The President declared the question before the Senate to be the roll call on the motion by Senator Betti Sheldon to suspend the rules and advance House Bill No. 2297 to second reading.

ROLL CALL

The Secretary called the roll and the motion to suspend the rules and advance the bill to second reading, not receiving the constitutional two-thirds majority, failed by the following vote: Yeas, 24, Nays, 23, Absent, 0; Excused, 2.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel and Thibaudeau - 24.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 23.

Excused: Senators Carlson and McCaslin - 2.

MOTION

At 2:43 p.m., Senator Esser moved that the Senate adjourn SINE DIE.

PARLIAMENTARY INQUIRY

Senator Betti Sheldon: "A parliamentary inquiry, Mr. President. Is a concurrent resolution necessary before we can adjourn Sine Die?"

REPLY BY THE PRESIDENT

President Owen: "I have the same parliamentary inquiry, Senator Sheldon. We are working on that right now."

MOTION

At 3:02 p.m., on motion of Senator Esser, the Senate was declared to be at ease.

The Senate was called to order at 3:06 p.m. by President Owen.

WITHDRAWAL OF MOTION

Senator Esser withdrew his motion to immediately SINE DIE.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 2297 was advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE BILL 2297 by Representatives Haigh, Armstrong, Kagi, Nixon, Santos, Hinkle, Shabro, Tom, Fromhold, Delvin, Dickerson, Alexander, McCoy, Ahern, Simpson, Woods, Clibborn, McDonald, Kenney, Miloscia, Chase, Lantz, Bailey, Schual-Berke, Hudgins, Flannigan, Dunshee, Ruderman, Darneille, Upthegrove, Linville, Blake, Hunter, Quall, Hunt, Morris, Wallace, Kessler, Veloria, Hankins, Lovick, Eickmeyer, Berkey, Romero, Rockefeller, Morrell and Sullivan (by request of Governor Locke)

Canceling the presidential primary in 2004.

The bill was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Bill No. 2297 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama, Zarelli, Schmidt, Tim Sheldon, Roach, Franklin, Parlette, Kline, Morton, Haugen, Benton, Hargrove, Mulliken, Doumit, Brandland and West spoke to House Bill No. 2297.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2297.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2297 and the bill passed the Senate by the following vote: Yeas, 25; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Reardon, Regala, Sheldon, B., Sheldon, T., Shin, Spanel, Thibaudeau and Winsley - 25.

Voting nay: Senators Benton, Brandland, Deccio, Esser, Finkbeiner, Hale, Hewitt, Honeyford, Horn, Johnson, Morton, Mulliken, Oke, Parlette, Roach, Rossi, Schmidt, Sheahan, Stevens, Swecker, West and Zarelli - 22.

Excused: Senators Carlson and McCaslin - 2.

HOUSE BILL NO. 2297, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Esser, House Bill No. 2297 was ordered to be immediately transmitted to the House of Representatives.

PERSONAL PRIVILEGE

Senator Mulliken: "A point of personal privilege, Mr. President. To the members of the body, I would just like to clarify my final statement. I've had an education in TVW and I do owe an apology to the TVW folks. Apparently, we have internal and external channels and the public channel of 23 was being broadcast to the public, so they were hearing the debate. There were recordings going on internally, so all the internal channel was what was cut off. So, I wanted to explain that and say my apologies."

MOTION

At 4:03 p.m., on motion of Senator Esser, the Senate was declared to be at ease.

The Senate was called to order at 4:31 p.m. by President Owen.

MOTION

On motion of Senator Esser, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

December 5, 2003

MR. PRESIDENT:

The House has passed HOUSE CONCURRENT RESOLUTION NO. 4411, and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

HCR 4411 by Representatives Kessler, Chandler and Sullivan

Adjourning SINE DIE.

MOTIONS

On motion of Senator Esser, the rules were suspended and House Concurrent Resolution No. 4411 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4411, by Representatives Kessler, Chandler and Sullivan

Adjourning SINE DIE.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Esser, the rules were suspended, House Concurrent Resolution No. 4411 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

The President declared the question before the Senate to be the adoption of House Concurrent Resolution No. 4411.

HOUSE CONCURRENT RESOLUTION NO. 4411, was adopted by voice vote.

MOTION

On motion of Senator Esser, House Concurrent Resolution No. 4411 was ordered to be immediately transmitted to the House of Representatives.

MOTION

On motion of Senator Esser, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

December 5, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 2297, and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO 2297.

MOTIONS

On motion of Senator Esser, the Senate advanced to the fifth order of business.
On motion of Senator Esser, Senate Bill No. 6100, Senate Bill No. 6101 and Senate Bill No. 6102, which were on the Introduction and First Reading Calender, were referred to the Committee on Government Operations and Elections.

MOTION

On motion of Senator Esser, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

December 5, 2003

MR. PRESIDENT:

The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 4411, and the same is herewith transmitted.
RICHARD NAFZIGER, Chief Clerk

CHANGE IN STANDING COMMITTEE ASSIGNMENTS

The President announced the following change in the Standing Committee assignments:
Senator Stevens is appointed to replace Senator McCaslin on the Committee of Land Use and Planning.

MOTION

On motion of Senator Esser, the Standing Committee change in assignment was confirmed.
SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 4411.

MOTION

On motion of Senator Esser, the Senate Journal for the First Day of the Third Special Session of the Fifty-eighth Legislature was approved.

MOTION

At 4:43 p.m., on motion of Senator Esser, the Third Special Session of the Fifty-eight Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

MILTON H. DOUMIT, Jr., Secretary of the Senate

JOURNAL OF THE SENATE

FIRST DAY, THIRD SPECIAL SESSION, DECEMBER 5, 2003